

Index

African Empire, Italian, 6

racial laws as compared to those in Italy letter to Demorazza complaining of effects itself, 67-68 of Race Laws, 211-213 similarities and differences from domestic meeting with Antonio LePera regarding Race Italian Race Laws, 234-237 Laws, 214 African-Americans authors and publishers, Jewish comparison of resistance strategy to that of campaign against in Ferrara, 174-176 Italian Jews, 217 failure to obtain reparations for slavery and Badoglio Government, 19 Jim Crow erasa, 233 Bassani, Giorgio Alessandria as witness to anti-semitic behavior in report regarding Jewish economic activity Ferrara, 183 in, III Buffarini Guidi, Guido, 42 Almansi, Dante memorandum suggesting eventual interventions on behalf of Jews affected by separation of Jews from Italian society, 45 Race Laws, 210 business restrictions Amidah as applied to quasi-public entities, 80 activities of Jewish organizations qualifying as common provision of racial statutes, 236, as, 217 as synonym for nonviolent resistance, 199 competing influences on, 23 legal activities qualify as type of, 209 contribution of lawyers to, 62 whether activities of Italian Jewish enforced less stringently than "core" community qualify as, 205 provisions, 76 general approach of draftsmen to, 48 Ancona report regarding Jewish economic activity legislation regarding Jewish professionals, in, 112 Anselmi Commission, 233 legislative treatment of stock ownership for apartheid (South Africa), 6, 10 purposes of, 58 common features and differences from reasons for sometimes inconsistent Italian Race Laws, 234-237 enforcement of, 113-114 comparison of anti-apartheid movement secondary importance in Ferrara, 166 with resistance by Italian Jews, 217 statutory provisions, 47 comparison to Italian Race Laws, 70 treatment in norme di attuazione, 52-55

Ascoli, Aldo

261



262 Index

Calamandrei, Piero files reflect conflicts regarding mixed ambiguities in position of, 156 marriage issue, 25 evaluation of performance during Race files show reduced frequency of exemptions Laws, 155 granted, 18 role in Salvatore Fubini litigation, 208 need for more study of, 119 role of religion and morality in determining treatment of foreign exchange transaction, behavior, 236-238 104 charitable foundations **Deportations** Italian role in, 19 as recipients of transferred property, 95-97 transfers to foundations bearing Jewish doctors, Jewish partially successful litigation on behalf of, names, 100 charities, Jewish 207 as means of resisting the Race Laws, domestic servants (domestici) as interpreted in Invernizzi decision, 145 203-205 CLN (Comitato di Liberazione Nazionale), employed by Jews under Race Laws, 84-87 prohibition on Jews employing Aryan Committee of Italians of Jewish Religion, 221 domestics in Ferrara, 171, 176 Confiscation of Jewish property, 19 conflict of laws education, legal application to pension provisions, 92 role in preventing future holocausts, 239 as reflected in judicial decisions on mixed educational institution as core provision of Race Laws, 24 marriages, 142 Cons. Agr. Prov. Vercelli c. DeBenedetti, Educational institutions expulsion of Italian Jews from, 17 135 Consiglio di Stato EGELI (Ente Gestione e Liquidazione decision in usufruct case, 100 Immobiliare) Croce, Benedetto, 226 archives reflect confiscation of Jewish "cultural compensation," 233-234 property in Turin, 190 newspaper article criticizing handling of real DELASEM (Delegazione Assitenza Emigrati), estate confiscations and government response, 116 treatment of mortgages by, 53-55, 103 Demorazza (Race and Demography Office), 7, employment restrictions as expanding list of prohibited professions, administration of rules applied to Jewish 81-86 professionals, 78-84 as taking a stricter view of Race Laws than application of in Ferrara, 177-179 as "peripheral" provision of Race Laws, 24 other agencies, 78 behavior of not necessarily determined by institution of, 17 entertainment (spettacolo) anti-semitism, 237 clash with Finance and Corporations campaign against Jewish participation in ministries over stock corporations, Ferrara, 176 expansion of prohibited activites in, 81 composition and character of, 21 Ethiopia Italian invasion of, 15 concentration of power in, 164 conflict with tourism ministry over evasive transactions, 101 Jewish-owned hotels, 86 general approach of draftsmen to, 47-48 correspondence with Vatican on mixed legislative treatment of, 61 marriage issue, 42 letter by Judge Ricci to Ministry of Justice creation of, 17 regarding, 123-125 difference with Finance and Justice transfers of property as type of evasion, ministries regarding usufruct transactions, 93-101 Evola, Julius, 15



Index 263

Exempt status (discriminazione), 17 exemption (discrimination) as applied to Jewish professionals, 79 as applied to journalists and library employees, 79-80 exemption (discriminazione), 23 application of rules for allocating exemptions in Ferrara, 174 as applying to peripheral but not core provisions of Race Laws, 24 effect on possession of radios in Ferrara, 168 general structure of legislative provisons, limited benefit to Jewish professionals, 50 request from Vatican, 42 limited effectiveness of, 65 Falco c. Banco di Napoli, 133 Falco, Mario interventions on behalf of academics and street peddlers, 210 participation in Race Laws litigation, 208, Fascism rise to power and turn to anti-semitism, 15, differences from Nazism, 117 Ferrara administration and enforcement of Race Laws in, 162-187 historical background on city and Jewish community, 163 overall themes in application of Race Laws summary of lessons learned from study of Race Law archives in, 181 Finzi-Continis, The Garden of limitations of description of Race Laws in, Florence, Jewish community of, 215 foreign Jews (ebrei stranieri), 17 contradictory provisions applicable to, 93 pharmacies owned by, 83 relative absence in Ferrara, 166 treatment for purposes of pension rules, 92 Forti, Ugo interventions on behalf of Jews affected by Race Laws, 208-210 participation in Race Laws litigation, 208, 210 France, 75

Race Laws, 237 difficulty of obtaining reparations in, 233 Race Laws as differing from anti-semitic laws in, 73 Weisberg's theories about, 11 Fubini, Guido on continuity between Race Laws and earlier practices, 44 on differing orientations of Race Laws judges, 126 precedents to Race Laws noted by, 153 Fubini, Salvatore litigation following revocation of discriminato status, 208 Fuller, Lon L., 8 Galante Garrone, Alessandro, 157 Garden of the Finzi-Continis, The, 2 German occupation, 185-187 Germany, 76 comparison of governmental structure to Fascist Italy, 21 conclusions regarding German-Italian differences and reasons for them, 225-227 continuity in anti-semitic policies before and after German occupation, 185-187 difference in philosophy between German and Italian laws, 23 difference in philosophical approach as reflected in pension provisons, 50 differences from Italian legal regime, 6 German-Italian relationship, 3, 15 higher level of violence in, 18 institutional differences from Italy during Race Laws era, 159 Muller's theories about, 11 occupation of northern Italy, 75 reasons for German-Italian differences in severity of racial program, 117 role in Italian Holocaust, 19 giorno della memoria, 234 Goldstaub c. Societa' anonima infortuni, 136 Good Italian Myth (italiani brava gente), 2 as reflection of difference between history and memory, 75 conclusion regarding unconvincing nature of, 225-227 little support for in administrative record,

тт6

Goranic c. Vatta, 140

comparison of Vichy regime with Italian

comparison of Vichy and Salo' regimes, 9



264 Index

Hart, H.L.A., 8, 9
Holocaust, Italian
general description, 19–20
hotels and boarding houses, 86
hotels, Jewish-owned
enforcement of rules against in Ferrara,
169–171

Il Tevere (newspaper), 16
articles criticizing pace of real estate
confiscations and government response,
116
independent contractors, 88

independent contractors, 88 informers (delatori)

role in enforcement of stock corporation provisions, 111 significance for enforcement of business and

property rules, 106

Innocent spouses as theme in Race Laws correspondence, 41

"Italian model" of anti-semitism as basis for racial discrimination, 40 emphasis on religious and cultural factors in, 45

Race Laws as an example of, 72–74 institutional factors

role in preventing future holocausts, 238–239

Interlandi, Telesio, 16

Invernizzi, 144

Italian Communist Party (PCI), 218

Italian Jews

history of, 13-14

special features that affected response to Race Laws, 199–200

Italian Social Republic (RSI)

Italian Social Republic (RSI) role in Italian Holocaust, 19

Japanese-Americans

as recipients of reparation payments,

232

Jemolo, Arturo Carlo

ambiguities in position of, 156

comment on Falco case, 134

evaluation of performance during Race Laws by, 155

Laws Dy, 155

relationship with Mario Falco, 208 role of religion and morality in determining

behavior, 238

Jewish professionals

strategies for resisting the Race Laws, 206 Jim Crow Laws (United States), 6, 10 common features and differences from Italian Race Laws, 234–237 compared to Italian Race Laws, 69–70

Jona, 143

judiciary (magistratura)

evaluation of performance in Race Laws era,

general character of Fascist-era judiciary, 21 overall character in Fascist era, 151 role in interpreting Race Laws, 123 significance of structure in accounting for behavior during Race Laws, 240

kiddush ha-chaim (sanctification of life)
as synonym for nonviolent resistance,

199

La Difesa della Razza (journal), 16

Landra, Guido, 15

Lateran Treaties, 25, 44

and judicial decisions on mixed marriages,

as source of tension between Church and Italian Government, 70

conflict of law implications, 92

law and lawyers

significance for understanding behavior of perpretrators and victims in Race Laws and Holocaust eras, 227–231

lawyers, Jewish

strategies for responding to Race Laws, 209 legal philosophy

limitations in explaining behavior during Race Laws, 238

role in explaining Race Laws decisions, 153

legal positivism role in explaining Race Laws decisions, 153

LePera, Antonio

meeting with Aldo Ascoli regarding Race Laws, 214

Levi c. Societa' focolari automatici impianti termici e Ditta Colombo, 129

Levi, Primo

description of Turin Jewish life, 188

local studies application to different regions of Germany

and Italy during Nazi and Fascist periods,

significance for determining interplay of local and national factors, 181

value of in studying Nazi and Fascist regimes, 161–162



Index 265

Maglione, Luigi Cardinal, 41 Manifesto of the Racial Scientists, 17, 22 Martinotti c. Segre, 146 Matteoli' Report (France), 233	Norme di Attuazione (Rules of Application), 52–58 treatment of evasive transfers, 95 Nuremberg Laws, 75
Ministry of Finance clash with Demorazza over stock corporations, 107–113	Italian model as emphasizing religion rather than race as in, 45 Race Laws as independent project rather
conflict with other agencies over pension	than Italian version of, 74
rules, 91	Nuremberg Laws (Germany), 9 differences from Italian laws in definition of
difference with Demorazza regarding usufruct transactions, 98	Jew, 35, 40
response to proposed 1940 amendments,	effect on Race Laws, 67
114	parallels to Italian laws in definition of Jew,
Treatment of stock ownership by, 57	28
mixed marriages, 2 as core provision of Race Laws, 24	pension benefits
Church's attitude toward, 22	administrative interpretation by Demorazza
correspondence between Vatican and	and other agencies, 88–92
Demorazza regarding, 42	judicial decisions concerning, 132-137
enforcement of rules against in Ferrara,	legislative provisions pertaining to, 50–52
173–174, 181 in Italian colonies as compared to mainland,	Peretti-Griva, Judge Domenico Riccardo ambiguities in position of, 156
68	evaluation of performance during Race
in United States (Jim Crow Laws) and Italy,	Laws, 154
69	presiding judge in Rosso c. Artom, 126
judicial decisions regarding, 142 prohibition of, 17	role of religion and morality in determining behavior, 238
prohibition of as common feature of racial	significance of decision in Rosso c. Artom,
statutes, 235	152, 154
mortgages	pharmacies, Jewish-owned
use as potential evasion technique,	treatment by Demorazza, 81–83
101–103 Moscati c. Cassa Depositi e Prestiti,	Piedmont (Piemonte) special character of judiciary in, 151, 152
134	Polli c. Gugenheim, 130
Muller, Ingo, 11	positivism, legal, 9
contrast of Italian to German philosophy	Prato, Rabbi David, 221
described by, 142	Preziosi, Giovanni, 16
relevance of theories to Italy, 21 Mussolini, Benito	role under Salo' Government, 19 professionals, Jewish
authority over racial designations, 18	administrative treatment of cases involving,
imposes racial laws, 1	78–84
letters from Italian Jews, 219–222	propaganda, anti-semitic
letters from ordinary Italians regarding the	examples in Ferrara and other cities, 183
Race Laws, 193–195 office called to resolve pension	property restrictions, 2 allocation of real estate for purposes of, 55
interpretation issue, 91	application of in Ferrara, 178
opinion sought on proposed exchange	as "peripheral" provision of Race Laws, 24
transaction, 104	as common provision of racial statutes, 236, 238
natural law, 8	contribution of lawyers to, 62
role in explaining Race Laws decisions,	enforced less stringently than "core" provisions, 76



266 Index

property restrictions (cont.) evasive transactions under the, 58-61 general approach of draftsmen to, 45-46 institution of, 17 reasons for sometimes inconsistent enforcement of, 116 relative laxness of enforcement of, 18 statutory provisions pertaining to real property, 47 transfers of property as way of avoding, 95 treatment in norme di attuazione, 53 treatment of mortgages for purposes of, treatment of real property exchanges, 104 treatment of real property mortgages, 101-113 Provisions for the Defense of the Italian Race, т8 Radbruch, Gustav, 8 restrictions on Jewish possession in Ferrara, railway and tram workers treatment under pension provisions, 89-91 Ravenna, Renzo as Fascist podesta' of Ferrara, 165 religion role in preventing future holocausts, 239 Rende, Prof. Domenico article on mixed marriage decisions, 139, 151 Repubblica Sociale Italiana (RSI) (Salo' Government) continuity of policies with previous regime, resistance and collaboration, general ambiguities as expressed in behavior of key legal figures, 156 difference between reality and mythology as reflected at a local level, 196 difficulty of drawing line between, 21 factors accounting for in Germany and Italy, 191-193 in Turin and Piedmont, 187-191 previous studies in Germany and Italy, role of Jews in national resistance organizations, 219 summary of factors accounting for differences in behavior, 237-240

resistance and collaboration, Jewish discussion by scholars outside of Italy, 197-199 effect of legal categories on, 229 in general, 197-224 special features of the Italian situation, 199-201 varying responses as reflected in Segreteria letters, 219-222 restitution and reparations difficulty of obtaining in Italy and other countries, 231-234 Roman Catholic Church anti-semitism in pre-modern period, 14 attitude toward mixed marriages, 22, 25 attitude toward mixed marriages as influencing judicial decisions, 142 conservative circles in, 16 evaluation of effect on Race Laws, 71 response to Holocaust, 3 Roman Law (diritto romano), 12 as argument for restricting Race Laws, 152 Rome, Jewish community of archives describe careful but persistent resistance efforts, 216 charitable and welfare efforts undertaken by, 204 Rosso c. Artom, 126-128 significance of decision in, 152 schools, Jewish as means of resisting the Race Laws, 201-203 Segreteria Particolare del Duce letter from Italian Jews, 219-222 letters from ordinary Italians show range of responses to Race Laws, 193-195 Societa' Vigano' c. Gasviner, 135 Soviet Union comparison of governmental structure to Fascist Italy, 21 differences from Italian legal regime, 6 Spanish Civil War, 15

unsatisfactory nature of distinction, 149



Index 267

supply contracts, 88 Tacchi Venturi, Father Pietro, 41, 42 telephone directory elimination of Jewish names in Ferrara, 180 "total mobilization" of Jewish labor (proposal), 19 Trieste evasive transactions and informers in, 106 study of Race Laws in, 191 Turin (Torino) application of Race Laws in and differences from Ferrara, 187-190 disproportionate number of skeptical cases decided in, 147 emancipation of Jews in, 14 evasive transactions and informers in, 106 special characteristics of Jewish community Turin Court of Appeals and interpretation of Race Laws, 128 Tuscany study of Race Laws in, 191

UCII (Unione delle Comunita' Ebraiche Italiane)
Interventions on behalf of Jews affected by Race Laws, 207, 215
usufruct (usufrutto) transactions treatment by Demorazza and other agencies, Valabrega & Cerrutti (judicial decision), 139 Vatican correspondence with Demorazza on mixed marriage issue, 42 evaluation of effect on Race Laws, 70-71 influence on final draft of Race Laws, 43 victim testimonies importance in evaluating issue of Jewish behavior, 224 violence, anti-semitic outbreaks in Ferrara and other cities, 182-183 Weisberg, Richard, 11 relevance of theories to Italy, 21, "who is a Jew", 23 consideration in legislative history of Race Laws, 40

and post-1943 policies, 186

application of rules for determining in

work brigades (precettazione al lavoro), 19

as demonstrating continuity between pre-

significance for determining Mussolini's

Ferrara, 174