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CIVIL AFFAIRS HANDBOOK ON ITALY

SECTION TWO ON GOVERNMENT + ADMINISTRATION

2035

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AND ON GOVERNMENT - ADMINISTRATION

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Preliminary Draft

CIVIL AFFAIRS HANDBOOK

on

I T A L Y

Section Two

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on

G O V E R N M E N T A N D A D M I N I S T R A T I O N

10000 / 145 / 487

Military Government Division,
Office of the Provost Marshal General.

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THIS FOLDER
CONTAINS PAPERS
FROM
10 *No date*
CATALOGUE.

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CIVIL AFFAIRS HANDBOOKS

TOPICAL OUTLINE

1. Geographical and Social Background
2. Government and Administration *
3. Legal Affairs
4. Government Finance
5. Money and Banking
6. Natural Resources
7. Agriculture
8. Industry and Commerce
9. Labor
10. Public Works and Utilities
11. Transportation systems
12. Communications
13. Public Health and Sanitation
14. Public Safety
15. Education
16. Public Welfare

* This study on Government and Administration in Italy was prepared for the Military Government Division of the Office of the Provost Marshal General by the Office of Strategic Services.

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CONFIDENTIALINTRODUCTIONPurposes of the Civil Affairs Handbook.

International Law places upon an occupying power the obligation and responsibility for establishing government and maintaining civil order in the areas occupied.

The basic purposes of civil affairs officers are thus (1) to assist the Commanding General of the combat units by quickly establishing those orderly conditions which will contribute most effectively to the conduct of military operations, (2) to reduce to a minimum the human suffering and the material damage resulting from disorder and (3) to create the conditions which will make it possible for civilian agencies to function effectively.

The preparation of Civil Affairs Handbooks is a part of the effort of the War Department to carry out this obligation as efficiently and humanely as is possible. The Handbooks do not deal with planning or policy. They are rather ready reference source books of the basic factual information needed for planning and policy making.

Revision for Final Publication.

Significant area information is immediately needed (a) for civil affairs officers charged with policy making and planning, (b) for the use of civil affairs officers-in-training and (c) to make certain that organized data is in hand, whenever events require it.

Arrangements were therefore made with the cooperating agencies to organize all immediately available material in accordance with a prepared outline. Hence, this section on Italian Government and Administration was hastily assembled to meet emergency needs. It is being revised (with special emphasis on the details of local administration) preparatory to its incorporation in the handbook for Italy as a whole.

COMMENTS AND CRITICISMS BY OFFICERS USING THIS MATERIAL ARE REQUESTED. THEY SHOULD BE SENT TO LT. COLONEL JAMES H. SHOEMAKER, MILITARY GOVERNMENT DIVISION, P.M.G.O., 2805 MUNITIONS BUILDING, WASHINGTON, D.C. (OR PHONE WAR DEPARTMENT EXTENSION 76370).

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GOVERNMENT AND ADMINISTRATION--ITALYa. General(1) Brief historical background

The history of the Italian peninsula must be distinguished from the history of the recently formed kingdom of Italy.

The history of the peninsula, reaching far back into the pre-Christian era, has been of great importance in the development of Western Civilization. Peninsular Italy was the home of the ancient Roman Empire. It was and still is the home of the Roman Catholic Church and the Papacy. It was the center of a rich medieval culture (1100-1450 A.D.) and of the Renaissance (about 1450-1550). During the medieval and early modern period, Italy had numerous flourishing city states, the greatest of which were Florence, Venice, Genoa, and Milan.

The decline of Italian commercial and intellectual life was accompanied by foreign political domination of the peninsula. Broadly speaking, Italy was dominated by Spain from 1559 to 1713; by Austria from 1713 to 1796; by France, particularly under Napoleon, from 1796 to 1815; and again by Austria from 1815 to 1859. During the greater part of the period 1815-1859, Italy was divided into nine states, the most important being the kingdom of Sardinia (Piedmont), Tuscany, the Papal States, and the Kingdom of Naples.

Meanwhile, during the eighteenth and nineteenth centuries, the politically divided Italians developed a strong cultural and patriotic movement known as the Risorgimento (Revival or Resurgence). Outstanding leaders of the Risorgimento were Mazzini, Cavour, Garibaldi, and King Victor Emmanuel II of Sardinia (Piedmont).

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Sardinia, ruled by the House of Savoy, led the movement for the expulsion of the Austrians and for the political independence and unity of Italy. Within two years, 1859-1861, the united Kingdom of Italy was constituted as a result of: the war of Piedmont, aided by France, against Austria; plebiscites of semi-independent states in favor of unity; and the conquest of Sicily and Southern Italy by Garibaldi.

The united Kingdom of Italy, under the House of Savoy, was proclaimed in 1861. This was probably the first truly Italian State in the history of the Italian peninsula. It consisted of the larger part of the peninsula, except Venetia and Rome. Venetia, including Venice, was acquired in 1866 as a result of the Italian-Prussian War against Austria. Rome was occupied and taken from the Pope in 1870 when the French withdrew their troops during the Franco-Prussian War.

After 1870, Italy acquired considerable territory. She acquired Eritrea and parts of Somaliland between 1882 and 1890, and Libya and the Dodecanese Islands after her war against Turkey in 1911-1912. During the first World War, from 1915 to 1918, Italy was an ally of England, France, and the United States against the Central Powers, and as a result, acquired the Trentino, southern Tyrol, Trieste and other territory in north-eastern Italy. Italy conquered Ethiopia in 1936, and occupied Albania in 1939. During the present war, Italy has lost military control of her entire African empire and has occupied northwestern Yugoslavia and Greece.

Italian political history since 1870 falls into 2 periods:

(1) 1870 - 1922 - The Liberal - Parliamentary.

(2) 1922 - 1943 - The Fascist Dictatorial.

Politics during the Liberal Period centered about personalities--Depretis, Crispi, Sonnino, Giolitti--who led groups or blocs in the Chamber of Deputies. Outside the Chamber, groups organized to promote specific ideas: Marxism, evolutionary socialism, bourgeois liberalism, (the most popular idea) "unionism", nationalism, imperialism, and clericalism. A cohesion, both of ideas and aims and of persons or parties, failed to develop. The absence of one or two tightly organized and dominant political parties, the divergency of

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ideas about Italy's goals and objectives, and the social and economic maladjustments (1919-1922) provided a fluid situation of which the Fascist Party Blackshirts took advantage on October 28, 1922.

(2) Major Constitutional Features of the State

(a) Form and Reality. The government of Italy is legally a constitutional monarchy, but actually a Fascist military dictatorship. This dictatorship, superimposed upon the outward forms of constitutional monarchy, is dominated by one man--Benito Mussolini, and by one party--the Fascist Party. The dictatorship is authoritarian, hierarchical, highly centralized, and anti-democratic.

The fundamental law of Italy is still the Statuto or constitution granted by King Charles Albert of Sardinia (Piedmont) on March 4, 1848. With the achievement of Italian unity and the proclamation of the Kingdom of Italy in 1861, the Statuto was adopted for the entire kingdom. Under the Statuto, Italian government developed along liberal and democratic lines until the advent of the Fascists to power in October 1922. The Fascists have since introduced revolutionary changes in the structure and operation of the government. The Statuto easily lent itself to change because it did not contain provision for its amendment and it did not recognize any distinction between "ordinary" and "constitutional" legislation.

Thus, while the Fascists have established a totalitarian dictatorship, the Statuto continues in force. This is important to remember, for in case the Fascist regime should be overthrown, the basic governmental structure provided by the Statuto could be used for a new type of government.

(b) Organization and operation. The original constitution divided the government into three usual branches: executive, legislative, and judicial. Accordingly, the government functioned as a parliamentary democracy, which the Fascists destroyed. There is no longer any real separation of executive, legislative, and judicial powers. All real power is centered in the executive. The so-called legislative, judicial, and "corporative" branches are mere administrative units, subject to the will of the executive.

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Italy is a one-party state. The Partito Nazionale Fascista (PNF)--National Fascist Party is an organ of the state. Its officials or "hierarchs" are state officials. Its structure parallels that of the state. It performs a variety of functions in the political, educational (youth especially), welfare, economic, and corporative fields.

The party is completely dominated by Mussolini, the Duce of Fascism, who founded the Italian Fascist Movement on March 23, 1919. According to its constitution, the party is a civil militia under the orders of the Duce, and its members take an oath of allegiance to him. He is also General Commandant of the Fascist Militia, which is at once a state militia and his personal army.

Next to Mussolini is the Secretary of the party, who is appointed and dismissed by royal decree, on the proposal of the Duce. He is responsible to the Duce for all his acts. He is Secretary of the Grand Council of Fascism and sits in the Cabinet as a minister. He has great authority over subordinate officials in the party, and is sometimes considered the most powerful political officer in Italy, next to Mussolini.

There are no political issues in Italy in the usual sense of the term. Differences within the party are resolved by party chiefs. The war, however, has created a great issue within and outside the party concerning Italy's Axis policy, but this issue is not debated in the open.

b. The National Government.**(1) The executive**

The nominal executive is Victor Emmanuel III, king of Italy and Albania, Emperor of Ethiopia. He was born in 1869, married Princess Elena of Montenegro in 1896, and ascended the throne of Italy in 1900. His son and heir-apparent is Prince Humbert, born in 1904. The crown is hereditary in the male line.

The actual executive is Benito Mussolini, who exercises great authority because he is (1) Duce (leader) of Fascism, (2) Prime Minister and head of the government. He was born in 1883, was elected a member of the Chamber of Deputies in 1921, and formed his first cabinet on

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October 30, 1922. He was^a revolutionary socialist in his youth and edited the socialist daily, Avanti!, from 1912 until October 1914, when he resigned because he favored Italy's intervention in the First World War on the side of France and England.. In November 1914, he founded and edited the interventionist daily Il Popolo d'Italia and was expelled from the socialist party. After the war, he became the founder, organizer, and Duce of the Fascist movement.

The executive power is by law exercised by the King-Emperor through his Government. The Government of the King is made up of the Prime Minister and other Ministers. The Primer Minister is head of the Government, responsible only to the King, and is not, as formerly, subject to parliamentary votes of confidence. Individual ministers are appointed and dismissed by the King on the proposal of the Head of the Government. They are responsible to the King and the Head of the Government. The latter controls legislative activity: no subject can be placed on the agenda of either of the two legislative chambers without his approval.

The authority of the King, though now nominal, is legally so great that it could be used for the reconstruction of Italian government along Fascist lines

(a) Grand Council of Fascism. This is virtually the general staff of the Fascist regime and is dominated by Mussolini. Originally a Fascist party organ, the Grand Council was made an organ of the state on December 9, 1928. As the "supreme organ" which coordinates and integrates all the activities of the Fascist regime, it has important deliberative and advisory functions pertaining to constitutional, legislative, and Fascist party matters. Its advice must be heard on all constitutional questions, including: (1) composition and functioning of the Senate and the Chamber of Fasci and Corporations; (2) syndical and corporative organization; (3) relations between the State and the Holy See; (4) succession to the throne and powers and prerogatives of the Crown. Number (4) shows that Fascists may wish to disregard the present Crown Prince as a successor to the present King. The Grand Council also keeps ready a list of persons to be submitted to the King in case the office of Head of the Government should be vacant. The sessions of the Council are secret.

The Grand Council is literally Mussolini's instrument, and he is by law its president. He convokes it when he deems necessary, fixes its agenda,

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and may appoint as many members as he likes. Until very recently, there were 24 members (most of them ex-officio).

Officers

President--Head of the Government--Mussolini
 Secretary--Secretary of the Fascist Party
 (holds office in Council by reason
 of and during tenure as Secretary
 of Party)

Members:

(Unlimited tenure of office) Quadrumvirs of
 March on Rome:

Marshal Emilio De Bono
 Count Cesare Maria De Vecchi Di Val Cismon
 (The other two are deceased)

President of the Senate
 President of the Chamber of Fasci and Corporations
 Minister of Grace and Justice
 Minister of Foreign Affairs
 Minister of Finance
 Minister of National Education
 Minister of Agriculture and Forests
 Minister of Corporations
 Minister of Popular Culture
 President of Royal Academy of Italy
 President of the Special Tribunal for the
 Defense of the State
 President of the Fascist Confederation of
 Industrialists
 President of Fascist Confederation of
 Agriculturists
 President of Fascist Confederation of
 Industrial Workers
 President of Fascist Confederation of
 Agricultural Workers

Three-year Tenure of Office

The number of members in this category varies.
 Among those who hold office in this period are:

Alberto De Stefani, member, Royal Academy of Italy

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Edmondo Rossoni, Minister of State
Roberto Farinacci, Minister of State
Giovanni Marinelli
Baron Giacomo Acerbo
Dino Alfieri, Ambassador to Germany

(b) The Council of Ministers, or Cabinet. Cabinet Ministers are appointed and dismissed by the King on the proposal of the Head of the Government.

The Cabinet, like the Grand Council of Fascism, is literally the instrument of Mussolini. He convokes the Council of Ministers, presides over it, dictates its personnel, and assumes as many portfolios as he likes. He directs and coordinates the work of the Ministers and decides differences among them.

The Cabinet performs basic executive, legislative, and administrative functions. Its legislative functions are even more important than those of the Parliament because it prepares and gives legal effect to the decrees and decree-laws, which are eventually rubber-stamped by Parliament.

Where Mussolini is nominally Minister, many essential functions are administered by an Undersecretary --for example, in the Ministries of the War, Marine, and Air.

The following is a list of ministerial offices and their respective functions:

i. Presidency of Council of Ministers. It has important functions in coordinating the work of other ministries, legislative bodies, and the Fascist Party. It has jurisdiction over the Fascist Militia and the Special Tribunal for the Defense of the State. Mussolini, Head of the Government, presides and keeps a vigilant eye over this ministerial office.

ii. Foreign Affairs. Maintains diplomatic relations with other countries.

iii. Interior. Jurisdiction over local governments, Security Police, Public Health, "Racial" and Ecclesiastical questions.

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iv. National Fascist Party. The Party's secretary sits in the Cabinet as a Minister, although, formally, the party has no ministerial office.

v. Italian Africa. Jurisdiction over the Italian African possessions.

vi. Grace and Justice. Jurisdiction over judicial system except military tribunals and the Special Tribunal for the Defense of the State.

vii. Finance. All fiscal matters except trade and exchange.

viii. War. Jurisdiction over the Army.

ix. Marine. Jurisdiction over the Navy.

x. Air. Jurisdiction over Air Force and civil aviation. Air forces are attached to Army and Navy as required.

xi. National Education. Jurisdiction over state educational system, from elementary schools through universities; also over historic monuments, art treasures and institutes.

xii. Public Works. Jurisdiction over construction of buildings, roads, harbors, railways, electrical plants.

xiii. Agriculture and Forests. Jurisdiction over agriculture, forestry, land-reclamation projects, conservation.

xiv. Communications. Jurisdiction over state railroads, telegraphs, radio, merchant marine.

xv. War Production

xvi. Corporations. Jurisdiction over syndicates and corporations or guilds representing employers and workers in industry and agriculture, which make up the "corporative" state. Also promotion of self-sufficiency programs.

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xvii. Public Enlightenment-Jurisdiction over press, radio, theater, cinema, tourist agencies, and other means of public information and propaganda.

xviii. Trade and Exchange. Distinct from Ministry of Finance, this Ministry deals with tariff and customs administration, commercial agreements and treaties, foreign exchange, import restrictions, and control of export.

(2) Legislative.

The Italian Parliament consists of two houses: The Senate and the Chamber of the Fasci and Corporations. None of their members are elected by popular vote. They have virtually no legislative power, which instead is centered in the executive, principally the Head of the Government and Cabinet. Both houses discuss bills, usually in Commissions or Committees rather than in plenary sessions, and rubber-stamp the decree laws of the executive. Like the Grand Council and the Cabinet, they are the instrument of the Head of the Government; no subject can be placed on the agenda of either house without his approval.

(a) The Senate. Its membership is not limited by law. It consists of about 500 life members, appointed by the king, usually on the proposal of the Head of the Government, except that royal princes become members upon attaining their majority. The nominated membership, recruited from 21 categories, includes representatives of the aristocracy, bureaucracy, and liberal professions. The Senate sits as a high Court of Justice in cases involving high treason, attempts against the security of the state, trials of Ministers, and of its own members.

(b) The Chamber of the Fasci and Corporations. This was formed in 1939 to replace the Chamber of Deputies. It is intended, in part, to represent Italians on an occupational (functional) rather than on a territorial basis. Each member is known as a National Councilor (Consigliere Nazionale).

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The entire membership (about 670) is ex-officio and consists of:

- | | |
|--|---|
| (1) Head of the Government | |
| (2) Members of the Grand Council of Fascism |) |
| (3) Members of the National Council of the Nationalist Fascist Party |) |
| (4) Members of the National Council of Corporations |) |
| |) Except those who are Senators or members of Royal Academy of Italy. |

(c) The National Council of the National Fascist Party is a party advisory body, consisting of the following: party Secretary; members of the party National Directorate or governing board (about 15 members); party Inspectors; party Federal Secretaries; Secretary, vice-Secretary, and two Inspectors of the Fasci Abroad (i.e. in foreign countries); President of the National Association of Disabled War Veterans; President of the National Veterans Association.

(d) The National Council of Corporations consists of:

i. The members of the Central Corporative Committee. This Committee, of which Mussolini is president, consists of Cabinet Members and Undersecretaries of State; certain officers of the Fascist Party; certain party representatives in the Corporations; president of the national fascist organization of Cooperatives; and presidents of the nine syndical Confederations--four for employers' associations, four for workers' associations, one for associations of professional people and artists.

ii. The members (not including associate members) of the Councils of twenty-two Corporations. These include representatives of employers, workers and the Fascist Party within twenty-two major branches of economic activity: (1) Cereals; (2) vegetables, fruits, flowers; (3) viticulture, wine, edible oils; (4) animal husbandry and fisheries; (5) wood; (6) textile products; (7) clothing; (8) iron, steel, and metallurgy; (9) mechanics; (10) chemicals; (11) liquid fuels; (12) paper and printing; (13) building construction; (14) water, gas, electricity; (15) extractive industries; (16) glass and ceramics; (17) inland

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communications; (18) sea and air transportation; (19) theater and public entertainment; (20) hotels and tourism; (21) professions and arts; (22) credit and insurance.

The Corporative system is the instrument of Mussolini and the Fascist Party to control Italian economy and further national self-sufficiency.

(3) The structure of the syndical and corporate system

The organs described thus far constitute what might be called the apex of the pyramid of the Italian corporate state. The description of these agencies below will help to make clear their organization and principal functions.

(a) The Fascist syndical associations of employers and workers. These organizations are the basic organs of the corporate system. They were defined by the law of April 3, 1926, as the sole legally recognized associations empowered to represent employers' and workers' interests respectively, to negotiate collective labor agreements and to represent employers' groups and workers' groups in Parliament, in the corporations, and in the governmental labor courts. Membership in the syndical associations is not compulsory and is open to all citizens over 18 years of age, of "good moral and political character," and to foreigners of proved 10-year residence within the Kingdom.

As defined by the law the fundamental rights and duties of the Fascist syndical associations are: (1) to represent (for the purposes of collective bargaining and others) all employers and workers within the occupational group within which the association is organized, whether they be members of the association or not; (2) to defend the interests of one occupational group against other syndical groups; (3) to negotiate collective labor agreements which are binding upon all members of the occupational group whether members of the syndicate or not; (4) to levy syndical dues upon members; (5) to exercise such other functions of public interest as may be entrusted to the association by law (social welfare, professional education, etc.).

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The system of Fascist syndical associations is organized as follows: Individual workers are members of local, provincial, or in a few cases, national workers' syndical associations, grouping together all workers within a given occupational class. Employers belong to similar employers' associations. These individual workers' and employers' associations are then organized into separate Federations of syndical associations, which are national in scope. The Federations are granted sole legal recognition and autonomy in the negotiation of collective labor agreements and in disputes before the labor courts. The Federations are, in their turn, grouped into Confederations of syndical associations, which mainly act as organs of coordination for the various Federations within a broad occupational group and are represented, within each province, by Provincial Unions of syndical associations. At the present time there are nine such Confederations, four for workers' associations, four for employers' associations, and one for associations of professional men and artists.

These nine Confederations and their members are:

- i. The Confederation of Agriculturists, which includes such federations of syndical associations as the Federation of landlords and tenant farmers, managers of farm enterprises, etc.
- ii. The Confederation of Workers in Agriculture, including the federations of technical and administrative farm employees; of wage earners and day laborers; of share tenants, etc.
- iii. The Confederation of Industrialists, which includes over 40 national federations such as the manufacturers of clothing, cotton goods, woolen goods, boots and shoes, artificial textile fibres, glass and glassware, foodstuffs, metallurgical enterprises, etc.
- iv. The Confederation of Workers in Industry, including the corresponding federations of workers' associations, such as those in the clothing industry, the food products industry, the glass and ceramics industry, etc.
- v. The Confederation of Merchants, which includes the national federation of grain, vegetable, and fodder merchants, of fruits and vegetable merchants, of coal and other solid fuel merchants, of clothing merchants, and over thirty other similar federations in all branches of trade.

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vi. The Confederation of Workers in Commercial Enterprises, which includes the national federations of workers in warehouses and retail and forwarding establishments, in the hotel and tourist trade, in the trade in foodstuffs, etc.

vii. The Confederation of Credit and Insurance Enterprises. This includes the federations of national credit institutions, of provincial credit institutions, of stock exchange brokers, etc.

viii. The Confederation of Workers in Credit and Insurance Enterprises, which includes the national federations of workers in credit institutions, in insurance companies, etc.

ix. The Confederation of Professional Men and Artists. This confederation is unique in that no distinction between employers and workers is made in the professional fields. It includes such federations as those of physicians, pharmacists, veterinarians, midwives, engineers, architects, chemists, attorneys, etc.

Table 1 shows that on December 31, 1939, these syndical organizations had over 11 million members.

(b) The Corporations. The Corporations are the organs which give the corporate state its name. Established by the law of February 5, 1934, they are boards or councils consisting of representatives of employers, workers, the Fascist Party, and the Government, formed within the 22 major branches of national economic activity. They have consultative, conciliatory, and normative powers. Besides advising the Government on technical questions, they are empowered to conciliate collective labor disputes and to "enact rules for the collective regulation of economic relations and the unitary discipline of national production." Thus, they have not only the power to determine rules for production control and for fair competition but also the power to fix rates for services rendered, and, within certain limits, commodity prices. All corporations include an equal number of workers' and employers' representatives, and also three representatives of the Fascist Party to represent the consumers. The names and the membership of the 22 corporations as of December 31, 1939, are shown in Table 2.

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Table 1--Membership of the Fascist syndical associations, December 31, 1939

Confederation	Number of Members	Confederation	Number of Members
<u>Employers</u>		<u>Workers</u>	
Agriculturists	1,500,472	Agriculture	4,299,026
Industrialists	103,469	Industry	3,374,564
Artisans	443,916	Commerce	602,285
Owners of real estate	118,083	Credit and Insurance	81,646
Merchants	748,321	Total	8,357,521
Credit and Insurance enterprises	7,970	Professional Men and Artists	149,779
Total	2,922,231	Total	8,507,300

Table 2 -- Organization and membership of the Fascist corporations (law of January 5, 1939)

Corporation of --	Members (M) and Associate Members (AM) representing --													
	Fascist Party		Agriculture		Industry		Commerce		Professions and arts		Various others		Total	
	M	AM	M	AM	M	AM	M	AM	M	AM	M	AM	M	AM
Grains-----	3	16	--X	4	4	4	4	1	1	2	--		30	0
Vegetables, flower and fruit growing-----	3	16	2	8	8	4	4	1	1	1	--		31	16
Viticulture and wine production and edible oils-----	3	16	4	6	10	4	6	1	1	1	1		31	22
Animal husbandry and fishing-----	3	16	--	4	10	6	6	2	--	2	--		33	16
Wood and wood products-----	3	8	--	4	10	2	6	1	2	1	1		19	19
Textile products-----	3	14	2	10	26	4	4	2	2	1	2		34	36
The clothing industry-----	3	6	--	6	28	6	4	1	--	1	3		23	35
Iron and steel and metallurgy-----	3	2	--	6	10	2	2	1	1	--	--		14	13
Machinery-----	3	4	--	8	28	2	6	2	1	1	3		20	38
The chemical industries-----	3	4	--	8	40	4	4	2	1	1	1		22	46
Liquid fuels-----	3	4	2	4	12	4	4	2	1	--	--		17	19
Paper and printing-----	3	6	--	8	10	2	4	3	2	--	2		22	18
The building industry-----	3	4	--	6	10	2	4	3	2	1	1		19	17
Water, gas, and electricity-----	3	4	--	8	12	--	4	1	1	--	1		16	18
Extractive industries-----	3	2	--	6	12	2	4	1	1	--	2		14	19
Glass and ceramics-----	3	2	--	6	18	2	4	1	1	2	1		16	24
Internal communications-----	3	2	--	10	30	--	4	--	1	--	3		15	38
Sea and air transportation-----	3	2	--	12	12	--	2	2	--	1	--		20	14
The theater and public entertainment-----	3	--	--	4	20	--	3	3	2	--	3		10	26
The tourist and hotel trade-----	3	2	--	2	2	6	1	1	1	--	2		14	11
The professions and arts-----	3	--	--	2	--	2	25	25	9	1	1		33	11
Credit and insurance-----	3	2	--	2	--	2	2	2	1	36	39		47	40
Total-----	66	132	10	132	312	60	83	58	32	52	66		500	503

Source: Annuario Statistico Italiano, 1941, p. 204.

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The membership of a typical corporation, that of glass and ceramics, for example, consists of: A chairman (by law the Minister of Corporations) and of 40 members including representatives of: The Fascist Party (3 members, one of whom is Vice Chairman and usually presides at the meetings); agriculture (1 worker, 1 employer); industry (12 employers, 12 workers, representing the artistic pottery industry, the manufacture of refractory materials, the bottles industry, the white glass industry, window pane manufacture, the manufacture of mirrors and crystals, the scientific and optical glass manufacture, the artistic glass and beads industry, the electric lamp industry); the trade in the products mentioned above (3 employers, 3 workers); artisans (2); Professional men (1 for artists, 1 for chemists); and cooperative societies (1).

(c) The Ministry of Corporations. This Ministry is a government department somewhat similar to the Department of Labor and Commerce in the United States. It approves the by-laws and grants official recognition to individual syndical associations; confirms in office all syndical officials; supervises the activities and finances of all syndical organizations; drafts labor and social security legislation and records collective labor agreements; acts as secretariat for the 22 corporations of which the Minister of Corporations is ex-officio chairman and, in general, assures the functioning of the entire syndical and corporate system in accordance with the Government's general economic and political program.

(d) The Central Corporate Committee. As recently organized, the Central Corporate Committee consists of all the Ministers and Under Secretaries of State, the Secretary of the Fascist Party in the Corporations, and the presidents of the nine large confederations of syndical associations. It is this committee which must approve all rules and regulations adopted by the corporations, and which makes the final decisions on many matters of vital importance to the organization of the corporate system and to the country's economic life.

(e) The National Council of Corporations. As now constituted, this council consists of all the members of the Central Corporate Committee and of the members (not including associate members) of the 22 corporations. Its task is to discuss the broader problems of syndical organization, of the coordination of employment, and of the adjustment of collective labor relations, and to make recommendations

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concerning them. Its members are, by virtue of their office, members of the new Chamber of the Fasci and Corporations established in January 1939.

(f) Function of the Corporate System. As the foregoing discussion has shown, the professed objectives of the Fascist corporate system are the regulation of labor relations through the negotiation of collective agreements, the settlement of labor disputes through arbitration or the decisions of the governmental labor courts, and the carrying out, through the Corporations, of the Fascist economic program as a whole. During the present war, the corporate system is, of course, being extensively used to achieve a maximum of Government control over the Italian economy.

As are all other agencies in contemporary Italy, the corporate system is controlled by the Fascist Party and dominated by its will. Members of the Chamber, officials of the corporations and of the syndicates of employers and workers must be party members and as such are bound by their oath of obedience to the party leader. Despite existing provisions for votes and elections, in practice no really independent action, no free and open clash of interests or even of opinion is possible within the corporate structure; no decision of any importance can be reached, no plan approved, no measure enforced that does not have the consent and support of the party hierarchy. Rather than an agency for the self-government of the country's economy, the Italian syndical and corporate system was, even before the present war, but an instrument of economic control employed by the Fascist Party and the Fascist state in the pursuit of Fascism's ultimate political ends.

c. Provincial and Local Government

(1) General

Italy is a unitary state. It is highly centralized. Local governments have no inherent powers. For purposes of local government, Italy, excluding Rome, is divided into provinces and communes. The seat of provincial government in each province is located in a commune known as the capoluogo (chief place). The capoluogo bears the same name

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as the province in all cases except the following:

<u>Compartment</u>	<u>Province</u>	<u>Capoluogo</u>
Venezia Giulia e Zara:	Carnaro	Fiume
Venezia Giulia e Zara:	Istria	Pola
Marche:	Pesaro e Urbino	Pesaro
Puglie:	Ionio	Taranto

The provinces of Carnaro, Ionio, and Istria are often known as respectively, Fiume, Taranto, and Pola.

The province is the upper level of local administration, while the commune is the fundamental unit of local government. The latter term does not necessarily imply an urban population. Within a commune there may be areas known as fractions (frazioni). The head of each province is a prefect and the head of each commune is a podestà. The vice-podestà assists the podestà, and replaces him in the event of his absence or inability to perform his duties.

The legal basis of present-day local government in Italy is found in the basic law of 1934, approved by Royal Decree, March 3, 1934. A detailed and overall study of provisions of this law reflects the purpose to bring all local governmental activity within the framework of a totalitarian Fascist political structure.

(2) Provincial government

(a) The prefect is the highest authority in the province. He need not be, and very frequently is not, a resident of the province which he administers. In actual practice, the prefect is often transferred from province to province. His power can be measured by the following language from the basic law:

The prefect is the highest authority of the State in the province.

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The prefect is the source of all provincial activity, which receives its initiative, coordination and direction from him.

He is appointed by the central government and rigidly controlled by the Ministry of the Interior. He wields much administrative and police power and can suspend the podestà and vice-podestà for failure to perform their official duties, or for reasons of public order; he can, when the podestà fails to take certain action, do so himself by ordinance or through a commissioner. He fixes the size of communal councils. He can, for grave reasons of an administrative character or public order, suspend the council. He also has other powers of suspension, which are discussed below. The vice-prefect acts in the place of the prefect "in the event of absence, disability, or temporary vacancy."

(b) The inspection service. Each province has an "inspection service," directly responsible to the prefect. It conducts periodic or unannounced inquiries into the provincial and communal administrations with the object of ensuring that the public services are properly and regularly performed and that the laws and regulations are strictly enforced. This service is entrusted to certain functionaries in the Ministry of the Interior.

(c) The prefectural council. As a national officer the prefect is assisted by a prefectural council. This consists of the prefect, or his substitute, and two councilors. The prefectural council is presided over by the prefect. It can be requested by the prefect to give advice. It has some fiscal supervision.

(d) The giunta. This is comprised of the prefect or his substitute, the provincial inspector (of the inspection service), two prefectural councilors designated each year by the prefect, the chief accountant of the prefecture, and four active and two alternate members nominated by the secretary of the Fascist National Party from persons expert in legal, administrative, or technical matters. Appointment of the six latter members is made by the Minister of the Interior. They hold office for four years and can be reappointed. The prefect appoints an alternate prefectural councilor. The

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prefect or his substitute presides over the giunta. The giunta, aside from certain advisory, general, and approval functions, acts as a provincial administrative tribunal, reviewing ordinances of the prefect and podestà and decisions of the podestà. Appeals may go from the giunta to the Minister of the Interior.

(e) Provincial Administration

In the administration of a province, there is a president (preside) and rectory (group of rectors). The president is assisted by a vice-president, who substitutes in the event of his absence or inability to serve. The president is appointed by royal decree for four years; he can be reappointed or removed by royal decree, from which no appeal lies. The same is true of the vice-president except that he is chosen (by royal decree) from the rectors. The rectors are appointed by decree of the Minister of the Interior. There are regular and alternate rectors. The number of regular rectors depends on the population of the province. There are eight in provinces of more than 600,000 inhabitants, six in those of more than 300,000, and four in the others. Each province has two alternate rectors to replace regular rectors absent or unable to serve. The prefect can suspend the rectory for grave reasons of an administrative character or public order, immediately notifying the Minister of the Interior. The rectory can be dissolved, for the same reasons, by royal decree on proposal of the Minister of the Interior; and thereupon powers ordinarily exercised by the president and the rectory can be entrusted to an extraordinary commissioner. There is no appeal from these measures.

The president, vice-president and the rectory constitute the provincial administration. The administration deals with the properties and resources of the provinces and public institutions in the service of the province. The rectory has an extensive jurisdiction, including decisions concerning the organization of the provincial services and concerning fiscal matters. The president convokes and presides over the rectory. He represents the administration--signing its acts, representing it in litigation as plaintiff or defendant. He prepares the budget and has certain personal supervision. He prosecutes violations of provincial regulations. Important functions of the president are: (1) the exercise of the ordinance-making powers of the rectory when

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emergency precludes the convoking of the rectory and when the need for action arises from a situation that has developed since its last meeting, subject to ratification by the rectory, but without prejudice, in the event of refusal of ratification, to any administrative action performed up to the time of refusal; (2) the power to perform "all other acts...not expressly reserved to the jurisdiction of the rectory" (residuary powers). The initiative in submitting proposals to the rectory lies in the prefect, the president and the rectors; their proposals are considered in that order.

Certain decisions of the rectory are subject to the approval of the giunta. From disapproval by the giunta (after an opportunity to present argument) there may be an appeal to the Minister of the Interior. Certain decisions of the president and certain decisions of the rectory not subject to the approval of the giunta require the executory approval of the prefect. Provincial regulations not requiring any special ministerial approval are transmitted from the prefect to the appropriate Minister after approval by the giunta. They can be annulled in whole or in part by the Minister on the advice of the Council of State.

(3) Communal government

The podestà administers the commune and is an officer of the Government. Where two or three adjoining communes within the same province have a combined population of less than 10,000, a single podestà may be in charge. The podestà is appointed by royal decree, holds office for four years, and can be reappointed. He can be suspended by the prefect or removed by royal decree; no appeal lies from either action. In actual practice, a podestà is appointed to a specific commune, with the presumption that his tenure is to be more or less permanent. In certain exceptional cases, a vice-podestà may be appointed for communes of 20,000 people or less. The vice-podestà can be suspended by the prefect or removed by royal decree; no appeal lies from either action. Each commune has a council (consulta) whose membership depends generally on population, and is fixed by the prefect on the basis of an appraisal of all of the various productive enterprises operating in the commune. The number of councillors is as follows: (1) Ten to twenty-four members for communes with a population in excess of 10,000, as well as for provincial chief-places with a smaller population. (2)

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Twenty-four to forty members for communes with a population in excess of 100,000. (3) The prefect can establish councils of six to ten members in communes of less than 10,000 inhabitants, even though they are not provincial chief-places. Councilors can hold office for five years and can be re-appointed.

The podestà has principally three groups of powers: (1) As representative of the commune, he has ministerial powers and powers as agent of the commune; powers of law enforcement; the power to fix rates of fare for public conveyances within the communal jurisdiction. (2) As communal administrator, he has power regarding the organization of offices and services; power regarding personnel; regulatory and police powers; and power with respect to all matters which are appropriate to the commune. (3) As an officer of the Government, he has, under the direction of higher authorities, broad regulatory and police powers.

The vice-podestà assists the podestà and acts in his absence or inability to serve. The podestà can assign special responsibilities to the vice-podestà. Where there is no vice-podestà, the podestà can choose a communal councilor as his substitute. Where there is no council, the podestà can choose as his substitute a resident citizen qualified to be a councilor. The substitute must be approved by the prefect. The council can be suspended for grave reasons of administrative character or public order by the prefect, who must immediately notify the Minister of the Interior, or can be dissolved, for the same reasons, by the Minister of the Interior. From these actions, there is no appeal.

The communal council meeting is convoked and presided over by the podestà, who frames the agenda. The council is purely an advisory body to the podestà. The podestà can assign special responsibilities to the councilors.

The commune has a secretary. Adjoining communes may have a common secretary when financial conditions, physical situations, and the scanty population warrant. He has the status of a functionary of the State, for, while locally chosen, he is appointed by the Minister of the Interior. He executes the orders of the podestà. He is the chief permanent civil service officer of the commune.

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(4) Joint local authorities

The basic law of 1934 contains provision for the creation and operation of joint administrations.

Provinces can form unions with themselves or with one or more communes to provide for specific services or improvements of common interest. Unions are concerned with public establishments and public works, welfare and relief, highways. A union has an organic law known as the statuto, which defines its purposes and objectives. The establishment of the union is approved by decree of the Minister of the Interior issued jointly with the appropriate ministers on the advice of the giunte concerned. Where the union is among provinces to supply specific services or improvements of an obligatory character, approval is the same, with the addition of the advice of the respective rectories. Provincial unions are under the control of the prefect and giunta of the province in which the headquarters of the union are located.

Communes can similarly form unions among themselves or with the province. This type of union also has a statuto. The establishment of the union is approved by decree of the prefect on the advice of the giunta; or, where the communes are in different provinces, by decree of the Minister of the Interior on the advice of the giunte concerned. Where the union is among communes to supply specific services or improvements of an obligatory character, the establishment of the union is approved by the decree of the prefect; or where the communes are in different provinces, by decree of the Minister of the Interior. This is done on the advice of the podestà and giunte concerned. When the union includes a province, the advice of the rectory is included. The unions mentioned in this paragraph are under the control of the prefect, the giunta, and the prefectural council, respectively, of the province in which the headquarters of the union are located.

The establishment of these unions can be compulsory.

Each union has a union-assembly, a directing council, and a president. There is a secretary, appointed by the assembly. Members of the union-assembly are appointed, for the commune by the podestà, for the province by rectory. The number of these representatives is fixed in the statuto. The administration holds office for four years,

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unless the statuto otherwise provides.

The authority approving or establishing the union can dissolve the administration for cause. The management of the union is then entrusted to an extraordinary commissioner.

A union ceases to exist when its term has expired or its purpose has been accomplished. Optional unions can be terminated by the decision of all members.

Administrative orders and regulations by a union must, in most instances, be approved by a prefect or giunta. The Minister of the Interior can annul all measures taken or proposed.

(5) The Governatorato of Rome

Rome has a special administration known as the Governatorato headed by a Governor comparable to a podestà. The Governor is appointed by the Minister of the Interior after consulting the Council of Ministers. The Governor is advised by the Consulta, a council of 12.

(6) Local Government and the Fascist Party

The Fascist Party, as an instrument of the Government (the Party Secretary sits in the Cabinet as a Minister), reaches down into the provinces and communes. The Party is represented in provinces by federal secretaries--the federali--and in communes by local secretaries. In the early days of Fascism, there was competition between the local authorities and Party representatives, reaching at times an actual struggle for political supremacy. Even today, the federale may be better known than the prefect. But the prefect has the power to overrule the federale.

(7) Conclusions

Some familiarity with the present machinery of local government may help in understanding the local political institutional forces to which the inhabitants of Italy have been subject, particularly since 1934. These institutions will inevitably be changed or displaced as a result of United Nations or American occupation. And since these institutions are part and parcel of the whole national Fascist political setup, change or displacement in local administration will be part of the vast changes or displacements in the national government generally.

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d. Church and State *(1). The Ecclesiastical organization of Italy.

(a) The Pope. The head of the Catholic Church is the Pope, who is also Primate of Italy and Bishop of Rome, as well as sovereign of the State of the Vatican City. The Papacy is an Italian institution in the sense that it has been historically centered in Rome and in the sense that since the 16th century all Popes have been Italians.

(b) The College of Cardinals. The Pope is chosen by the Sacred College of Cardinals. These are appointed by the Pope. Sixtus V in the year 1586 set the number of Cardinals at seventy: 6 Cardinal Bishops; 50 Cardinal Priests; and 14 Cardinal Deacons. Although the number of Cardinals is fixed at seventy, the full number is rarely maintained. In 1941, there were 55 Cardinals, of whom 31 were Italians.

The Cardinals pertain to the various Roman congregations: they are considered Princes of the blood, with the title of Eminence. Those resident in Rome, even if they live outside Vatican City, are considered citizens of Vatican City.

(c) The Suburban Sees. Attached to Rome are the Seven Suburban or Suburbicarian Sees. These are held by the six Cardinal Bishops. None of the provisions of the Concordat regarding state consent for the appointment of Bishops applies to these Sees. Nor need such Cardinal Bishops be Italians. The Suburban Sees are as follows:

Albano,
Frascati,
Ostia,
Palestrina,
Porto e Santa Rufina,
Sabina e Poggio Mirteto,
Velletri.

* Note--This special section on the Church and the State is included because of its importance. In Italy, more than any other country, the church is a power so influential, so well organized, and so closely related to the national state as to constitute a means of central control over the population.

In some respects it may be considered a quietly operating state within a state. It is, thus, an important factor with which Civil Affairs Officers will have to deal at the time of occupation.

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(d) Ecclesiastical divisions. For various reasons, the ecclesiastical map of Italy has remained virtually unaltered since the Middle Ages. There are at the present time (excluding the 7 Suburban Sees), 39 Metropolitan Sees, and 245 Dioceses. This is more than in France, Spain, Poland, and the United States together. There is thus excessive Italian representation in the Church and impairment of ecclesiastical administration.

Because of the conflict of the Church and State, no redistribution of the dioceses took place after the political unification of Italy, which was completed in 1870. Article VI of the Concordat provided for a mixed commission to proceed to "a revision of the territorial boundaries of the dioceses for the purposes of making them correspond as far as possible with the boundaries of the state provinces." Nothing has so far been done to carry out this provision.

Ecclesiastically, Italy is governed by:

Metropolitans,
Suffragan Bishops,

and by four grades of officials who are immediately subject to the Holy See:

Archbishops,
Bishops,
Abbots nullius,
Prelates nullius.

A Metropolitan is an archbishop who presides over a province of the Church and who consequently has suffragan sees under him. The Metropolitan of Venice has also the title of Patriarch.

A Suffragan Bishop is a diocesan bishop who is subject to an archbishop as metropolitan. Normally every bishop's see is suffragan to a metropolitan, but some are immediately subject to the Holy See.

In Italy certain officials of the Church are immediately subject to the Holy See. They are as follows:

Archbishops. An archdiocese whose archbishop is not a metropolitan is termed exempt or immediately subject to the Holy See.

Bishops. A diocese headed by a bishop, which is not under the metropolitan authority of any archbishop, is exempt, and is immediately subject to the Holy See.

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Abbots vere nullius. These are the highest of the three grades of abbots. When an abbot has jurisdiction over the clergy and laity of a district or territory (comprising one or several cities and places) which forms no part whatever of any diocese, his abbey is styled vere nullius (of no diocese) and excepting only a few rights, for the exercise of which the ordo episcopalis is required, his authority is equal to all things to that of a bishop.

Prelates nullius. Prelate is a general term which may be applied to bishops, and to the highest officials of the Roman offices. A Prelate nullius is one who has quasi-episcopal and independent jurisdiction over a special territory separated from the territory of a diocese.

(2) The Temporal Power

From the time of the fall of the Roman Empire until 1870, there was no government over the whole Italy. Throughout this period, Italy was divided into a number of small states which were often at enmity with one another. In the absence of a strong government in Rome, the Popes came to assume political functions and the States of the Church emerged as one of the states into which the Italian peninsula was divided. As the ruler of a territorial state, the Pope was not subject to the sovereignty or jurisdiction of any political power. The independence of the Pope as head of the universal Catholic Church was thus partly guaranteed by his being the Prince of the Papal States. The Pope's rule over a territorial state is known as the Temporal Power. Although it is not a dogma of the Church, the real argument for the Temporal Power is this: The head of the Church, whose spiritual empire is universal and supra-national, must himself be subject to no earthly power; sovereign independence is essential to his office even on purely practical grounds, for a Pope who acknowledged himself bound by ties of secular obedience to any Power would soon find that other powers would challenge his exercise of spiritual functions within their borders.

As the head of a state the Pope played a part in Italian and European politics, waging wars, participating in alliances, and receiving ambassadors and sending nuncios. With the development of strong national states in Europe which claimed the power to regulate religion within their borders, the Papacy was the more resolved to maintain the Temporal Power.

CONFIDENTIAL**(3) The Italian National Movement**

In the 19th century a movement known as the Risorgimento (Resurgence or Revival) developed among the Italian people for the creation of their own national state. Until 1848, Pius IX (1846-1878) gave a certain amount of encouragement to the movement of Italian national revival: many Italian leaders of that time hoped that Italy might become a confederation under the presidency of the Pope. The Pope, however, would not permit his army to take part in an aggressive war for the purpose of wresting Lombardy and Venetia from the Austrian Empire. In order to have a free Italy it was necessary to redeem these provinces from foreign rule: the Pope's refusal to participate in the national war destroyed the belief of Italian nationalists in the possibility of Papal leadership or collaboration in the movement for unification. After the failures in the patriotic wars of 1848 and 1849, the only effective leadership in the movement for unification was furnished by the Kingdom of Sardinia (Piedmont) under the House of Savoy.

The national government after 1849 came to be directed not only against Austria but against the Temporal Power as well. The Papal States at that time included not only the region around Rome, but Umbria, the Marches, and Romagna, with an area of about 17,218 square miles. The nationalists insisted that the territories be included in the new Italy and that Rome be the capital of the nation. The Pope (Pius IX) insisted on maintaining his territories and relied on the protection of foreign powers, particularly France and Austria, against encroachments by the House of Savoy. In 1860-61 the Romagna, the Marches, and Umbria were incorporated in the kingdom of Italy. French soldiers protected the Pope in Rome (except for a few months in 1866-67), but when these troops were withdrawn during the Franco-Prussian War, the Royal Italian Army occupied the eternal city September 20, 1870.

(4) The Law of Guarantees

Having seized Rome, the Italian government made it the capital. In order to provide for the spiritual independence of the Pope, and to regulate relations between Church and State, the Italian Parliament passed the Law of Guarantees (May 13, 1871). This act of the Italian legislature declared the Pope's person to be sacred and inviolable;

it granted him the free use of the Vatican and Lateran palaces;

it provided against any interference by the state with the activities of the Pope in the exercise of his spiritual functions;

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it provided for the freedom of communication of the Pope with the bishops;

it guaranteed ecumenical councils and papal elections against interference by the Italian state;

it granted diplomatic immunity to the envoys accredited to the Holy See by foreign states;

it provided for an annual payment of 3,225,000 lire by the state to the Pope as compensation for the loss of revenues incurred in the seizure of his territories;

it provided for a partial separation of Church and State, and it abolished all restrictions on the right of assembly of members of the Catholic clergy;

the government renounced any claim to interfere or to participate in the appointment of bishops and declared the royal exequatur and "placet" abolished. * The state refused to recognize any claim or appeal against the acts of ecclesiastical authority.

(5) The Roman Question.

The Pope refused to recognize the morality or the legality of the seizure of Rome and excommunicated those who executed it. He refused to accept the Law of Guarantees, which was considered an inadequate substitute for his own sovereignty as a guarantee of his spiritual independence. The Holy See refused to accept the annuity voted by the Italian parliament; instead the Pope chose to become "the prisoner of the Vatican" and refused to set foot outside the Vatican where the law of the Italian state was enforced.

* Note: The Exequatur and the Placet are of medieval origin. They were writs or actions by the courts of secular princes to subject acts of the Pope, particularly those conferring benefices, to state control. Most of the secular states of Italy had such measures of control in the period before Italian unification. After the formation of the Kingdom of Italy, a unification of the various forms was established by the Royal Decree of March 5, 1863 (No. 1169). This provided that any ecclesiastical provision proceeding from authority not resident in the realm would not receive publication or execution, public or private, if not furnished with the exequatur. By Royal Decree of July 26, 1863 (No. 1374), certain determined acts of bishops were placed under the Placet. A clearer distinction between Exequatur and Placet was established by the Decree Law of January 30, 1916, the Royal Decrees of December 28, 1919, and of May 6, 1920: acts of the Holy See conferring major benefices were made subject to the Exequatur; those conferring minor benefices were subject to the Placet. The Exequatur was conceded by Royal Decree on the proposal of the Minister of Justice. The Placet was issued by the Procurator of the local court of appeal.

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After 1870, these conflicting claims came to be known as the Roman Question. The Pope refused recognition to the Italian state and insisted that he should be restored as actual sovereign in Rome. The Kingdom of Italy considered the matter settled by its seizure of Rome and by the Law of Guarantees.

(6) The Lateran Accords

Several attempts were made to bridge the conflict between the Church and State in Italy, but no agreement was made until February 11, 1929, when Pius XI. and the Fascist government concluded the Lateran Accords, which included: (1) A Treaty which restored the Temporal Power; (2) A Concordat which made Catholicism the established religion in Italy; and (3) A Financial Convention. Pius XI insisted that the Treaty and the Concordat constituted a legal unity and were indissoluble. The territorial settlement which guarantees the sovereign independence of the Holy See, and which is an interest of the whole Church, is made dependent on the observance of the Concordat by a single state, Italy.

The Treaty of 1929 was a purely bi-lateral agreement: the idea of international guarantees of the Vatican City was expressly excluded.

(a) The Treaty. The Treaty contained twenty-seven articles. Among its most important provisions are: it created the state of the Vatican City (a miniature state of some 160 acres, embracing St. Peter's and the Vatican and the adjoining gardens); the Piazza of St. Peter was left open to the public and the Italian state police allowed to preserve order in it on certain occasions; Article IV was a guarantee of mutual non-interference in each other's affairs. According to a Catholic writer, "it is the second article which differentiates the Treaty from the Law of Guarantees and makes it a document which the Pope could accept. He is not merely granted the use of the Vatican and its grounds, as did the Law, but it is recognized as his, not in the form of an owner under the crown of Italy, but in the manner of an independent sovereign. This land is cut out of Italy and made foreign territory. In this territory, then, the Pope is acknowledged to be sovereign in every sense of the word."

"Articles five, six, and seven are necessary regulations having to do with tenants in the territory of the Holy See, with water supply, railroad communications, telephone, telegraph, radio and cable, all of which are furnished by Italy at its own expense. In Article seven, Italy agrees not to allow new constructions nearby overlooking Vatican City, and forbids aircraft to fly over it." The person of the Sovereign Pontiff is declared to be sacred and inviolable; attempts against his life or incitement to commit them are to be punished by the Italian Government in the same way as offenses against the person of the King;

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Articles IX, X, XXI, specify the subjects of Vatican City, the rights of Cardinals who receive the honors or princes of the blood, and certain liberties of Vatican officials living in Rome itself. Diplomatic agents accredited to the Holy See receive immunity if living in Rome. Italy and the Holy See exchange ambassadors. Passport arrangements are made in Article XIX. Freedom from Italian customs for Vatican merchandise is decreed in Article XX. "Articles XIII to XVI concern properties and property rights. Three kinds of Vatican properties are named: those in Vatican City, over which the Holy See has ownership and sovereignty; those in Italian territory to which diplomatic immunity or extra-territoriality are granted by Italy; and those which are declared tax exempt."

Within the state of the Vatican City the Pope is an absolute ruler possessing the ultimate legislative, executive, and judicial powers. Although the Holy See sends and receives ambassadors, and enjoys full sovereignty in international law, it is pledged to perpetual neutrality. Article XIV states: "With regard to the sovereignty pertaining to it in the field of international relations, the Holy See declares that it wishes to remain and will remain extraneous to all temporal disputes between nations, and to international congresses convoked for the settlement of such disputes, unless the contending parties make a joint appeal to its mission of peace; nevertheless it reserves the right in every case to exercise its moral and spiritual power."

"In consequence of this declaration, the State of the Vatican will always and in every case be considered neutral and inviolable territory."

In return for the restoration of the Temporal Power, the Holy See declares the "Roman Question" definitely and irrevocably settled and, therefore, eliminated; and recognizes the Kingdom of Italy under the dynasty of the House of Savoy with Rome as the Capital of the Italian State.

(b) The Financial Convention. According to this convention, Italy assumes the obligation of paying to the Holy See the sum of 750,000,000 Italian lire upon the exchange of ratifications of the Treaty and to deliver at the same time to the Holy See five per cent negotiable Italian state bonds (with coupon falling due on June 30, next) to the nominal value of 1,000,000,000 Italian lire.

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In turn, the Holy See declares that it accepts the above as a final settlement of the financial relations with Italy resulting from the events of 1870. This was a total considerably less than would have been accrued to the Papacy had it accepted the annual payments provided for by the Law of the Guarantees.

The first article of the Treaty pertains to the relations of Church and State in Italy. Italy recognizes and reaffirms the principle set forth in Article I of the Constitution of the Kingdom of Italy of March 4, 1848, whereby the Roman Catholic and Apostolic Religion is declared the sole religion of the state.

(c) The Concordat. The most important provisions of the Concordat, which was signed simultaneously with the Treaty, are the following: the Catholic Church was made the established Church in Italy; the Catholic Church and Clergy were given special position and special privileges.

In turn, the Italian State assured a considerable measure of control over the church.

The freedom of the Pope in communicating with the bishops in Italy, and the complete liberty of the Church in spiritual matters, including ecclesiastical discipline and ecclesiastical jurisdiction, was guaranteed;

The Church secured state recognition of its more important holidays, and the churches and other buildings were exempt from search by the police or military without the prior consent of the local Ordinary. Public abuse of the State religion is punished under the Italian Penal Code of 1930 with penalties more severe than those for abuse of other admitted cults.

(7) Religious assistance to the Armed Forces.

Military chaplains are appointed by Royal Decree on the recommendation of the Army Bishops. The Army Bishop as well as the dignitaries of his Curia (a Vicar-General and two Inspectors) are designated by the Pope, but only after previous consultation with the Government, which subsequently appoints them by Royal Decree.

Article XIV of the Concordat, stipulates:

The Italian troops in all branches of the service, air, land, and water enjoy in the matter of religious duties, all the privileges and exemptions granted by the Canon Law.

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So far as their troops are concerned, the military chaplains hold the same relation to them that parish priests hold toward their parishioners.

The Concordat also provides for enforcement by the State of the Church Law (or Canon Law) in regard to marriage, and the Treaty in regard to the Church's disciplinary note against clerics.

Sentences and decisions pronounced by ecclesiastical authorities, which have to do with ecclesiastical or religious persons in spiritual matters, and which are officially communicated to the civil authorities, will have full juridical efficacy immediately in Italy even so far as the civil effects are concerned.

(8) Income of the Clergy

As members of the established Church, the Clergy receive part of their income from State resources. This matter was stabilized by the Concordat but was not created by it. In 1866-67 the Italian government confiscated a great amount of the property of the Church in Italy. By the law of July 7, 1866, the Ecclesiastical Fund (Fondo per il culto) was established, and in 1873, after the seizure of Rome, the Fondo per uso di religione della città di Roma. The Italian government paid interest (first at 5%, then at 4½%, and finally reduced to 3½%) on about 60% of the proceeds realized by the sale of property seized from the religious orders and other suppressed corporations. Taxes levied on benefices which were not confiscated also contributed to the Ecclesiastical Fund. The fund was sufficient in the end to maintain clerical incomes at a proper level. During the first World War the government made a direct contribution and increased the stipends of the clergy. The Fascist government increased clerical incomes and by 1929 the amount contributed by the state from its own resources was far greater than the share which derived from the Ecclesiastical fund.

The Concordat stipulates (in Article XXX):

The Italian State, until some other arrangement is made by mutual agreement, will continue to meet the deficits in the revenues of ecclesiastical benefices by granting allowances corresponding at least to the actual value of the subsidy now in force.

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The State guarantees the following minimum clerical incomes:

Metropolitans	18,000 lire (about 900 dollars)
Other Archbishops & Bishops	17,000 lire (about 850 dollars)
Parish Priests in Rome	6,000 lire (" 300 dollars)
Parish Priests in the rest of Italy	3,500 lire (" 175 dollars)
Curates	2,000 lire (" 100 dollars)

Income from the Ecclesiastical Fund has remained stationary at about 20 million lire. In 1929 the total paid by the state (from its own resources plus income from Fondo per il culto) was 69,100,000 lire. In 1932 this was increased to about 80 millions.

(9) Religious Education

In education, the Church enjoys special privileges. The Concordat extended religious instruction, which the Fascist Regime had already made compulsory in all primary schools, to secondary schools.

Article XXXVI declares:

"Italy considers the teaching of Christian doctrine, according to the form handed down by Catholic Tradition, as the foundation and capstone of public education. Therefore, Italy agrees that the religious instruction now given in the public elementary schools shall be further developed in the secondary schools according to a program to be agreed upon by the Holy See and the State.

"This instruction is to be given by teachers and professors who are priests or religious approved by ecclesiastical authority and who will be aided by lay teachers and professors holding for this purpose proper certificates of fitness and capacity, these certificates to be issued by the diocesan Bishop.

"Revocation of the certificates by the Bishop immediately deprives the individual of the right to teach.

"No texts will be adopted for this religious instruction in the public schools except such as are approved by ecclesiastical authority."

(10) The Catholic Action.

The Azione Cattolica (Catholic Action) comprises all

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organizations of lay Catholics working under the direction of ecclesiastical authorities. When it was reorganized in September 1923, it consisted mainly of : (i) the Federation of Catholic Men and the Union of Catholic Women; (ii) the Catholic Young Men's Organization and the Catholic Young Women's Organization; (iii) the University Student's Federation. The 1923 statutes organized Catholic Action on a nation-wide basis; the movement was under the control of a Central Committee, consisting of a President and four members, nominated by the Pope; in the provinces there were Diocesan Committees under a President nominated by the Bishop, and Parish Councils under a President nominated by the parish Priest.

Of the Catholic Youth Organizations, the most popular was that of the Catholic Boy Scouts, known as the "Esploratori Cattolici." By 1925 its membership reached 100,000. A Decree Law of January 9th, 1928, banned the formation of any new association or branch "for the physical, moral, or spiritual education of youth," at the same time Prefects were empowered to dissolve all branches of the Catholic Boy Scouts in districts with less than 20,000 inhabitants. Pope Pius XI replied by formally dissolving all the branches of the Catholic Boy Scouts due to be suppressed under the above mentioned Decree-Law. A new Decree, published in the Official Gazette of April 13th, 1928, ordered Prefects to dissolve within 30 days "every organization, even provisional, which purports to promote the instruction, the preparation for professions, arts or crafts, or the physical, moral or spiritual welfare of the young."

Article XLIII of the Concordat recognizes the independence of Catholic Action. It reads: "The Italian State recognizes the organizations affiliated to the Azione Cattolica in so far as these shall, as has been laid down by the Holy See, develop their activities outside all political parties and in immediate dependence on the hierarchy of the Church for the diffusion and realization of Catholic principles."

The Fascist offensive against Catholic Action flared up again in 1931. Pius XI intervened with his famous Encyclical "Non Abbiamo Bisogno," published in the Osservatore Romano on July 1th, 1931. The deadlock ended on September 2nd of the same year when an official communication outlined the terms on which agreement had been reached between the Holy See and the Fascist Government. (1) Italian Catholic Action is essentially diocesan in character and is under the direct control of the Bishops, who in their selection of its lay and

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clerical officers will choose nobody who has belonged to parties, averse to the Fascist regime. It was to adopt the national flag, and its members were to abstain from "all practices traditionally proper to political parties." (2) The "professional associations" of Catholic Action were to have no syndicalist functions, but were to serve purely spiritual and religious ends. (3) The youth associations of Catholic Action would refrain from any sort of athletic or sporting activities and confine themselves to "educational and recreational functions for purely religious ends."

In August 1938, it was officially announced that the Holy See had been authoritatively assured that "in the view of the respective leaders of both bodies no limitations or reservations exist as to simultaneous membership of Catholic Action and the Fascist Party."

Catholic Action has been decentralized by Pius XII, who in April, 1939, entrusted its direction to a commission composed of three members, the Cardinal Archbishops of Palermo and Genoa and the Patriarch of Venice, with Mgr. Colli, Bishop of Parma, as Chaplain-General. Under the new statutes published in August, 1939, the Chaplain-General became Director General, and the whole movement passed under the rigid control of the ecclesiastical authorities. A Catholic Action office in each diocese was to be responsible for all local organizations.

(11) Privileges of the Clergy

A number of special privileges are assured for the clergy by the terms of the Concordat.

(a) Exemption from military service. All ordained priests and members of religious orders are exempt from the duty of military service in peace time. In the event of general mobilization, all clerics "responsible for cure of souls," (i.e. bishops, parish priests, coadjutors and curates) are still exempted. Theological students and novices in Religious Orders are not exempt from military training but may put it off until their twenty-sixth year. In the event of general mobilization, clerics who are called are to be assigned "preferentially" to the hospital service.

(b) All ecclesiastics are exempt from jury duty, and the secrecy of confession is guaranteed by Article VII.

(c) Exemptions from taxation. The incomes of ecclesiastics are exempted from certain taxes such as the tax on bachelors, the professional tax, and the license tax. Stipends of the clergy are exempt from attachment by order of court.

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Stipends and other emoluments enjoyed by ecclesiastics by reason of their office are exempt from charges and liens in the same way as the stipends and salaries of the employees of the State.

(d) Special treatment in cases of criminal accusation. Article VIII stipulates: "When it happens that an ecclesiastic or a religious person is brought before a penal magistrate because of some crime, the State's Attorney must immediately inform the Ordinary of the diocese in whose territory he exercises jurisdiction and he must take pains to transmit officially to him the preliminary decision in the case, and if issued, the final sentence both of the court of first instance and of the court of appeal."

"In case of arrest, the ecclesiastic or religious person is to be treated with the respect due to his calling and to his clerical status."

"In case an ecclesiastic or religious person is convicted, he is to serve his sentence, if possible, in quarters separate from those intended for laymen unless the Ordinary to whose jurisdiction he belongs has unfrocked the offender."

Conviction of an ecclesiastic on a criminal charge would usually involve his suspension by the Church.

(12) State Control of the Church.

(a) Italian jurisdiction over persons and provinces of the Church. Except in the case of the Suburban Sees, Italian dioceses and parishes are limited to Italian territory only, and no Italian territory is permitted to be included in a diocese or parish of a foreign state.

(b) Appointments to Major Benefices. No person may be appointed to a major benefice in Italy who is objectionable to the Fascist government. Article XIX states: "The selection of Archbishops and Bishops pertains to the Holy See. Before proceeding to the nomination of an Archbishop, a Bishop or a Coadjutor with the right of succession, the Holy See will communicate the name of the person chosen to the Italian Government in order to be more sure that the latter has no objection from a political standpoint against the nomination."

"The formalities required will be carried out with all possible care and with every precaution so that secrecy may be maintained with regard to the person selected until his nomination is formally announced."

These communications pass through the ordinary political channels. The Minister of the Interior represents the government.

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(c) Appointments to Minor Benefices. The right of nomination to minor benefices is declared by Article XXI to be vested in ecclesiastical authorities, generally the Ordinary of the diocese. But in contrast to appointment of bishops, the appointment of a parish priest or coadjutor is first made by the Ordinary and then communicated by him to the local Prefect. The nomination becomes definitive if the Prefect makes no objection within thirty days. But if grave reasons against the appointment exist, the Prefect communicates these objections to the Ordinary and also to the Minister of the Interior. If the Minister of the Interior decides to sustain the State's objections, the local bishop submits the question to the Holy See, which then opens negotiations with the Italian Government. It is a formidable power vested in the Fascist totalitarian state.

(d) The oath of Bishops. Bishops before taking possession of their dioceses take an oath of loyalty at the hands of the head of the State, according to the following formula:

"Before God and on the Holy Gospels, I swear and promise, as becomes a Bishop, loyalty to the Italian State. I swear and promise to respect, and to make my clergy respect, the King and the Government established according to the constitutional laws of the State. I swear and promise, moreover, that I shall not participate in any agreement or take part in any discussion that might be injurious to the Italian State or detrimental to public order and that I shall not permit my clergy to take part in such. Being mindful of the welfare and of the interest of the Italian State, I shall endeavor to ward off any danger that may threaten it.

(e) The Control of Church Property. Article XXX guarantees to all ecclesiastical corporations, freedom from interference by the state in the administration of their property, which is to be carried out under the supervision and control of the appropriate ecclesiastical authorities alone. There are, however, these limitations:

All ecclesiastical bodies without distinction are subordinate to the rules of Italian law concerning the acquisition of property by moral persons (enti morali). Article 9 of the Law of May 27, 1929, makes acceptance of gifts of real property subject to the authorization of the Ministry of the Interior.

Ecclesiastical institutions which are subsidized by the state (all ordinary benefices, major and minor, in fact most ecclesiastical corporations outside the religious orders) are subject to state supervision in the administration of their property. In consideration of the continued state subsidies,

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the State retains the right to control all juristic acts passed by them in the management of their property "which exceed the scope of ordinary administration." The terms of the act make it clear that ordinary administration is very limited. The authorization of the Minister of the Interior is required for many acts which would seem to be a part of normal management.

By article XXIX of the Concordat the Italian government undertook to revise its existing laws in ecclesiastical affairs for the purpose of harmonizing them with the principles of the Treaty and the Concordat. At first, by the law of May 28, 1929 (No. 848) all functions deriving from the Concordat were vested in the Ministry of Justice, which continued the system which had existed since 1870. Local jurisdiction was delegated to the Procurator General of each Court of Appeal, assisted by a special officer attached to the parquet.

This was changed 3 years later by the Royal Decree of July 20, 1932 (No. 884), which entrusted the Minister of the Interior and the prefects with "all matters arising out of the Concordat and cognate legislation." The Ministry of the Interior, with its numerous semi-secret ramifications, and the Prefects can exercise more supervision over clerical activities than officials of the Ministry of Justice.

"The plain truth is that the State still controls the management of by far the greater part of Church property in Italy, and that is the price which it demands for its continued subsidies to the secular clergy of all ranks."

In summary, the Fascist State administration succeeded in retaining the essentials of state control over the ecclesiastical organization of Italy.

By concentrating on the key positions, a voice in, a veto on all ecclesiastical offices, rigid supervision of ecclesiastical property, and by getting these powers recognized by the Holy See, Mussolini has bound the Church more closely to the State and assured the adherence, willing or forced, of the Italian clergy to his regime. The average ecclesiastic has even more reason than the average layman to stand well with the Party: he knows that if he offends it, it can block his promotion and even secure his removal from his present benefice by alleging grave reasons against his continuing to hold it..... His dilemma is almost a necessary consequence of the official association of the Church with the totalitarian State.

(13) The Church and Politics.

The connection between the Roman Catholic Church and Italian politics cannot be understood without some account of

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the history of relations of Church and State since 1848. As was indicated above, Pope Pius IX (1846-1878) originally was not opposed to the movement of Italian national revival. After 1849, however, the movement for the formation of a national state was directed against the Temporal Power as well as against Austria. Leadership in the movement for Italian unification was assumed by the Kingdom of Sardinia, which after the granting of the Constitution by King Charles Albert (March 4, 1848) developed a liberal parliamentary form of government. Although by Article I of this constitution the Roman Catholic religion was recognized as the religion of the state, other articles pledged equality of the citizens before the law. The abolition of the special legal privileges of the clergy in Piedmont led to conflict with the Church. The parliamentary leaders in Piedmont also confiscated some of the properties of the Church.

Conflict between Church and State in Italy was thus three fold:

(1) over the Temporal Power; (2) over jurisdiction, particularly involving the claims of state law and canon law in matters of the appointments of bishops and in regard to marriage; (3) over church property. The chief parliamentary leaders of Italy in the period before 1878, such as Cavour, Ricasoli, La Marmora, were Catholics, but all attempts to negotiate with the Holy See failed. Cavour formulated the program of "a free Church in a free State" which would have meant a cessation of state jurisdictionalist control over the Church and the end of establishment and special privileges of the church.

Among the clergy there were some who were favorable to Cavour's ideas. The ideas of the "Liberal clergy" were expressly repudiated by Pius IX in the Syllabus of Errors of December 1864. During the period 1859-1870, the Holy See opposed the unification of Italy by every means in its power. After the Affair of Aspromonte (1862), and of Mentana (1867) (attempts by Garibaldi to seize Rome by filibustering expeditions), the relations of Church and State became even more embittered than before. After 1870, the Pope refused to recognize the seizure of Rome and refused to recognize the Law of Guarantees.

After 1870, the hopes and aims of the Popes, Pius IX (to 1878) and Leo XIII (1878-1903), were for the destruction of the Kingdom of Italy in order that the States of the Church might be restored. In international politics, these Popes sought the intervention of the great powers against Italy. After Italy adhered to the Triple Alliance (May 20, 1882) which gave her by implication a kind of guarantee of the possession of Rome, Pope Leo XIII aided in the formation of

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the Franco-Russian alliance, as a counterweight against the Triple Alliance.

In domestic politics the Popes forbade Catholics to participate in parliamentary elections by the Non Expedit. Indeed, one of the chief factors in the weakness of parliamentary government in Italy for the whole period until the first World War was the hostility of the Church. After 1868 when the Non Expedit was first issued, no bishop sat in the Italian Senate. The failure of Catholics to take part as such in national politics meant that there was no genuine conservative party. In a sense, all members of the Italian Parliament really belonged to one party, differing among themselves not over fundamental issues but over persons and trifles.

During the pontificate of Pius X (1903-1914) relations of Church and State in Italy grew more friendly. Nominally the old hostility prevailed; actually the bitterness passed away. In 1904, for the first time in history, the King of Italy was received by the Cardinal Archbishop in the ex-papal state of Bologna. The Non Expedit was removed and the encyclical Il Fermo Proposito (June 11, 1905) permitted the intervention of Catholics in national political contests in special cases. During the election of 1909, Catholics participated on a large scale. Pius X, however, was opposed to the formation of a Catholic Political party. The group in Italian known as the Catholic Democrats were repudiated by the Encyclical Pieni l'animo (July 28, 1906). Don Murri, leader of the Lega Democratica Nazionale, was excommunicated.

At the end of the first World War, Benedict XV (1914-1922) was hopeful of a solution of the Roman Question and a reconciliation of the Church with the Kingdom of Italy. In 1919 the Partito Popolare was founded under the leadership of Don Luigi Sturzo, a Sicilian priest. The Partito Popolare was democratic, constitutional, and favored social and agrarian reform. In the elections of 1919 and 1921, the Popolari won about 100 seats out of the 535 in the Chamber of Deputies.

In the civil war in Italy which preceded the advent of Fascism to power in October 1922, Fascist squads were as violent against the Popolari as against the Socialists and Communists. The Fascists, who at first were anti-clerical as well as anti-monarchist, switched over to a more conservative attitude in 1921. Once Mussolini was in power he proceeded to emasculate the constitution, to drive all political parties out of Italy except the Fascists. His personal dictatorship emerged in 1926. In this same year Pius XI began the negotiations which led to the conclusion of the Lateran Accords of 1929.

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The Concordat, as we have seen, gave the Fascist Government a great deal of control over the Church. The solution of the Roman Question was hailed as one of the great accomplishments of Fascism and undoubtedly it was a great factor in securing a widespread popular support of Fascism among the Italian people.

According to Article 43 of the Concordat:

"The Holy See takes occasion on the signing of the present Concordat to renew its prohibitions to all ecclesiastics and religious persons to enroll or take part in any political party."

In practice, this prohibition has worked only one way: praise and support of Fascist politics has been freely permitted, but criticism of Fascist politics has been definitely discouraged. In 1929, Mussolini arranged a plebiscite calling for a popular ratification of his dictatorship and a parliament based on a single list of Fascist nominees. The leaders of Catholic Action issued formal instruction to their members to vote "yes." In many districts the clergy led their parishioners to the voting booths.

In summary, the hierarchy of the Church in Italy opposed the democratic parliamentary system from 1861 until the end of the World War. Although there were hopes of reconciliation between the Holy See and parliamentary Italy under Benedict XV, these failed to materialize. Pius XI was willing and anxious to reach an arrangement with the Fascist totalitarian state, an arrangement which was a great factor in consolidating the Fascist dictatorship.

It must be recognized, however, that within the Church there have always been, since the time of Cavour, elements who have opposed the political policy of the Holy See.

(14) Freedom of Religion.

For the expression "tolerated cults" employed in the Constitution of 1848 Fascist legislation has substituted "admitted cults." "Admitted cults" are regulated by the Law of July 24th, 1929, and the Royal Decree of February 28th, 1930. These laws guarantee the free exercise of all "admitted cults" other than the Catholic Roman and Apostolic religion which do not profess principles or practice rites contrary to public order or good morals. A special authorization of the Minister of the Interior is required before a minister of a non-Catholic cult is appointed and before opening a new church. In the latter case permission is granted only if the edifice is needed to supply the existing religious needs of important groups of believers. Finally, the Government authorities have the right to suppress any "admitted cult" if they believe it to be contrary to public order or good morals.

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(15) Sects and their Interrelations.

See section a 2 (c) of the section entitled "Geographical and Social Background," published separately.

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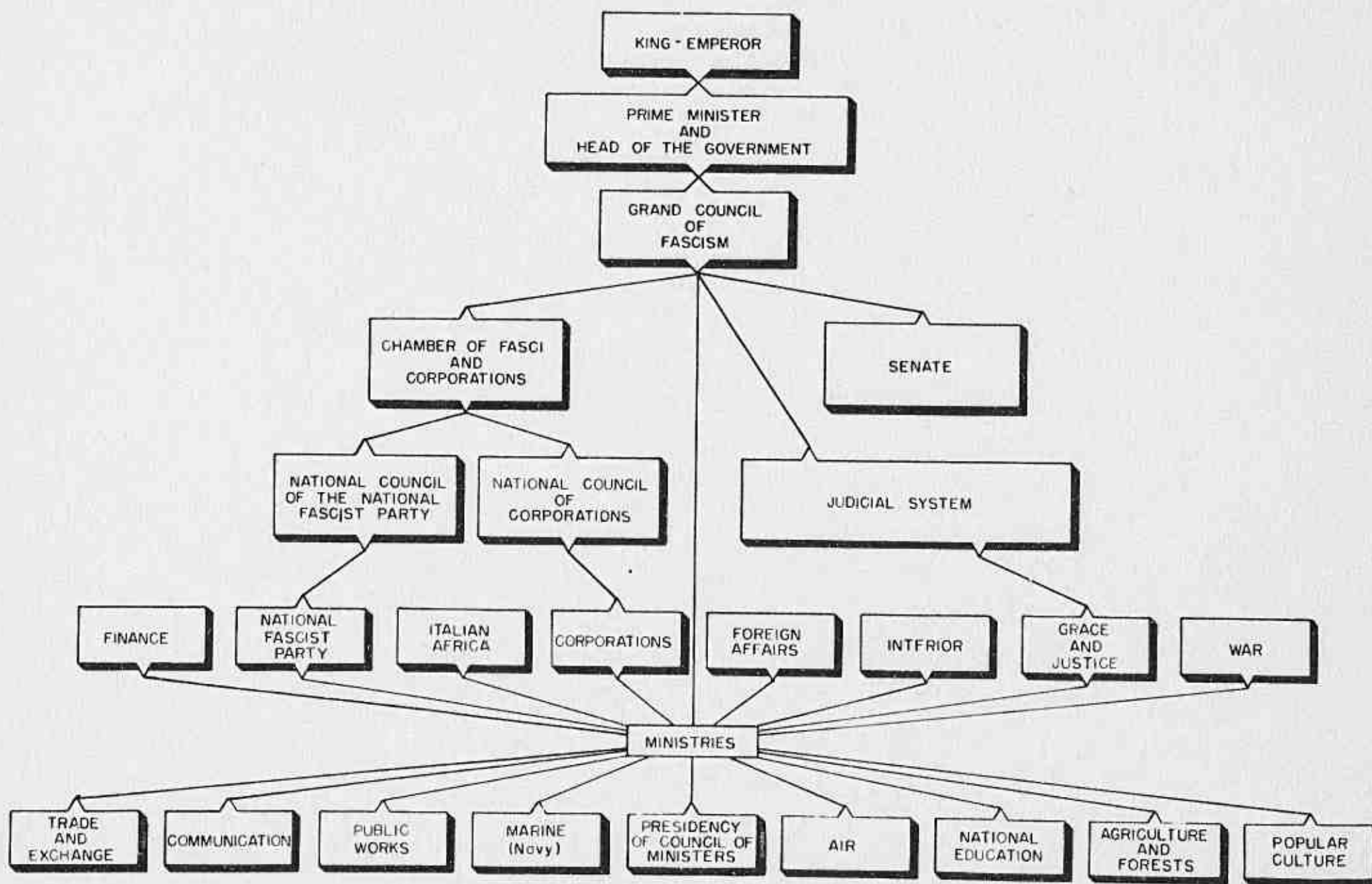
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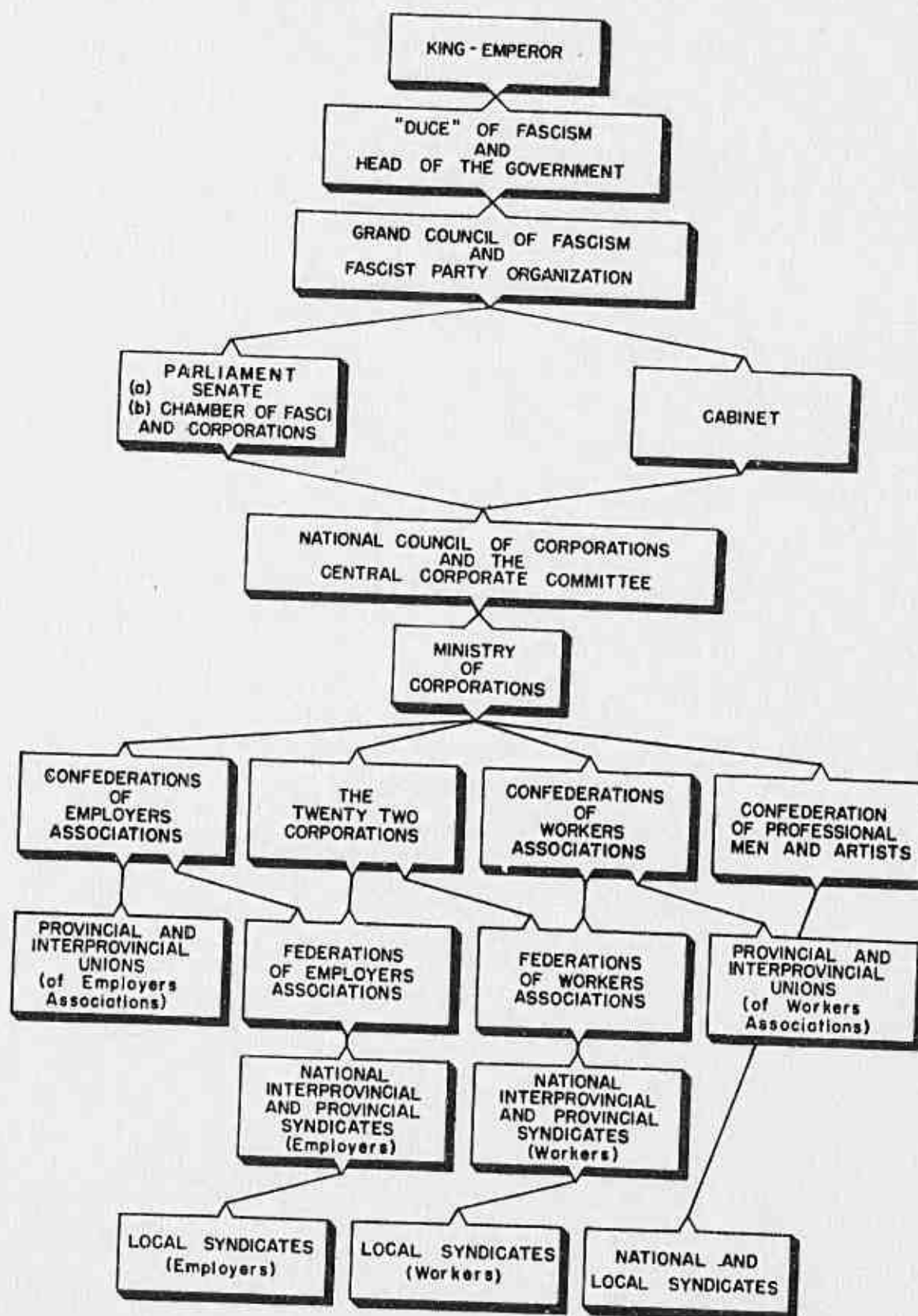
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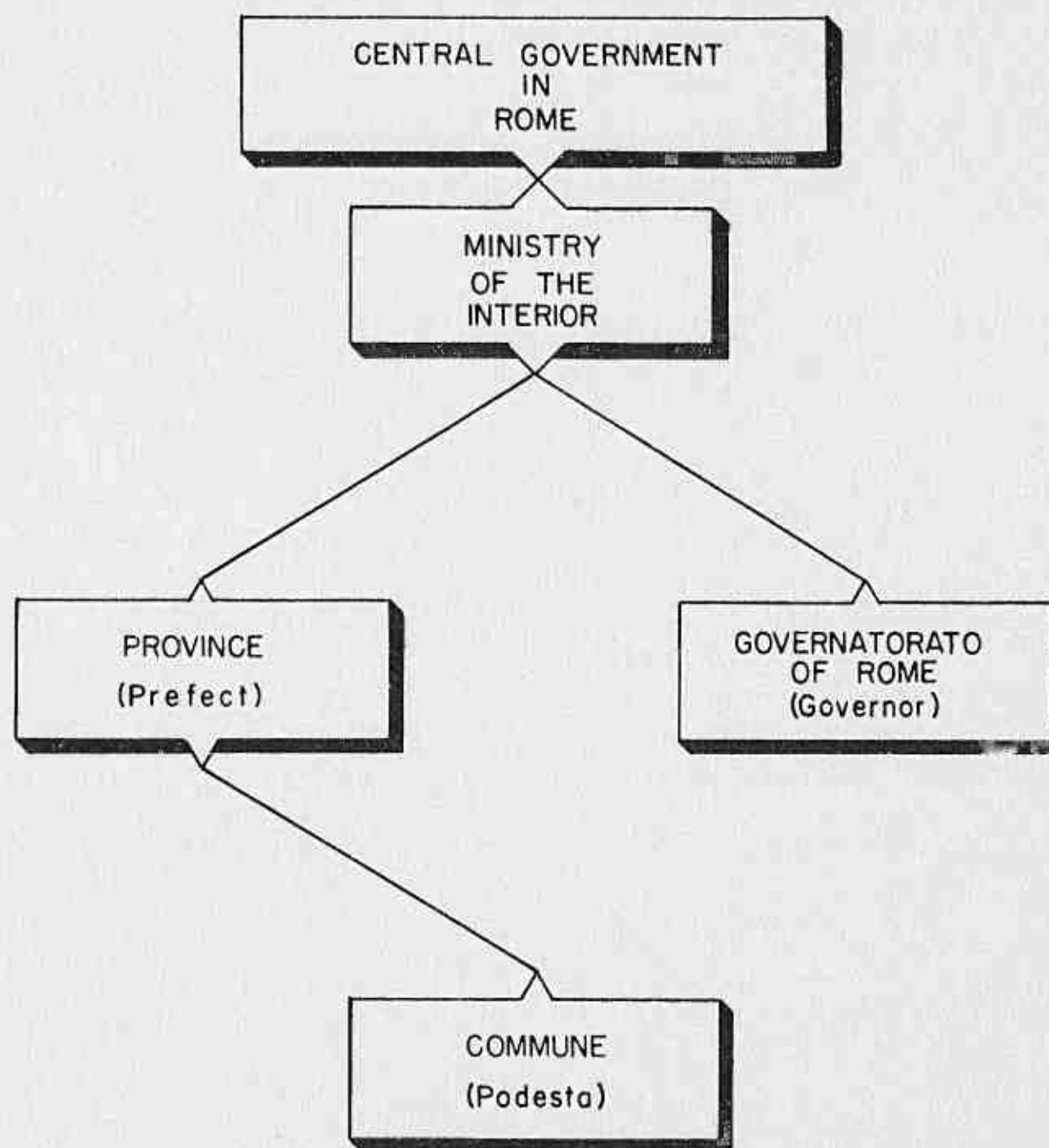
ORGANIZATION OF THE ITALIAN GOVERNMENT



ORGANIZATION OF THE FASCIST CORPORATE STATE



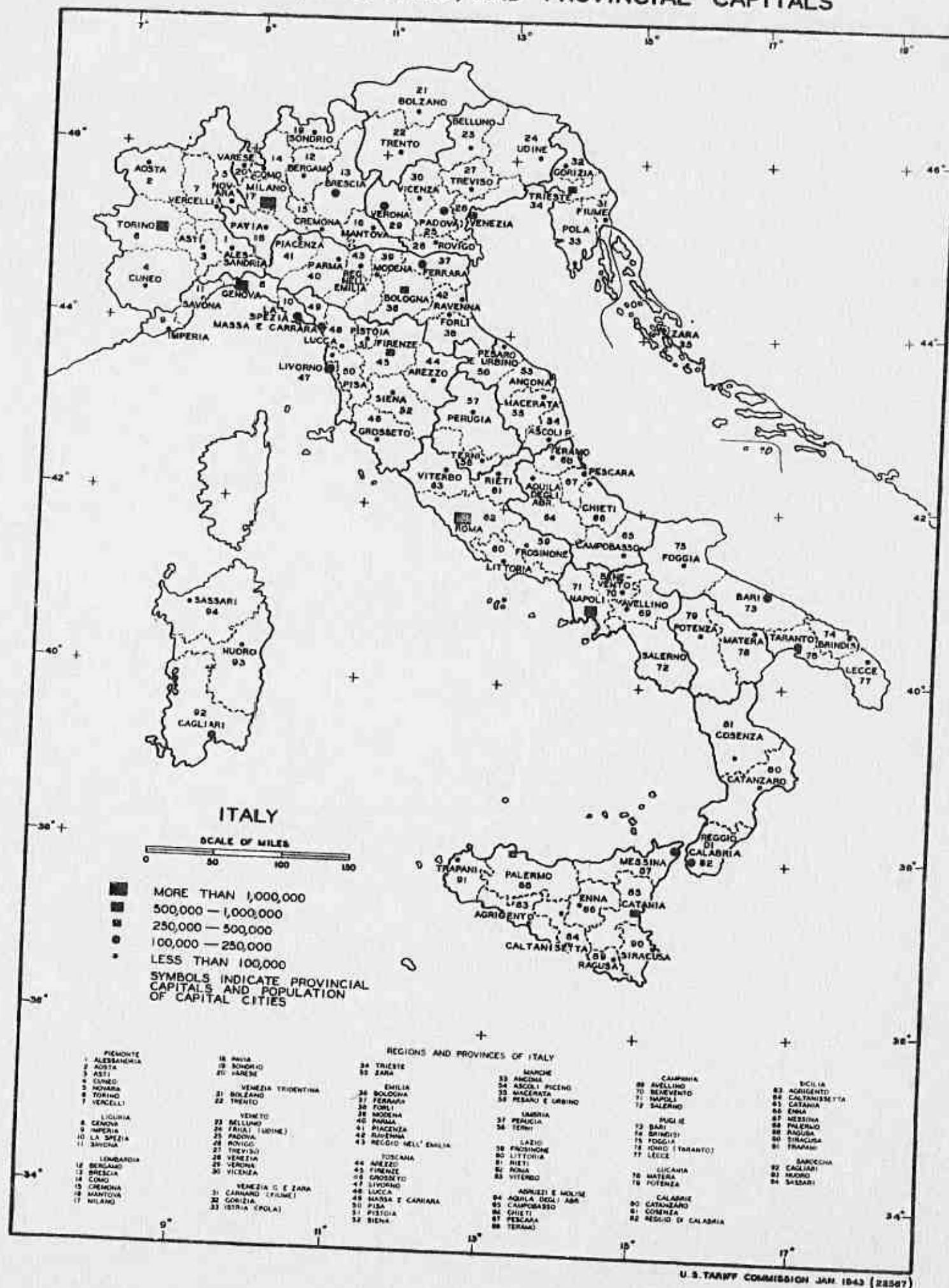
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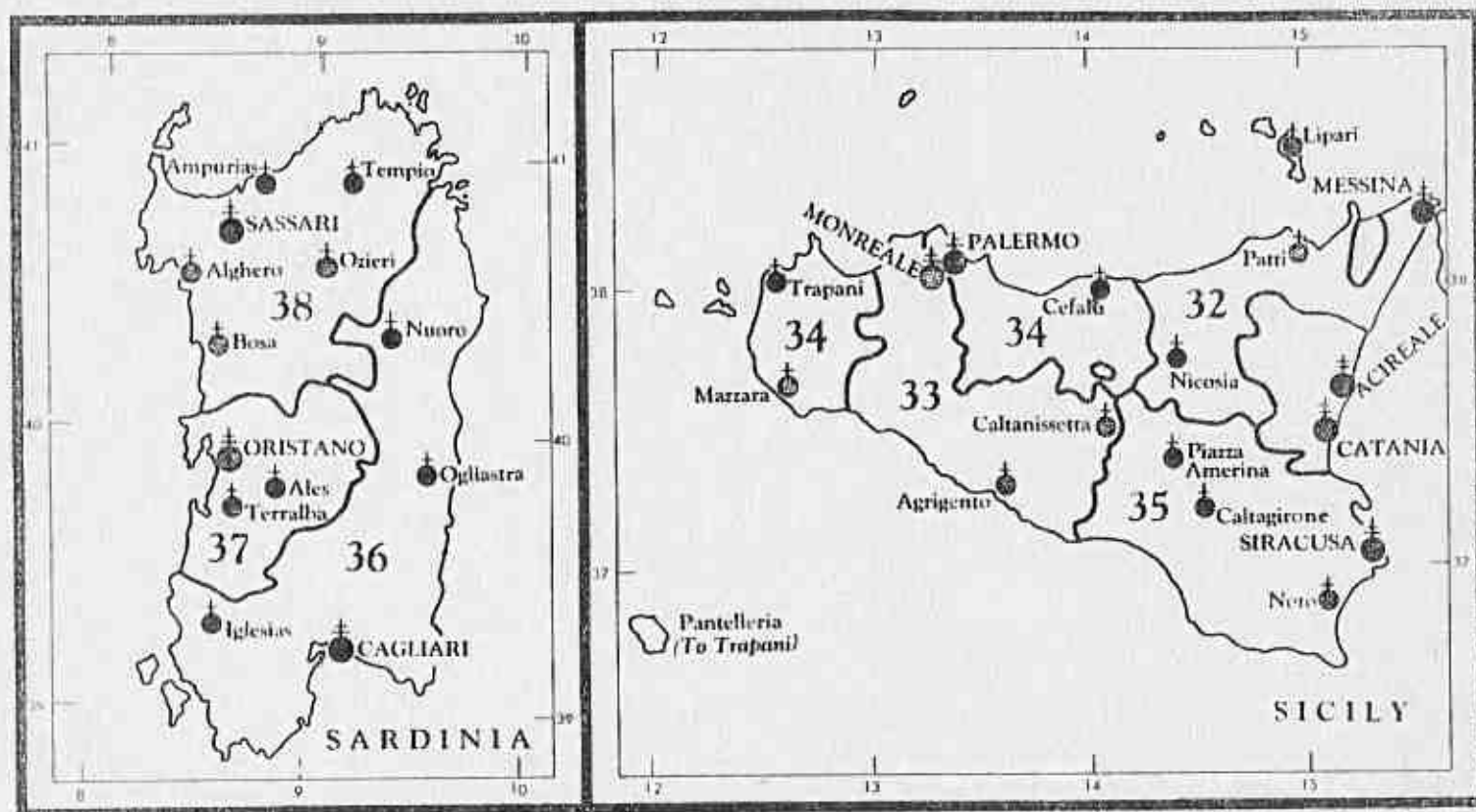
REGIONS OF ITALY



REGIONS, PROVINCES, AND PROVINCIAL CAPITALS



ECCLESIASTICAL PROVINCES OF SICILY AND SARDINIA



ECCLESIASTICAL PROVINCES

32	Messina	35	Siracusa	38	Sassari
33	Monreale	36	Cagliari		Directly dependent on the Holy See
34	Palermo	37	Oristano		

ECCLESIASTICAL CENTERS

- ⛔ Archdiocesan
- ⦿ Bishopric

0 25 50 75 Miles
0 50 100 150 Kilometers

2092