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## THE NEW STATUS OF THE ITALIAN JEWISH COMMUNITY

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**Jews in Italy Since Roman Times / Mandatory Community Membership Under Mussolini / Membership Becomes Voluntary / A New Agreement to Govern Italian Jewry / Protecting Jews' Rights of Observance / Religious Institutions in the Public Schools / Regulating the Rabbinate in a Homogeneous Community / Equality for All Religions / Protecting Minority Rights / The Next Steps**

In January 1988 the Jewish community of Italy became a voluntary community for the first time since the Christianization of the Roman Empire. By eliminating the requirement of compulsory membership, Italy became one of the last if not the last of the European states to make the change. Not that Italy was discriminating against the Jews. The change in their status was part of a general separation of church and state implemented by the Italian government in the past several years. While appreciating the liberal sentiments leading to the change, many of the leaders of Italian Jewry are worried as to what it will do to the community since compulsory membership was accompanied by the automatic allocation of a share of the income tax

paid by community members to the Italian government to support Jewish communal functions.

### **Jews in Italy Since Roman Times**

Organized Jewish life has existed in Italy for over twenty centuries, dating back to the Roman period. In the days of imperial Rome, Jews constituted as much as 10 percent of the Roman population.

Apart from the years in which the Byzantine Empire brought its highly pro-Christian ideology to bear on public policy, leading to persecutions of the Jews, Italian Jewry had a relatively easy time of it. Italians are not much given to group hatred; only when the Church acted against the Jews settled in its domains did the Jews suffer.

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Italian Jewry developed its own customs and a special sense of self-worth which reached its climax during the Renaissance. They participated fully in the cultural revival of the times as Jews, not only contributing their share to Italian culture but also leaving a legacy to Jewish culture that is only now becoming fully known. Hence it is not surprising that in modern times Italian Jews threw themselves wholeheartedly into the Italian effort to attain national unity and greatness. Jews were found across the entire spectrum of political movements once the ghetto walls fell.

By the mid-19th century Jews were already quite active in Italian life and by the end of the century many had begun to assimilate quietly. Others tried to develop a Jewish life that enabled them to fit into modern Italian society.

During those years the organizational framework of the Jewish community underwent many changes, with each local community being organized in a different manner until the beginning of this century, largely due to the division of Italy itself into many small states. After the unification of Italy, the Jews were granted full citizenship in the new Italian state, and their local Jewish communities were reorganized along modern lines. In 1911 the Consortia della Comunita Israelita Italiana (Union of Italian Jewish Communities) was established to link those communities.

Between World Wars I and II Italian Jewry went from full integration within Italian life to maximum exclusion, beyond what had ever occurred in the past. At first Mussolini's Fascists did not discriminate against Jews. Many Jews even were active in the Fascist movement, some of them quite prominent. Jews were still able to distinguish themselves in the Italian army in the Ethiopian War in 1935-36. After his 1938 alliance with Hitler, Mussolini was gradually compelled to adopt the Nurenberg Laws and first segregate, then persecute the approximately 50,000 Jews of Italy.

### **Mandatory Community Membership Under Mussolini**

In 1930, after the advent of Fascism, the Italian government enacted a "Law Concerning the Organization of the Jewish Communities" in Italy. It followed on the heels of the Concordat, the agreement between the state and the Church that Mussolini signed with the Vatican in 1929, which established Catholicism as the state religion. Until 1987, this 1930 law, promulgated by the government of Benito Mussolini, remained the basis for the legal organization of the Italian Jewish community and its relationship with the state. Even though the law appears anachronistic and undemocratic, in retrospect, it did serve to unify the various Jewish communities within a single countrywide body. The law stipulated that by virtue of being both a Jew and a resident of the state, any Jew would perforce be considered a member of the Jewish community. It is not surprising that a Fascist-era law had anti-democratic features, particularly in its compulsory aspects, which aroused periodic controversy in the Jewish community. Community membership meant obligatory taxes, and some Italian Jews, like other Italians, prefer tax avoidance to communal responsibility.

### **Membership Becomes Voluntary**

In 1984, the Italian Constitutional Court, responding to the appeal of a Jew from Rome, held that the compulsory membership requirement was inconsistent with the principles of the Italian Constitution. That same year, Italy's Socialist prime minister, Bettino Craxi, signed an agreement with the Vatican which abrogated the special status of the Catholic religion as the official state religion, opening the door to a reevaluation of the status of the non-Catholic religious minorities within the state, including the Jews. Those two acts undermined the very foundations upon which the Jewish communities in Italy had operated and created a need to revise the entire law and reorganize the juridical status of Jewish communal life.

### **A New Agreement to Govern Italian Jewry**

The Italian Constitution states that all religions are equal before the law, all are free to organize in accordance with their laws, and the relations between them and the state are to be regulated according to bilateral agreements. On the basis of this section, an agreement was signed on 27 February 1987 between Prime Minister Craxi and the President of the Union of Italian Jewish Communities, Ms. Tullia Zevi, after protracted negotiations which reflected the demands which the Jewish institutions presented to the government.

The agreement covers all facets of the organization of Jewish life in Italy. Its first paragraphs establish the freedom of religion for the Jewish minority and their freedom of organization, according to the principles of the Italian Constitution. Subsequent sections deal with:

1) The religious organization of the communities and particularly the duty of the state regarding Jewish holidays and traditions.

2) Religious education in public schools and Hebrew schools.

3) The duties of the state regarding rabbis, marriage, synagogues, cemeteries, and preserving and supporting the Jewish cultural heritage.

4) The recognition by state institutions of the Jewish communities and their organizations, their spheres of activity, and their rights.

5) The financial relationship between the state and the Jewish institutions.

6) The rules for fulfillment of agreements between the state and the Jewish minority.

Under the agreement, individuals are free to join the community or not as they wish. As a result, the Jewish community is now a voluntary organization. Although membership in the community is no longer an obligation on all Jewish residents as it once was, all Jews currently enrolled in the community will automatically continue their formal membership unless they submit a written declaration of cancellation.

Members are required to pay an annual assessment.

Under the law of 1930, the government was required to oversee the communities, both administratively and financially. Under the new agreement, government ministries bear no such obligation. Today the state abstains from intervening in what takes place within the Jewish communities and allows the communities to organize freely.

The 1930 law governing the Jewish communities determined their exact regulation, their institutions, their prerogatives, and the size of their membership. The new agreement does not touch upon these issues at all. This is precisely what the Italian Constitution stipulated -- namely that religious communities are free to organize according to their own laws. In addition, the Jewish community is recognized by the 1987 agreement as a charitable and ethical organization which exists through the contributions of its members. With a view towards encouraging such contributions, the agreement stipulates that a contribution of up to approximately \$5,000 will be tax-free.

### **Protecting Jews' Rights of Observance**

An interesting innovation in the new agreement is the recognition accorded by the state to the right of Jews to observe a day of rest on the Sabbath. Jewish civil servants are free not to work on the Sabbath, obviously provided that their work environment will permit them to abstain and make up their work hours during the course of the week. This also applies to soldiers serving in the Italian army, who will be permitted to participate in services at the synagogue nearest their base, as well as to Jewish students who have to take their matriculation examinations in public schools. Other passages in the agreement set forth that Jews who so desire can take an oath with their heads covered and that the police are not permitted to enter the buildings of the Jewish community without prior coordination.

### **Religious Instruction in the Public Schools**

One of the most important points in the new agreement deals with religious instruction in the public schools. Until now, Catholic instruction was provided in all the public schools, since Catholicism was considered the state religion in accordance with the 1929 Concordat. Today the preferred status of Catholicism has been nullified and the state endeavors to inculcate "freedom of conscience and religion" within its schools. However, one must qualify this since for the moment, Catholic education persists in practice in the public schools. Yet now students may refuse to receive specific religious instruction and can refrain from participating in such lessons should their families so desire. In addition, students may request to receive Jewish instruction in public schools, but the maintenance of teachers for these subjects must be at the expense of the Jewish community.

### **Regulating the Rabbinate in a Homogeneous Community**

Another important section of the new agreement with the Italian government deals with the rabbinate and the regulation of Jewish religious life within the state. It determines that the individual communities, together with the Union of Italian Jewish Communities, are to finance the rabbis and that the Union is the body that will maintain the rabbinical seminaries and supervise rabbinic certification. This is especially noteworthy because it establishes a guiding principle for the religious and communal life of the Jews of Italy. Its consequence is that congregations cannot choose their own rabbis, but rather they are to be appointed from above. This means that in every city which has a Jewish population, there will be an institutionalized community with rabbis. Individuals may choose whether or not they want to receive the services of the local Jewish religious institutions, but they are not at liberty to establish separate institutions or to organize a synagogue with a rabbi who is not recognized by the local rabbinate.

However, this should be viewed in context. Italy does not possess those branches of Judaism that are familiar to other countries and the Jewish population is quite homogeneous in this respect. For this reason, the need to establish separate communities and synagogues has not arisen. Only recently, a small number of Lubavitcher Chassidim, who do not recognize the local authorities, arrived in the country, but the remainder of local Jewry identifies more or less with the existing institutions. Of course such a system would be inappropriate to other countries which have a varied and heterogeneous Jewish population. The democratic element in such a system finds expression in the fact that the secular authority is composed of community leaders elected by the public and they, at least theoretically, supervise the religious authority; they are the ones who appoint rabbis to various positions and supervise them.

### **Equality for All Religions**

The new agreement operates in a number of dimensions. The first is that of the state in a global sense and encompasses its system of laws and the theoretical trends which have shaped the way in which the state regards religion and minorities. Since 1930, Judaism was a tolerated, recognized religion, but could never be more than that in a state which had but one official religion and which recognized others as inferior minorities. In recent years the status of Catholicism as the sole established religion has been abrogated, and matters have tended in the direction of equality of rights between Catholicism and other religions. The state has been transformed from a religious to a secular one, at least theoretically.

### **Protecting Minority Rights**

The second dimension deals with the bi-directional relations between the state and the Jewish community. Accordingly, the state recognizes the rights of the Jewish minority and obligates itself to preserve them. These rights include freedom of

organization and recognition of the position of Jewish halakhic tradition on such matters as marriage, kashrut, ritual slaughter, Sabbath and festival observance. The state likewise obligates itself to provide certain services, such as education, although differences exist regarding the nature that public education should assume. Likewise, the agreement does not obligate the government to provide Jewish education for whomever should request it, but merely defines the right of a Jew not to receive any religious instruction whatsoever. Indeed, a certain gap already exists between the rights of Catholic and Jewish citizens, for in order to receive Jewish education, the latter must defray such expenses from their own pockets and maintain private Jewish schools. However, this is a problem typical of minorities.

#### The Next Steps

The third dimension addresses the internal dynamics within the Jewish community. The local community is to provide religious and educational services to its members. The members of the community are to elect a council, and both an executive committee and the president of the community are to be elected from this council. The local communities send representatives to a congress of the Union of Communities, which elects a council and a president of the congress. This is the national organization responsible for liaison between Italian Jews and the state's institutions of government. The congress is also charged with bolstering the cultural

tradition of Italian Jewry and furnishing religious and cultural services to the small communities which cannot provide for themselves.

A special congress of the Union of Italian Jewish Communities met in December 1987 in order to formulate a new constitutional structure for the organization of Italian Jewry. The congress elected a three-member Rabbinical Council with advisory authority in all spiritual and cultural matters. It was proposed, though not accepted, that the Rabbinical Council constitute a superior authority for appeal of any decision or activity of the Union institutions. This in effect was an attempt to return to the Jewish tradition that grants authority over the Jewish community to the rabbis.

All in all, and despite certain criticism, the new agreement resolves, even if only partially, a situation that had remained static since 1930, and adjusts it to the special religious and social reality that exists in Italy today. Clearly the agreement includes a certain number of gains. It now remains to be seen if it will be adopted by the appropriate institutions and how these institutions will implement it to the benefit of Jewish life in Italy.

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