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ITALIAN STATE ARCHIVES: STRUCTURES, PURPOSE, USE, ACCESS – THE LEGISLATION FRAME IN RELATION TO THE AUTONOMY OF ARCHIVES

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Izlaganje sa znanstvenog skupa

Talijanski državni arhivi su sektor javne uprave posebno odgovorni za zaštitu i obradu pisanog povijesnog gradiva. Njihova evolucija se događala korak po korak, uporedo s razvojem moderne države, sve do suvremene spoznaje da gradivo ima bitnu vrijednost ne samo kao produkt administrativne mašinerije, već također i kao kulturna baština koja pripada i služi zajednici u cjelini.

Državni arhivi pohranjuju koncentriranu masu materijala koji čini povijesne dokumente države. U prvoj polovici 19. stoljeća u raznim talijanskim gradovima počelo je stvaranje arhivskih spremišta namijenjenih da za budućnost sačuvaju ogromne količine papirnatih dokumenata, koji se više ne koriste u praktične svrhe, s čime se nastavilo napose u drugoj polovici stoljeća. Skoro su sva od tih ranih spremišta bila smještena u centrima, gdje su radom lokalnih i središnjih ureda političkih tijela i institucija nastale najveće količine dokumenata i gdje su već ranije bile poduzete mjere da se koncentrira određeni dio arhivskog materijala. Arhivi koji su dominirali Italijom tijekom 19. stoljeća bili su smješteni u gradovima kao što su Torino, Đenova, Milano, Vencija, Mantova, Firenca, Luka, Sijena, Pisa, Parma, Modena, Bologna, Rim, Napulj i Palermo. U većini slučajeva, ti su gradovi zapravo bili glavni gradovi kraljevstava, republika, vojvodstava i drugih političkih jedinica koje su posto-

jale prije nacionalnog ujedinjenja. Neka se od tih spremišta i danas smatraju najvažnijim talijanskim državnim arhivima, i to ne samo zbog količine materijala kojeg pohranjuju. Ona sva tvore vanjsku strukturu Središnje arhivske administracije.

Inicijalno organizirani pod kontrolom glavnog ravnateljstva Ministarstva unutarnjih poslova, arhivi su potom prebačeni u novoosnovano Ministarstvo za kulturna i ambijentalna dobra (osnovano zakonom br. 657 od 14.12.1974. i zakonom br. 5 od 21.1.1975) i stavljeni pod kontrolu Središnjeg ureda za arhivska dobra (predsjednički dekret br. 805 od 3.12.1975). Središnji ured arhivima dodjeljuje sredstva potrebna za rukovođenje i funkcioniranje vezano za specifične postavljene zadaće koje treba obaviti tijekom financijske godine.

U biti, sektor u cjelini još uvijek reguliraju odredbe predsjedničkog dekreta br. 1409, čl. 1 od 30.9.1963, kojim se državnim arhivima dodjeljuje zadaća čuvanja gradiva talijanskih država koje su postojale prije nacionalnog ujedinjenja, gradiva tijela državne administracije i sudstva koje više nije potrebno za tekuće poslovanje i sveg ostalog arhivskog i individualnog gradiva u vlasništvu države ili deponiranog kod države koje se čuva u skladu s talijanskim zakonom ili po nekom drugom pravnom temelju. Iznimke od ovog pravila su date arhivima Parlamenta i Senata (određeno zakonom br. 147 od 3.2.1971), povijesnom arhivu Ministarstva vanjskih poslova (koji je utemeljen kao poseban ured 1902. i stavljen pod kontrolu Službe za povijesno gradivo i dokumentaciju Ministarstva predsjedničkim dekretom br. 18 od 5.1.1967), te vojnim arhivima koje čuvaju povijesni odjeli pojedinih grana oružanih snaga.

The Italian State archives are the sector of public administration specifically responsible for the preservation and orderly arrangement of written historical records. Their evolution has proceeded step by step with the development of the modern state right up to the present-day recognition that records possess intrinsic value not solely as products of the administrative machinery but also as items of cultural heritage belonging to and serving the community as a whole.

The state archives house the concentrated bulk of material constituting the historical records of the state. The creation of archival repositories designed to preserve huge quantities of paper-based records no longer possessing any practical utility for posterity began as early as the first half of the 19th century in various Italian cities and developed above in all the second.

Nearly all of these early repositories were set up in centers where the largest quantities of documentation were produced by the central and local offices of political and institutional bodies, and where steps had previously been taken to concentrate some portion of archival material. The archives dominating the Italian scene during the 19th century were located in such cities as Turin, Genoa, Milan, Venice, Mantua,

Florence, Lucca, Siena, Pisa, Parma, Modena, Bologna, Rome, Naples and Palermo. In most cases, these cities had in fact constituted the capitals of the kingdoms, republics, duchies and other political units existing prior to national unification. Some of these repositories are still regarded today as among the most important Italian state archives, and not only by virtue of the amount of material they hold. They all constitute peripheral structures of the Central Archives Administration.

Italy's Archives Administration is today a complex structured system of central and local bodies. It comprises 100 state archives located in provincial capitals, the Central State Archives, i.e. the national archives holding records from the national unification (1861) on, 40 archival departments each located in a town that is not a provincial capital but endowed with its own historical significance, 20 archival superintendencies, one for each region, to supervise private and non-state archives, and a reprography, binding and restoration centre.

Exemption from archival provisions is granted to the archives of the Chamber of Deputies and the Senate of the Republic (set up by law 147 of 3.2.1971), the historical archives of the Foreign Ministry (set up as a separate office in 1902 and placed under the control of the Historical Records and Documentation Service of the Ministry by presidential decree n. 18 of 5.1.1967) and the military archives held by the historical departments of the individual branches of the armed forces.

These institutions are placed under the control and management of the *Ufficio Centrale per i beni archivistici* (Central Bureau of Archives) in accordance with presidential decree n. 805 of 3.12.1975).

Italy's archival organization is thus of a centralized nature, as all of the units come under the control of a single central directorate. There is, however, also an element of administrative decentralization in that the archives are spread out all over national territory.

The present condition of Italian archives and Italy's Archives Administration as a whole is thus the result of a long and complex history spanning over a century since national unification.

Once Italian unification had been achieved, great importance was immediately attached to the question of archives, i.e. whether they should be placed under the jurisdiction of the ministry of education or the ministry of the interior. This was obviously no minor issue, as it regarded the very significance to be attributed to the role performed by the state archives.

In 1870 a special commission chaired by Cibrario passed its judgement on this dilemma, proposing that the archives should come under the ministry of education and stressing their broad function as custodians of the nation's written historical documentation. Attention was thus focused on the inherent cultural value of their exist-

tence in that the decisive tool for the preservation and utilization of archival material was identified in the cultural sector.

Jurisdiction over archives had indeed been included among the responsibilities of the ministry of education in advanced areas such as the Grand Duchy of Tuscany, where illustrious figures like Francesco Bonanni and Salvatore Bongi had worked or were still employed, while the ministry of the interior was instead assigned jurisdiction in various other pre-unification states.

This explains the continuation until 1875 of the bizarre situation whereby responsibility for archives was divided between the ministries of education and the interior, with some major institutions administered by one and some by the other.

A few years after the Cibrario committee completed its work, however, the terms of the question were suddenly reversed.

Defence against the dangers still threatening the newly won national unity was the spur that drove the minister of the interior, Cantelli, who was at the time also minister of education, to commit what has been ironically described as "bag-snatching", a coup de main or a surprise attack to place all the archives under the control of the ministry of the interior. In that period, this was the ministry that most typified the very essence of the extremely rigid centralization of the Italian state as it closed ranks to defend itself against the threats of as yet untamed clericalism, the shadows of emerging anarchism, and all the other dangers facing a fragile and insecure state.

It must, however, be stressed that during the century (until 1975) in which the state archives remained under the jurisdiction of the ministry of the interior, many provisions were introduced to ensure the special dignity, protection and cultural autonomy of the institutions themselves and the personnel employed there. Suffice it to recall that the supreme administrative organ was the *Consiglio superiore degli Archivi*. Partially elective in its last few years and chaired by the minister, this committee was composed of archivists and representatives of prestigious academies and cultural institutions as well as illustrious specialists in the archival disciplines. Its vast and complex responsibilities even extended to personnel, who were thus not subjected to the control of the ministry's administrative organs.

The law of 1963 on archives, which still remains the fundamental legislation in force, succeeded in dispensing with a mass of antiquated and fragmentary provisions scattered over a whole range of different laws, and in harnessing the experience, studies and tradition of the Italian Archives Administration.

It was not until 1975 that the archives entered the orbit of the new *Ministero per i beni culturali e ambientali* or ministry of cultural and environmental heritage, originally created for the fine arts and libraries. On that occasion claims were put forward rightly or wrongly, it is not for me to say – for autonomy and scientific self-go-

vernment to crown the dream cherished for so many decades by a large proportion of Italian archivists, who wished to see the archives organized on a scientific rather than bureaucratic basis.

Archives thus came under the new ministry as part of the cultural heritage on the same footing as historical, artistic, archaeological, monumental and library materials. This constituted recognition of the archival item, whose peculiar characteristic lies in the fact that it is a cultural heritage item precisely because it begins life as something quite different, namely documentation created for practical, concrete purposes.

When responsibility for archives administration was transferred from the ministry of the interior to the ministry of cultural heritage, the former did, however, retain authority in a few crucial areas. I refer to decree n. 854 of 1975, which places a special inspectorate of the ministry of the interior in charge of archival documents that are not freely accessible to the general public, i.e. of issuing permits for access to confidential records held in the archives.

In recent years this fact played an unquestionably negative role with respect to accessibility in that directors of state archives can only give or withhold their approval, and the final decision is not taken by the ministry of cultural heritage. The situation was very different when the archives came under a specific directorate of the ministry of the interior, and responsibility for all such decisions was assigned to the *Giunta degli Archivi*, an offspring of the highest consultative body operating in archives administration, namely the *Consiglio superiore degli archivi*. Decisions were then taken on exclusively cultural and not merely bureaucratic grounds.

After numerous clashes between the two ministries, and as a result of the frequent complaints voiced by scholars and historians in particular on finding themselves arbitrarily denied the right to consult contemporary sources, considerable progress has been achieved thanks to the advent of a centre-left government and the presence in 1998 of a ministry of the interior belonging to the *Partito Democratico della Sinistra* (Democratic Party of the Left). Since July 1998 a consultative committee has been operating at the ministry of the interior's *Ispettorato centrale dei servizi archivistici* with responsibility for approval and, in the final analysis, for taking decisions on applications for access. This commission, which was initially created by simple ministerial decree but then incorporated within the text of legislative decree n. 281 of 30.7.1999, n. 281, consists of the prefect inspector of the ministry of the interior, the superintendent of the Central State Archives, a historian, and a representative of the *Garante della privacy* (Authority for Privacy, set up by law 675/96).

This therefore constitutes a considerable step forward with respect to the provisions of law 854/75 in that every decision taken with respect to the accessibility of confidential records held in archives is the result of a broad vision of the interests in-

volved. The aim is to make records available while reconciling the different requirements represented both by the world of research and the right to study and information, which are solidly grounded in the Italian constitution, and by the similarly enshrined right to the protection of personal data.

Over the last few years, Italian legislation has introduced fundamental measures with a view to regulating access to records. An element peculiar to this sphere is the distinction made between the right of access for administrative purposes, i.e. access to current records, and the right of access to material held in archives for purposes of study. Law n. 241 of 7 August 1991 grants the citizen the possibility of access to ongoing administrative proceedings in cases where the individual has a direct interest in viewing the relevant records. The individual branches of public administration are empowered to decide internally on the types of documentation to be excluded from access.

The law on archives asserts the principle that all persons, regardless of nationality, are entitled to free access to the archival repositories, the only restriction being the fifty-year limit on confidential records regarding the safeguarding and security of the democratic state, and those regarding purely private matters in accordance with the distinction between records regarding political, religious and other decisions of similar types, which become freely accessible after 40 years, and those regarding the sexual sphere, health and particular family circumstances, which become accessible after 70 years.

With a view to the concrete implementation of the right of access to records held in state archives, a large-scale inventory campaign is now under way, also with the use of information technology. It is clear that there is no real access if reading rooms do not provide users with suitable finding aids and the information desired can only be obtained through the intervention of an archivist.

This is the line of approach adopted in the plans of the *Ufficio centrale per i beni archivistici* to place the *Guida Generale degli Archivi di Stato Italiani* on the Internet site of the Archives Administration together with the inventories of the national heritage preserved in the state archives.

With regard to the activities carried out by the Archives Administration, it should be borne in mind that this is a branch of the broader Administration of Cultural Heritage, expanded as from November 1998 to encompass also cultural activities (cinema, theatre and sport). In accordance with the legislation that has developed from legislative decree n. 29 of 3 February 1993 and subsequent modifications, including law 80/98, it is the political authority in Italy that sets the objectives to be pursued by the entire ministerial machinery through its central and local structures. In the case of archives, this means that it is the minister of cultural heritage and activities who identifies and specifies the targets of administrative action, while the di-

rector general is responsible for pursuing these goals and selecting the requisite means.

It is thus the ministry cabinet that sets the overall budget and allocates financial resources to the operative structures. In the archival sector, these resources are allocated to the *Ufficio centrale per i beni archivistici*, which draws up an annual plan of general expenditure for each individual body (archives, superintendency, etc.) on the basis of the requests submitted. In addition to the resources supplied through ordinary funding, extraordinary funds are also made available for certain categories of expenditure by special laws or out of the revenues earned by state lotteries, etc.

The constant centralized monitoring of local bodies serves to determine whether the operations carried out are actually in line with the objectives laid down by the minister. The autonomy enjoyed by the Italian archives lies essentially in the fact that they can exercise discretionary powers of initiative as regards the methods and means adopted in order to pursue the set goals. Concrete high-level success in achieving the objectives set by the political authority is the result of skilful management and control.

While we cannot speak of autonomy in the full sense of the term, the archives do, however, see their powers of cultural initiative constantly growing along the channels laid down by the minister.

Moreover the recent reorganization of the ministry and subsequent introduction of new statutory regulations now being approved also provide for the fullest operative, financial and cultural autonomy for certain major state archives and the Central State Archives in order to enhance their functionality and efficiency. As laid down by law 368/98, a central archives institute (*Istituto centrale degli archivi*) will be set up to draft guidelines for cataloguing, the application of international descriptive standards, the drawing up of standards, and the study of information technologies in the field of archival science.

In concrete terms, the bodies granted autonomy will be endowed by law with their own budget and management committee as well as an overall structure that is not linked to the local organs of the ministry.

They will thus be able to establish external relations with national and international bodies, within the sphere of their responsibilities, and identify services and activities that may involve an increase in their budgets.

Both the bodies granted autonomy and those still subjected to control will therefore be called upon increasingly to display managerial skills capable of ensuring not only the visibility of the elements of the archives administration but also the efficiency and effectiveness of the services they provide.