

The 1921 Malta Constitution

**Joseph De Piro's contributions
towards the Religion and Language(s) Issues**

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Presentation

The Servant of God, Joseph De Piro was totally dedicated to the Church in Malta, but he also contributed greatly towards the socio-political-economic aspect of his country. He did this in a special way by his participation in the *National Assembly* and its *Commission* between 1918 and 1921; Joseph De Piro was heavily involved in the discussions about the place of *Religion* and the *Language(s)* in the 1921 Constitution for Malta. He did this because he was convinced that the *Catholic Religion* was entrenched in the hearts and minds of the Maltese people and he was as much sure that their *Language(s)* formed an intrinsic part of their culture. Although Joseph De Piro never used these words, we can be assured of his conviction that the *Roman Catholic Apostolic Religion* and the *Language(s)* were an integral part of the Maltese identity; they were engraved in the DNA of the Maltese people.

The Servant of God was never opposed to the freedom of religion and never suggested that other Christian denominations should not be allowed to practice their beliefs. Also, while accepting that the Italian and English languages could be used in Parliament, he insisted that members of Parliament who preferred to speak Maltese, had the right to do so.

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30th April 2021

The Centenary of the Proclamation of the Malta Constitution

Introduction

The 1918-1921 National Assembly, its Commission and its two Sub Commissions

In 1835 the British had granted Malta a Council of Government, but the executive power rested with the British Government.¹ Only in 1918 this same Council presented no less than seven petitions to the British Government requesting a new constitution for the Maltese islands.² On 23rd November 1918 Dr Filippo Sceberras offered to help draft a constitution, so that Malta could at least be given full political and administrative autonomy.³ An appeal was made to all the Maltese “*constituted bodies*” inviting them to send delegates to participate in a National Assembly.⁴

The National Assembly was composed of 272 members.⁵ The Metropolitan Chapter of the Cathedral of Malta nominated four of its members. **The Servant of God, Joseph De Piro** was the first of these Canons.⁶

1 C. Bonavia, *Stamps marking Malta's constitutional development*, in *The Sunday times of Malta* (4/12/2011), 59-60.

2 Cf H. Frendo, *Party Politics in a Fortress Colony: The Malta Experience*, Malta 1979, 170. Cf also Ch.J. Scicluna, *Religion and the 1921 Malta Constitution: Genesis and Implications*, Malta 2019, 54-55.

3 In 1832, Filippo's grandfather, Camillo Sceberras, had already, given birth to the Maltese movement that wanted more participation in the government of its own country (Cf R.F. Farrugia Randon, *Sir Filippo Sceberras: His Life and Times*, Malta 1994, 1. Cf also J. Bezzina, *L-Istorja tal-Knisja f'Malta*, Malta 2002, 191. Cf also Malta Government, *L'Assemblea Nazionale di Malta, 25 Febbraio 1919 – 27 Maggio 1921*, Malta 1923, 5-6, 109. Cf also J.J. Cremona, *An Outline of the Constitutional Development of Malta Under British Rule*, Malta 1963, 21. Cf also J. Pirota, *L-Istorja Kostituzzjonali u l-Isfond Storiku (1800-1942)*, Malta 2005, 117).

4 Cf Malta Government, *L'Assemblea Nazionale di Malta*, 6. Cf also J.M. Pirota, *L-Istorja Kostituzzjonali u l-Isfond Storiku (1800-1942)*, Malta 2005, 117.

5 Cf Malta Government, *L'Assemblea Nazionale di Malta*, 5-6, 9-14.

6 Cf *Ibid*, 9.

The first session of the National Assembly was held on the 25th February 1919, and the second session on the 7th June of that same year.⁷ During the second session the members agreed to form a Commission made up of representatives from each important Maltese association present in the Assembly.⁸ Fourteen members were chosen, together with the President of the Assembly, to form this Commission.⁹ Joseph De Piro, Coadjutor Dean of the Cathedral Chapter, was chosen to take part in this Commission.¹⁰ During this second meeting of the Assembly the members agreed to start work on a draft Constitution.¹¹ The 7th June 1919 is infamous for another event; an upheaval occurred outside the building of the *Giovine Malta*, Valletta, where the Assembly was meeting. This disturbance is recorded in Maltese history as the *Sette Giugno Riots*. The session of the Assembly was suspended.¹²

The Commission set up by the National Assembly held its first session on the 23rd June 1919. On this day it was decided that a three-member 1st Sub Commission be formed to prepare a draft Constitution.¹³ All other members of the Commission retained the right to present their own draft versions of the Constitution. **The Servant of God** did not form part of this 1st Sub Commission.¹⁴

On 17th June 1920, during the ninth session of the Commission, the 2nd Sub Commission was formed. This was tasked with the job of studying in detail a ministerial dispatch, a draft Constitution and other documents published the day before in the Maltese Government Gazette.¹⁵ Once again Joseph De Piro did not take part in this 2nd Sub Commission.¹⁶

7 Cf Ibid, 8, 28-37.

8 Cf Ibid, 35. Cf also J.M. Pirota, *L-Istorja Kostituzzjonali u l-Isfond Storiku (1800-1942)*, 122.

9 Cf Malta Government, *L'Assemblea Nazionale di Malta*, 35.

10 Cf Ibid, 110. De Piro was not present at the first meeting of the Commission (Cf Ibid, 109). He explained his absence during the 2nd meeting (Cf Ibid, 110).

11 Cf Ibid, 109-110.

12 Cf Ibid, 37.

13 Cf Ibid, 109.

14 Cf Ibid, 110.

15 Cf Ibid, 181.

16 Cf Ibid, 178.

The National Assembly met a total of five times and the Commission had fourteen meetings.¹⁷ These meetings implied long hours of discussions, for which De Piro was always present, with the exception of the first and thirteenth meetings of the Commission.¹⁸ This commitment is already proof of the love for his country.

De Piro actively participated at these seventeen meetings. Apart from these meetings, De Piro also attended ordinary and extraordinary meetings of the Cathedral Chapter to discuss and prepare the material presented at the Assembly and the Commission. Often, he was required to carry out his own research work to support the Chapter's convictions.¹⁹

Joseph De Piro always participated at the meetings with an open mind; he was only interested in the good of the nation and did not seek to impose his own ideas. At the conclusion of each meeting, he had to brief the other Canons, creating more work for him.²⁰

De Piro addressed the Assembly and the Commission about a variety of topics, but his chief contributions were related to Religion and the Language(s) in the Maltese Constitution.

17 Cf Ibid, 271-275.

18 Cf Ibid, 19-106, 110-227.

19 Cf De Piro Archives, *Mons Guzeppi De Piro: Dekan*, 133-138.

20 Cf Ibid.

Phase 1

The Maltese work on their own for a constitution

The first meetings of the National Assembly, its Commission and the 1st Sub Commission.

25/02/1919: National Assembly - First meeting

The first meeting of the National Assembly was held at the *Giovine Malta*, Valletta.²¹ There were 208 delegates present.²²

These “constituted bodies” made part of the National Assembly:

- the Cathedral Chapters of Malta and Gozo;
- the parish priests of Malta and Gozo;
- all the canonical collegiate;
- the press;
- the nobles;
- the lawyers;
- the notaries;
- the legal procurators;
- the medical profession;
- the chemical pharmacists;
- the civil engineers;
- the University students;
- the Chamber of Commerce;

21 Cf Malta Government, *L'Assemblea Nazionale di Malta* 7, 19.

22 Cf Ibid, 19-20.

- the Agrarian Society;
- the Arts, Manufacture and Commerce Society;
- the historical, scientific, literary and political societies;
- the crafts and labour unions;
- all the philharmonic and philodramatic societies of both islands.²³

Dr Filippo Sceberras was chosen as president of the National Assembly, and Dr Enrico Mizzi as secretary.²⁴

Two resolutions were put forward, one by Sceberras and a second one by the *Comitato Patriottico* led by Mgr Ignatio Panzavecchia. Sceberras withdrew his resolution and Dr Augusto Bartolo, an anglophone and owner of the paper *Malta Chronicle*, initially objected to Panzavecchia's proposal, but later withdrew his objection. The members agreed on the proposal presented by the *Comitato Patriottico*²⁵:

- remembering the glorious historical and political past of these islands;
- deploring the violation of the conditions related to the protection of the islands by the British;
- approving all the protestations made by the Maltese during the British rule;
- confirming the natural and historical right of the Maltese to have a government worthy of its race and civilisation;
- in conformity with the principles of Liberty and Nationality, proclaimed and defended by the United Nations;
- remembering the principles of liberty and justice which had been the soul of the British Constitution since times immemorial;
- making reference again to the solemn promise made by the British Crown in the speech to President Wilson on 28th December 1918, to apply in all the world the above mentioned constitutional and democratic principles;
- **respectfully ask His Majesty the King a form of government responding to the abovementioned principles, in a way that, as regards the local aspect, the Maltese Nation is assured a full political and administrative autonomy;** and

23 Cf Ibid, 9-14.

24 Cf Ibid, 20.

25 Panzavecchia's party.

- ask the President of the National Assembly to transmit this resolution and the list of the Assembly members to the British Government, empowering him to recall the Assembly after receiving a reply from the Imperial Government.²⁶

The National Assembly adjourned until it would have an answer from the British Government.²⁷

It was therefore clear that in the proposal of Panzavecchia there was already reference to the distinction between local and imperial elements, but there was not even any hinting to any specific issue such as religion and the language(s).

20/05/1919: The Colonial Office to Dr F. Sceberras

In a letter dated 20th May 1919, the Colonial Office, through the Leut., Gov., W.C.F. Robertson, the Officer Administering the Government, informed Dr Filippo Sceberras that instructions had been imparted to the new Governor of Malta, Field-Marshal Lord Herbert Plumer, to find out, on his arrival on the Island, how far it would be possible to grant the Maltese people a larger share in the government, without prejudicing Imperial interests.²⁸

Again, there is already some hint about the distinction between Imperial interests and the Islands' ones.

07/06/1919: National Assembly - Second meeting.

Held at the Giovine Malta, Valletta.²⁹ 193 members attended.³⁰ During the second session of the National Assembly, Dr Salvatore Borg Olivier proposed that:

- the requests made to the British Government in the first meeting of the National Assembly be confirmed;
- the National Assembly form a Commission to prepare a draft Constitution.³¹

26 Cf Malta Government, *L'Assemblea Nazionale di Malta*, 26-27.

27 Cf Ibid, 19-27.

28 Cf Ibid, 29.

29 Cf Ibid, 28.

30 Cf Ibid.

31 Cf Ibid, 34-35.

The Servant of God, Joseph De Piro:

- seconded Borg Olivier's proposal about the formation of the Commission;
- suggested that this Commission would be under the presidency of Dr Filippo Sciberras;
- proposed that when the new Governor arrives in Malta, this Commission would present him the real situation of Malta, and discuss with him the general lines of a Constitution for the Maltese islands.³²

The Commission was set up. It was made up of fourteen delegates representing the other members of the National Assembly, mainly the professional classes, the counsellors, the clergy and the I.G.W.U.³³ **Joseph De Piro** was one of them.³⁴

It's true: Joseph De Piro represented the Cathedral Chapter and therefore in his interventions in the National Assembly and its Commission he was transmitting the convictions of the Chapter. But those were also his own beliefs. Here in this 2nd meeting of the National Assembly one can say that he greatly believed in the formation of the Commission ... and therefore the need of a constitution for Malta.

07-09/06/1919: Sette Giugno Riots

During the 7th, 8th and 9th June 1919, three tragic days in Malta's history, **Joseph De Piro**, with another five, worked tirelessly for the promotion of justice:

Saturday, 7th June: in favour of the unemployed and the other poor Maltese;³⁵

Sunday, 8th June: again, in favour of the unemployed and the other poor Maltese;³⁶

Monday, 9th June: in favour of the Church and especially the Archbishop.³⁷

10/6/1919: Governor Field-Marshal Lord H. Plumer arrives in Malta

Since before the 1919 *Sette Giugno Riots*, at the Colonial Office, London, officials had been of the opinion that Malta had to be given a responsible

32 Cf Ibid, 36-37.

33 Cf P. Bartolo, *X'Kien Gara sew fis-Sette Giugno*, Malta 2019, 296.

34 Cf Ibid, 35-36.

35 Cf T. Sciberras, *Joseph De Piro: A Love for the Church, His Country, the Poor and the Missions*, Malta 2016, 198-203.

36 Cf Ibid, 203-208.

37 Cf Ibid, 208-210.

government. The Undersecretary, Lewis Amery, had suggested that a Commission be created to study the possibility of a constitution for Malta.

Field-Marshal, Lord Herbert Plumer, the new Governor, arrived in Malta three days after the *Sette Giugno Riots*. The English government had decided that the new Governor should first assess the situation in Malta and then decide.

Unlike Lord Methuen, his predecessor,³⁸ Lord Plumer wanted to be close to the Maltese and feel their heart beat.³⁹ On the same day he arrived in Malta, he met a delegation from the National Assembly,⁴⁰ and, after corresponding by mail with the Imperial Government Workers Union, he met with the Union's committee on 18th December 1919.⁴¹

23/06/1919: Commission - First meeting

This first meeting of the Commission was held in Casa Briffa Brincati, 83 Strada Mercanti, Valletta.⁴²

In the Commission's first meeting Dr Filippo Sceberras was chosen as president of the Commission and Dr Enrico Mizzi was chosen as secretary.⁴³

A Sub Commission, composed of Dr Andrea Pullicino, Dr Enrico Mizzi and the Legal Procurator Augusto German was set up, tasked with the job of presenting the general lines of a draft Constitution.⁴⁴

The other members of the Commission reserved their right to prepare and present their own draft Constitutions directly to the Commission.⁴⁵

Joseph De Piro was absent at the first session of the Commission.⁴⁶

38 Cf P. Bartolo, *X'Kien Gara sew fis-Sette Giugno*, 291.

39 Cf Ibid. Cf also H. Frendo, *Party Politics in a Fortress Colony: The Malta Experience*, 172.

40 Cf P. Bartolo, *X'Kien Gara sew fis-Sette Giugno*, 292.

41 Cf Ibid.

42 Cf Malta Government, *L'Assemblea Nazionale di Malta*, 109.

43 Cf Ibid.

44 Cf Ibid, 110.

45 Cf Ibid.

46 Cf Ibid, 109.

30/6/1919: Commission – Second meeting

This second meeting of the Commission was held in Casa Briffa Brincati, 83 Strada Mercanti, Valletta.⁴⁷

The **Servant of God, Joseph De Piro** informed the members of the Commission that he could not attend the first meeting of the Commission since he had not received the President's notification for the first meeting.⁴⁸

30/6/1919: 1st Sub Commission – First meeting (In the Commission's second meeting)

Within a week of their nomination for the 1st Sub Commission, the three members presented the general outline of a draft Constitution to the Commission, in conformity with what had been suggested in the first two sessions of the National Assembly:

- the governor was to be a civil person;
- the legislative power was to be in the hands of 23 deputies, elected by the people of the islands;
- the deputies to choose, a president from among themselves, for one year;
- deputies were to enjoy the same immunity as British Members of Parliament;
- no law was to come into force unless approved by His Majesty;
- the executive power was to be entrusted in the hands of a seven-member Cabinet led by the head of the majority;
- in case of a conflict between the local and the Imperial interests, it was for the British Government to determine the outcome;
- the Legislative Assembly set for five years, unless abolished before;
- Malta to be divided into four electoral districts and five deputies were to be elected from each district, three deputies were to be elected from Gozo;
- the electoral system to be a *scrutin de liste*;
- every 21 year old citizen had the right to vote;
- the Assembly could not have more than two ecclesiastics;
- the Constitution was to be approved by law at the British Parliament, and could only be abolished by another law.⁴⁹

47 Cf Ibid, 110.

48 Cf Ibid, 110.

49 Cf Ibid, 111-113. Cf also J. Pirota, *L-Istorja Kostituzzjonali u l-Isfond Storiku (1800-1942)*, 135-136.

It is to be noted that in this first draft Constitution of the 1st Sub Commission there was no reference to the religion or language(s) issues. As regards the former, Charles J. Scicluna wrote that “*The Sub Commission did not express any reasons for its silence. Neither are we in a position to intuit the reasons. Later willingness to discuss and include the matter of religion excludes any question of principle involved in the initial omission.*”⁵⁰

First proposals related to the Catholic Religion issue

Other draft Constitutions:

Panzavecchia’s first draft⁵¹

Panzavecchia presented two lists:

- list 1 (article 8) named matters on which the Maltese Assembly could legislate; and
- list 2 (article 9) named matters which depended on the British government.

In list 1: Panzavecchia listed: all the churches and oratories of the Catholic rite, up to the time under the care of the Administration; ecclesiastical benefices and pious legacies; Catholic cemeteries; marriages; public and private instructions and education. These first items were considered by Panzavecchia as among matters of purely local interest and therefore were to be dealt with by the local government.

In list 2: Panzavecchia named: all churches and cemeteries pertaining to religions other than **Catholic, the dominant religion of the islands**.

It is very interesting to note that Panzavecchia only referred to the Catholic Religion as the dominant religion in the section related to matters to be dealt with by London.

Panzavecchia’s first draft affirmed the autonomy of the Maltese legislature in matters regarding the Roman Catholic Religion, not in a direct way, but by the entrenchment in the list of interests. The description of the Catholic religion as *dominant in these islands* only featured in Article 9, and was similar to the language used in 1906, and laid the foundation for later developments.⁵²

50 Cf Ch.J. Scicluna, *Religion and the 1921 Malta Constitution: Genesis and Implications*, 47.

51 Cf Malta Government, *L’Assemblea Nazionale di Malta*, 110, 113-118.

52 Ch.J. Scicluna, *Religion and the 1921 Malta Constitution: Genesis and Implications*, 57.

Panzavecchia proposed two chambers: a chamber of deputies, composed of thirty members, and a senate with twenty members, representing clergy, nobles, graduates, professionals, businessmen, and the Chamber of Commerce, chosen by the Governor with the approval of his ministers.⁵³

De Piro's contribution

In defence of the presence of ecclesiastics in the Council of Government,

De Piro wrote:

Mr President,

Regarding what has been said in this Commission during its first sitting held on 23rd June, 1919, with reference to the Bishop's decree that prohibits members of the clergy to be part of the Council of Government, to comply with my mandate, and following the Secretary's request, I felt duty bound to study the issue. For the Commission's information, and for any future reference, I have the honour to expound the following:-

*Firstly, I examined what the Bishop decreed on 16th July, 1898, and which gave the pretext to the Civil Authority to deny the members of the clergy the right to be elected. It states: "None of the Clerics is allowed to offer himself to act the part of the people in a Legislative Council, or, having been presented, to accept a popular mandate, or, when such a mandate will have been acquired, even with our consent, to make part of the Executive Council without a prior faculty having been granted him by us: for let him know that if he will disdain this our command, he shall be punished by us with a serious punishment."⁵⁴ It must be noted that this document does not constitute a new law; indeed, members of the clergy have not been allowed, without the permission of the Ordinary, to be candidates for Parliament as well as for local Councils, since 17th September, 1759 with the Constitution of Clement XIII 'Cum primum,' as quoted by the Canonist Fr Wernz (*Jus Decretalium*, Book II, Part One, p. 344), who affirms that: "Clerics below the rank of bishops, appointed to civil and political duties, as for instance members of Parliaments or counsellors in municipalities, unless they are excluded from those duties by civil law, can, by the discipline of the Church, accept them with previous permission of the Ordinary, to whom Diocesan priests are enrolled."⁵⁵ Moreover,*

53 Cf Malta Government, *L'Assemblea Nazionale di Malta*, 117.

54 The quotation from the Bishop's decree was translated from Latin into English by H. C. Vella.

55 Ibid.

we need to add that the New Code of Canon Law, in Canon 139 § 4 repeats the same norm. This today constitutes the norm binding Bishops as well as priests with these words: “Let them neither seek to obtain nor accept, without permission of the Holy See, in places where pontifical prohibition will intervene, an office of Senators or Orators, whom they call ‘members of Parliament, to pass laws; in other places, they cannot participate without the permission both of their Ordinary and of the Ordinary of the place in which election has to be made.”⁵⁶As things stand, it is clear that, with the 1989 decree, the Ecclesiastical Authority simply reminded the members of the clergy about their duty, in conscience, to consult their Superior and to discern with him whether such an office is compatible with their priestly duties. Therefore, it is hard to understand how such a norm, which entails the conscientious discernment on the part of the priest, could deny him his civil rights, which would be a grave thing.

(signed) Canon G. De Piro.⁵⁷

9/7/1919: 1st Sub Commission – Second meeting

Vizzari de’Sannazaro’s draft⁵⁸

In Article 10⁵⁹ of his draft, Vizzari de’ Sannazaro spoke of the status of religion.⁶⁰ He declared that all *existent religions* must be treated as equal. But when he came to: “[...] *the Roman Catholic Apostolic Religion* [...]” he said that: “[...] *it is and will remain the dominant religion in Malta.*”⁶¹ It is difficult to decide (1) whether he included the Roman Catholic Apostolic Religion among the *existent religions*, and (2) what he really meant by *dominant religion*. Did this simply refer to the religion with the biggest number of followers?

De’Sannazaro also proposed that no one should be stopped from occupying any office, or exercising any right, based on one’s beliefs. This suggestion pointed to the right of freedom of conscience of each individual; even in a

56 Ibid.

57 Malta Government, *L’Assemblea Nazionale di Malta*, 119 (translated from Italian by C. Sciberras mssp).

58 Vizzari de’Sannazaro was a doctor in political sciences. Cf Malta Government, *L’Assemblea Nazionale di Malta*, 128, 130-131, 132-135. Cf also Ch. J., Scicluna, *Religion and the 1921 Malta Constitution: Genesis and Implications*, 58-59.

59 The last of the articles he considered as fundamental.

60 Not only the Roman Catholic Religion.

61 Cf Malta Government, *L’Assemblea Nazionale di Malta*, 132, n. 10.

country where the vast majority practice the same religion, each individual should have the right to practice his or her individual belief.⁶²

10/7/1919: Commission – Third meeting

This third meeting of the Commission was held in Casa Briffa Brincati, 83 Strada Mercanti, Valletta.⁶³

Joseph De Piro intervened in support of P. Apap Bologna's proposal to have Panzavecchia's contribution included in the submission of the 1st Sub Commission. De Piro even promised to present other proposals.⁶⁴

The Chamber of Advocates' draft

The Chamber of Advocates informed the Commission that it had formed its own commission to help it formulate a draft Constitution.⁶⁵

10/7/1919: 1st Sub Commission – Third meeting

Marquis Apap Bologna's draft presented in the name of the nobility

Apap Bologna proposed a twenty-member Senate, composed of the Bishops of Malta and Gozo, the Presidents of the Chambers of nobility, advocates, legal procurators, notaries public, medicine, chemists, civil engineers and architects, commerce and the *Camera del Lavoro* and another nine members chosen by the Governor, with the advice of the President of the Cabinet.

He included the Catholic religion and its aspects (par. b)⁶⁶ in Article 4 of his draft. In this article he spoke of all matters of a purely local interest. Here he mentioned "*the free exercise of the spiritual life of **the Roman Catholic Apostolic Religion, the religion of these islands,**⁶⁷ in her internal and external worship, and in the administration of her sacraments, in conformity with the sacred canons.*"⁶⁸

62 Cf Ibid.

63 Cf Ibid, 120.

64 Cf Ibid, 120-121.

65 Cf Ibid, 122.

66 Churches, oratories, cemeteries and benefices.

67 While Panzavecchia referred to the Catholic Religion in Malta as '*the dominant Religion,*' Apap Bologna referred to it as '*the Religion of these islands.*'

68 Cf Ibid, 122-124.

14/7/1919: 1st Sub Commission – Fourth meeting

The Cathedral Chapter's draft:

*“The Roman Catholic Religion to be declared as the religion of the Government of Malta.”*⁶⁹

- This meant that the Roman Catholic Religion would be considered as the religion of the state, and therefore state laws were to be guided by it;
- the religious elements would be protected by the state;
- the Roman Catholic Religion would have power over the state.⁷⁰

Joseph De Piro defended the Chapter's proposal on the grounds of autonomy and self-government, and insisted that since Malta was being consulted about this matter only for the first time, this was the opportune time to propose something similar.⁷¹

15/7/1919: 1st Sub Commission – Fifth meeting

Panzavecchia's second draft:

Panzavecchia placed as the first proposition: *“The Religion of Malta and its dependencies is the Roman Catholic Apostolic Religion.”*

This proposal was stronger than declaring it to be *the dominant religion*; and the inclusion of *its dependencies* was not simply a geopolitical notion but included societal and juridical aspects. This brought Panzavecchia's draft Constitution more in conformity with Leo XIII encyclical *Immortale Dei*.⁷²

In Article 13, under the heading *Chamber of Deputies*, Panzavecchia noted that *“No law could be introduced for discussion in the two Chambers purporting to prejudice the interests and the cult of the Roman Catholic Apostolic Religion; the said interests and liberty of worship having to enjoy the same privilege recognised to the Imperial interests.”*⁷³

69 *L'Assemblea Nazionale di Malta*, 137.

70 Cf Ch.J. Scicluna, *Religion and the 1921 Malta Constitution: Genesis and Implications*, 63-66.

71 Cf *Ibid.*

72 Published in 1885. Cf Ch.J. Scicluna, *Religion and the 1921 Malta Constitution: Genesis and Implications*, 61-63.

73 In article 24 Panzavecchia proposed that no one of the two Maltese Chambers was expected to propose any law or resolution regarding matters falling under the list of

16/7/1919: 1st Sub Commission – Sixth meeting⁷⁴

The 1st Sub Commission agreed to present the Commission with a second draft,⁷⁵ including some suggestions from the drafts presented by the other members of the Commission.⁷⁶ In this second draft:

- religion was mentioned;
- religion was placed at the beginning of the Constitution;
- religion was mentioned even before the Sovereignty of the islands;
- religion was referred to as the Roman Catholic Apostolic Religion; and
- religion was spoken of as the dominant religion of the islands:

“Religion and Sovereignty

*The religion dominant in Malta and its dependencies is the Catholic, Apostolic and Roman one. [...]*⁷⁷

One can note that the 1st Sub Commission did not adopt neither Panzavecchia’s Article 13 nor the Cathedral Chapter’s proposal, even though the 1st Sub Commission had said that it was going to adopt the proposal presented by the Chapter.⁷⁸

Imperial interests without the previous approval of His Majesty’s Representative (Cf Ibid).

74 Cf Malta Government, *L’Assemblea Nazionale di Malta*, 128-148, 149-150.

75 The first one was presented by the 1st Sub Commission to the Commission on 30th June 1919 (Cf above).

76 This second draft was presented to the Commission on 25th July 1919, it also included Panzavecchia’s contribution.

77 This phrase had a long tradition behind it: Canon Amato had suggested the inclusion of the words *“The Religion dominant in Malta and its dependencies is the Roman Catholic Apostolic”* in the Criminal Code under the heading of offences against Religion. In a public meeting organised by the Maltese Political Association on 14th October 1906 a resolution about the Roman Catholic Apostolic Religion *“which has always been dominant in these islands”* was approved. Napoleon had included similar words in the 16th July 1801 Concordat with The Holy See, *“The Government of the French Republic recognises that the Roman Catholic and Apostolic Religion is the religion of the majority of the French”* (Cf Ch.J. Scicluna, *Religion and the 1921 Malta Constitution: Genesis and Implications*, 42-45, 246-247).

78 Which had suggested the words: *“The Religion of the government of Malta.”*

23/7/1919: Another Proposal

The Gozo Parish Priests' Proposal

The parish priests of Gozo delegated Enrico Mizzi to demand that “[...] **the Roman Catholic Religion be declared as the sole dominant Religion of Malta.**”⁷⁹

25/7/1919: Commission – Fourth meeting

This fourth meeting of the Commission was held in Casa Briffa Brincati, 83 Strada Mercanti, Valletta.⁸⁰

A resolution and an amendment were put forward by the Cathedral Chapter and presented to the Commission through its Delegate, **Joseph De Piro**.

The Cathedral Chapter of Malta, gathered for an urgent extraordinary session, while considering the following:

- 1. The sad incidents that took place on 7th June, and which left the island grieving;*
- 2. The need to calm, as soon as possible, the people that are feeling the evil consequences;*
- 3. The timely arrival of the new Governor, Sir Charles Onslow Plumer, who yesterday took over the Administration of these islands;*

Unanimously decided:

- a) To present to the Governor a heartfelt appeal so that, in the interest of all, he takes in the highest consideration the just demands of this nation, which are being put forward by their legitimate representatives.*
- b) To immediately send a copy of this resolution, through a delegation of four Canons of this Chapter, to H.E. the Governor.*

Given at the Chapter Hall, Mdina, 11th June 1919.

True copy of the original (signed) Fr Philip Muscat, Chancellor.

Given at the Chapter Hall today 14th July 1919⁸¹

79 Malta Government, *L'Assemblea Nazionale di Malta*, 150.

80 Cf Ibid, 128.

81 Ibid, 136 (tr C. Sciberras mssp).

The Cathedral Chapter of Malta, having read the drafts of the Constitution that it received from its representative on the Commission of the National Assembly, decided that the following articles ought to be incorporated in the draft of the Constitution that will be presented to His Majesty's Government.

- 1. *The Religion of the Government of Malta, Gozo and its dependencies is the Roman Catholic Apostolic Religion.***
- 2. *Any legislation, which, directly or indirectly, harms in any way the interests of the Catholic Church and the freedom of her worship, shall be considered null and void.***
- 3. *Malta is to be divided into at least ten electoral districts, of which Gozo is to be one on its own.***
- 4. *Members of the clergy are eligible without any restrictions.***

Given at the Chapter Hall, Mdina, 14th July 1919

True copy of the original, given on the same day and place

(signed) Fr Philip Muscat, Chancellor⁸²

25/7/1919: 1st Sub Commission – Seventh meeting

During this meeting the 1st Sub Commission did not consider the issues of Religion and/or Language(s).⁸³

26/7/1919: Commission – Fifth meeting

This fifth meeting of the Commission was held in Casa Briffa Brincati, 83 Strada Mercanti, Valletta.⁸⁴

The members of the Commission discussed the second draft constitution presented by the 1st Sub Commission. **De Piro** objected to the inclusion of the word *dominant* on the understanding that this word was considered to be too weak in expressing the ecclesiastics' view about their Religion. As a delegate of the Cathedral Chapter, **De Piro** wanted the Catholic Religion to be the Religion of Government.

82 Ibid, 137 (tr C. Sciberras mssp).

83 Cf Ibid, 156-162.

84 Cf Ibid, 156.

Mr President, Gentlemen,

With respect to the articles which the Chapter formulated last 14th July, requesting that they are incorporated in the draft of the Constitution, I feel duty-bound to ask the Commission to examine the following:-

1. Regarding the first article, that is, “The Religion of the Government of Malta, Gozo and its dependencies is the Roman Catholic Apostolic Religion,” I must say that such a declaration in a political Constitution simply determines the actions of the State or the Government. In fact, in Volume IV of his Moral Theology, Scavini quotes what a famous Bishop said regarding a similar article in the Statute of Carlo Alberto: “Who says that the Religion of State is not important? It is important because its precepts can be guides and norms to the laws of the State; it is important that her doctrines are protected by the civil power because it considers them to be true, in the same way that individuals believe the Religion they profess; it is important that Religion has dominion over the State and the civil authorities as it has upon the private behaviour of those who adhere to its doctrines.”

This also holds true in our case, where, although the Imperial Government is not Catholic, it is in favour of granting us our own Constitution, which entails local autonomy. Thus, it is clear that the Imperial Government is not against granting us that freedom that is compatible with loyalty toward the King and the interests of the Empire. Now, the statement that “The Religion of the Government of Malta, Gozo and its dependencies is the Roman Catholic Apostolic Religion” does not imply any disloyalty toward the King and against the interests of the Empire, whatever they might be. In short, this article simply affirms that the local Government, in enacting laws, would be inspired by the same religious feelings, that the people of these islands who are all Catholic, hold dear.

Someone pointed out that such an article was never part of any of our Constitutions, and I must admit that this is true; this, however, happened because the Maltese have never been consulted – as they are now – in the drafting of a political Constitution. This time round, the Government has invited the Maltese – who are all Catholic – to draft a Constitution and to express their wishes. The Cathedral Chapter was asked to be part of this Commission, and, through its delegate, insists that such an article be at the top of the Constitution.

The second article is a corollary to the first one.

Article 3 is meant to have a better representation from various sections of the island so that no voice is left unheard. In fact, it is just and proper that the forty plus parishes would enjoy a better representation than that of the proposed four districts. Besides, the more varied and distinct the electoral districts, which are determined according to the number of voters, the greater would be the interest of the Maltese in the government of their own country.

Regarding Article 4: I think we all agree that the members of the Clergy should not be treated any different from other citizens; the voters' choice should not be limited; such a limitation would go against the constitutional freedom and would be considered unjust by the interested party.

*(Signed) Can. G. De Piro Navarra.
25th July 1919.⁸⁵*

With reference to Scavini's commentary, **De Piro's** words implied that by declaring the Catholic Religion as the Religion of the State, its precepts, were to guide and direct any state legislation; that the particular religious tenets were protected by the civil authority in much the same way as an individual believes in the religion he professes; that the particular religion has the same power over the State as it has over the individual believer.⁸⁶

The Servant of God, Joseph De Piro tackled two main objections to a State Religion for Malta. The first objection raised was the one referred to by the Chamber of Advocates, that the Imperial Government was not Catholic. De Piro's argument is not political; since the Imperial Government expressed itself in favour of granting autonomy in the local affairs of the island, it is natural to expect that it will also grant those liberties which were reconcilable with the loyalty due to the British Sovereign and the interests of the Empire. It was clear that the declaration under discussion had nothing in it which went against such loyalty. The simple and direct intention of the declaration affirmed that the local Government would be inspired in its legislation by the same religious sentiments of the inhabitants of the islands, who were all Catholics. Elaborate comments on De Piro's assertions are superfluous. The question of

85 Ibid, 161-162 (tr C. Sciberras mssp).

86 Cf Ch.J. Scicluna, *Religion and the 1921 Malta Constitution: Genesis and Implications*, Malta 2019, 64.

the juridical recognition of the status the Roman Catholic Religion enjoined in Maltese society was always linked with the Maltese will towards autonomy and full self-government. At a time when such autonomy was on the horizon, it was only natural that the matter be brought to the forefront.⁸⁷

The second objection tackled by **De Piro** was that such a declaration had never before featured in any Constitution the Maltese had before. De Piro's answer was forceful and eloquent; this was the first time the Maltese people were being truly consulted. De Piro emphasised the point that the Maltese people were a Catholic people and the suggestion by the Cathedral Chapter expressed this reality.⁸⁸

Since the Commission only accepted the 1st Sub Commission's second draft constitution, and the 1st Sub Commission had not accepted the Cathedral Chapter's proposal, the Chapter's suggestion was therefore not accepted by the Commission.

Chamber of Advocates' *Ad hoc* Commission's draft Constitution

This draft constitution made no mention of religion or religious matters.⁸⁹ The Chamber of Advocates favoured a twelve-member Senate chosen from the higher strata of society.⁹⁰

29/7/1919: Commission – Sixth meeting

This sixth meeting of the Commission was held in Casa Briffa Brincati, 83 Strada Mercanti, Valletta.⁹¹

87 Cf Ibid.

88 Cf Ibid.

89 Cf Malta Government, *L'Assemblea Nazionale di Malta*, 158-161.

During the session held on 20th August 1920, the *ad hoc* commission of the Chamber of Advocates clearly stated the reason for not referring to anything religious in its proposed draft constitution: "*It considered it dangerous to regulate so important a matter as Religion in its relations between these eminently Catholic islands on the one hand and a Protestant Government on the other.*"

90 Cf Malta Government, *L'Assemblea Nazionale di Malta*, 160.

91 Cf Ibid, 162.

The 1st Sub commission presented the definitive draft of a constitution.⁹²

The Commission discussed the 1st Sub Commission's draft.⁹³

Under the heading *Religion and Sovereignty*, the Commission unanimously approved this proposal and without discussion⁹⁴: ***“The Religion of Malta and its dependencies is the Roman Catholic Apostolic Religion.”***⁹⁵

29/7/1919: 1st Sub Commission – Eight and final meeting

With regards to the issue of Religion, the 1st Sub commission still held what it had indicated before, but with reference to other issues the 1st Sub Commission put forward other proposals to the Commission.⁹⁶

2/8/1919: Commission – Seventh meeting

This seventh meeting of the Commission was held in Casa Briffa Brincati, 83 Strada Mercanti, Valletta.⁹⁷

At this meeting it was decided that any emendments by any of the delegates had to be sent to the Commission by not later than 5th August 1919.⁹⁸

8/8/1919: National Assembly – Third meeting

This meeting was held in Villa De Piro Gourgion, Lija.⁹⁹ 143 delegates were present.¹⁰⁰ Dr Ugo Mifsud was appointed secretary.¹⁰¹

This was an important meeting because in this session:

- **The National Assembly received from its Commission, the Project-**

92 Cf Ibid, 167-168.

93 Cf Ibid, 162-167

94 Cf Ibid, 163.

95 Ibid, 165, n. 1.

96 Cf Ibid, 168.

97 Cf Ibid.

98 Cf Ibid.

99 Cf Ibid, 37.

100 Cf Ibid.

101 Cf Ibid.

Constitution¹⁰² + all the emendments presented to the same Commission;¹⁰³

- **There was the voting on the Project and the emendments;¹⁰⁴**
- **There was the presentation by the President, Filippo Sceberras, to the Assembly, of the final draft constitution.¹⁰⁵**

The delegates voted about whether to have one or two Chambers. The result was 76 in favour of having two chambers and 67 in favour of having one.¹⁰⁶

Panzavecchia proposed the inclusion of Article 13: *“No law could be introduced for discussion in the two Chambers purporting to prejudice the interests and the cult of the Roman Catholic Apostolic Religion; the said interests and liberty of worship having to enjoy the same privilege recognised to the Imperial interests.”*¹⁰⁷ Dandria seconded the proposal.¹⁰⁸

In the debate that followed clarifications were sought with regard to the nature of the *interests* to be guaranteed by this article. Dandria referred to the 1917 Code of Canon Law and to its binding character for all Catholics. Mgr Galea declared that Panzavecchia’s proposal was backed by the Cathedral Chapter and referred to the duty of every Catholic to approve this article. The other ecclesiastics present spoke in the same vein. It seemed that the National Assembly was not impressed with this paternalistic attitude. Augusto German¹⁰⁹ described the amendment as an offence and indicated a lack of trust of the religious sentiments of the Maltese people. Dr Caruana Gatto¹¹⁰ spoke about the fact that the Canonical penalty of excommunication was enough guarantee against any harm done to the interests of the Church. In his opinion the article proposed showed lack of self-trust and could well open the door for similar articles guaranteeing specific interests. Galea reiterated that the Church’s interests were superior to those of any other social class, since

102 That had been prepared by the 1st Sub Commission.

103 Cf Malta Government, *L’Assemblea Nazionale di Malta*, 37-46.

104 Cf Ibid.

105 Cf Ibid, 46-49.

106 Cf Ibid, 43.

Cf also P. Bartolo, *X’Kien Gara sew fis-Sette Giugno*, Malta 2019, 297.

107 Malta Government, *L’Assemblea Nazionale di Malta*, 45.

108 Cf Ibid.

109 German was a member of the National Assembly 1st Sub Commission.

110 Caruana Gatto was a member of the Chamber of Advocates’ *ad hoc* commission.

they were the interests of God. A vote was called for and the proposal was defeated 73 votes against, and 40 votes in favour. Thirty delegates abstained.¹¹¹ Various comments can be adduced from the debate to understand the reason for this rejection by the National Assembly. There were clear signs of impatience at the paternalistic tone of the interventions of the ecclesiastics. However, it was also very clear that the article was held to be particularly offensive because it seemed to indicate that the Maltese authorities could ever come to prejudice the very interests the article purported to protect. The penalties in Canon Law were accepted without discussion as being efficient and sufficient sanctions. The religious sentiments of the Maltese were taken for granted as the ultimate guarantee against legislation harmful of Church interests; to demand a specific constitutional guarantee was therefore interpreted as a show of distrust of the same religious sentiments.

Although the Cathedral Chapter's proposal about "*the Catholic Religion being the religion of the government of Malta*" was not presented to the National Assembly by the Commission, the Chapter's delegates presented the proposal repeatedly to the Assembly. This was not accepted because it was deemed that it declared the Catholic Religion to be a state religion, and therefore introduced a lack of tolerance of other religions.

Finally, the National Assembly did not accept Panzavecchia's proposal. Instead, it accepted that of the Commission (that was in fact the proposal of the 1st Sub commission): "***The Religion of Malta and its dependencies is the Roman Catholic Apostolic Religion.***"¹¹²

111 Malta Government, *L'Assemblea Nazionale di Malta, 25 Febbraio 1919 – 27 Maggio 1921*, 45-46.

112 Ibid, 46, n. I.

Phase 2

The Maltese and the British, together for the 1921 Malta Constitution

Discussions about the Religion issue continue

After 22nd August/1919: The Undersecretary of State, Lewis S. Amery¹¹³ in Malta

When the British realised the seriousness of the situation in Malta, the Colonial Secretary, Lord Milner, dispatched his Undersecretary of State, Lewis S. Amery, to Malta.¹¹⁴

Every morning Amery was at the Grand Master's Palace, Valletta, where he met a number of Maltese people.¹¹⁵ In the second volume of his 1953 autobiography, Amery explained: *"It soon became clear to me, not only that the*

113 Amery had served in the British Cabinet Secretariat during the First World War, organising agenda, taking minutes, and writing position papers on strategic issues. He was at the Cabinet core of policy making. Milner, who brought Amery into the Cabinet Secretariat, trusted his undersecretary's ability to see problems and find solutions (Cf B. Blouet, *Lewis Amery's Visit to Malta in 1919*, in *Sunday Times of Malta* (27/09/2020), 40-41).

114 Amery must have arrived in Malta after 22nd August 1919, because, according to Brian Blouet, Amery and his wife left Britain on this day aboard the Lancashire, carrying troops to Palestine. As the vessel was not scheduled to stop at Valletta, a launch took them ashore. After passing through customs, Amery and his wife went to Verdala Palace to stay with Governor Plumer (Cf Ibid. Cf also J. M. Pirota, *L-istorja Kostituzzjonali u l-Isfond Storiku (1800-1942)*, 145). According to H. Frendo Amery came to Malta in November 1919 (Cf H. Frendo, *Party Politics in a Fortress Colony: The Maltese Experience*, 172).

115 Cf P. Bartolo, *X'Kien Gara Sew fis-Sette Giugno*, 292.

*financial situation of the Maltese Government and of the people was desperate, but that the Imperial Government was directly to blame. The Services had annexed for their use lands and buildings belonging to the Civil Government, for which they should have paid some £45,000 a year in rent.*¹¹⁶

Furthermore, during the war, dockyard workers had been ‘scandalously underpaid,’ subsisting on overtime and food handouts. Amery witnessed: “[...] *the impossibility of dealing with the financial and economic situation unless the political situation was dealt with at the same time. A fresh start in politics is an essential condition for a fresh start in the economic field.*”¹¹⁷

Governor Plumer concurred with Amery’s assessment, and the Colonial Office was urged to provide funds. Milner got the Cabinet to grant a quarter of a million pounds to Malta’s civil treasury. **Amery then started working with Sceberras on a new Constitution granting the islands full internal self-government. It was agreed to work on two spheres of government, an imperial sphere to control defence and international affairs, and a Parliament with full control of Malta’s internal governance.**¹¹⁸

The Legislative Assembly was to be composed of thirty-two members, and a Senate largely made up of people representing special interest groups, including the Church, nobility, chamber of commerce, the trade union council and university graduates.¹¹⁹

Amery’s most important contribution was to oversee the drafting of a new Constitution and to organise the two governmental spheres; any disputes between these two spheres were to be referred to the British Government

116 As quoted by Brian Blouet, *Lewis Amery’s Visit to Malta in 1919*, in *Sunday Times of Malta* (27/09/2020), 40-41.

Cf also P. Bartolo, *X’Kien Gara Sew fis-Sette Giugno*, 293-294.

117 Cf Blouet, B., *Lewis Amery’s Visit to Malta in 1919*, in *Sunday Times of Malta* (27/09/2020), 40-41. Cf also P. Bartolo, *X’Kien Gara Sew fis-Sette Giugno*, 293-294.

118 Cf Blouet, B., *Lewis Amery’s Visit to Malta in 1919*, in *Sunday Times of Malta* (27/09/2020), 40-41. .

119 Cf Ibid.

in London.¹²⁰ The Constitution included many of the ideas developed by Sceberras, but still had to be presented to the British Parliament at Westminster. Amery inserted proportional representation as one of his own ideas.¹²¹

19-20/11/1919: Announcement of a new constitution

On the 19th November 1919 Colonel Amery, the Undersecretary of State, wrote a telegram to Lord Plumer, the Governor General, announcing that the time had come “*to entrust the people of Malta with full responsible control of their purely local affairs.*”¹²² Governor Plumer read the telegram to the Council of Government members on the 20th November and from the Palace balcony he announced the granting of limited self government to an enthusiastic crowd gathered on St George’s Square in Valletta.¹²³ The happy news spread quickly. Spirits were high and demonstrations of enthusiasm and loyalty culminated in a tribute to the Governor and to Dr Filippo Sceberras. Both Amery and Milner visited Malta and had talks, among others, with Sceberras on the proposed new Constitution.¹²⁴

28/1/1920: Commission – Eighth meeting

This eight meeting of the Commission was held in Casa Briffa Brincati, 83 Strada Mercanti, Valletta.¹²⁵

On 24th December 1919 Amery sent a dispatch letter to Governor Plumer about responsible government. The Governor communicated this dispatch letter to the Council of Government on 5th January 1920 and then passed it

120 Few such referrals happened between 1921 and 1927. In 1924 Amery succeeded Milner as Colonial Secretary and recorded with pride the low number of issues referred to the British Government under the new Constitution. To the disappointment of Amery, the 1921 Constitution was suspended and abandoned during the political turmoil of the 1930s (Cf Ibid). (Cf Ibid).

121 Cf Ibid.

122 As quoted by H. Frendo, *Party Politics in a Fortress Colony: The Maltese Experience*, 172.

123 C. Bonavia, *Stamps marking Malta’s constitutional development*, in *The Sunday Times of Malta* (4/12/2011), 59-60.

124 Cf H. Frendo, *Party Politics in a Fortress Colony: The Maltese Experience*, 172.

125 Cf Malta Government, *L’Assemblea Nazionale di Malta*, 170.

on to the National Assembly's Commission. The Secretary of the Commission read out this letter to the Commission.

Therefore:

Amery→Governor Plumer→Council of Government→National Assembly's Commission.

A translation of this letter was published in Italian in *Malta* on the 7th January.¹²⁶

While the Religion issue continued to be discussed, it was the letter of Amery, the Under Secretary of State, to Governor Plumer that RESTARTED the language(s) issue

Downing Street

24th December 1919

My Lord,

1. I have the honour to inform you, in confirmation of my telegram of the 19th November, that His Majesty's Government have decided to grant full responsible self-government to the people of Malta in all matters of purely local concern.

2. The views of the Maltese community as to their future government have been communicated to this Office in a series of petitions and memoranda, more particularly in the draft of the Constitution approved by the National Assembly on the 8th August of this year [1919]. As long as war conditions prevailed it was impossible for His Majesty's Government to deal with the problem. But its earnest and prompt consideration was one of the main duties confided to you when you took up your appointment, and it is in pursuance of your advice and in full confidence in your judgment of the situation that His Majesty's Government have come to a decision which will, I trust, inaugurate a period of harmonious and effective co-operation between the Maltese people and those responsible for the general interests of the British Empire of which Malta constitutes a by no means unimportant part.

126 Cf Ibid, 171.

3. *The exact details of the new Constitution will naturally require much thought and consideration from a legal point of view before they can be embodied in appropriate constitutional instruments, and in this despatch, I can only attempt to indicate the main outlines of what is proposed.*

4. *The draft Constitution approved by the National Assembly recognises that there are Imperial interests in Malta which will necessarily be outside the jurisdiction and control of the new local administration. It is essential, in the interests of both parties concerned, that the respective spheres of the Imperial and local authorities in Malta should be clearly defined, and that neither in administration nor in legislation should there be any confusion between the functions which each should exercise or any doubt as to the responsibility devolving upon them.*

5. *The actual definition of matters of Imperial concern, which will of course include all matters affecting the general defence of the Empire and the position of Malta as an Imperial fortress, dockyard and maritime centre, will require to be settled with great care, and I need not now enter into details. But it is obvious that some machinery of government will be required to deal with these matters, and that this will have to be clearly separate both in character and in composition from the local government responsible to the Maltese electorate.*

6. *There will in fact have to be two concurrent systems of government in the island: a government for matters of Imperial concern which must take orders from the Imperial Government and a government for local affairs which will be controlled by the wishes of the inhabitants of the island expressed through popular institutions.*

7. *These two forms of Government will be united in the person of the Governor, who will, from one aspect, be the mouthpiece of the Imperial Government, acting with a small nominated Executive Council, comprising representatives of the Imperial Services and interests, as the supreme Executive and Legislative authority for all matters of Imperial concern; while from another aspect he will be the constitutional head of a self-governing community acting on the advice of responsible Ministers chosen from the elected legislature.*

8. *With this clear definition between the Imperial and local aspects of the Governor's duties the reasons which have led to the demand for a Civil Governor will, in my opinion, cease to have any force. I propose that this matter should continue to be left to the discretion of the Imperial Government.*

9. *The system of local government which will be established in Malta will be substantially that which has been asked for by the National Assembly. An elected Legislature will have complete control over legislation and finance in regard: local affairs, and the Executive Heads of all the local Departments will be members of the Legislature and amenable to its control. These will be selected by the Governor on the advice of the leader of the majority in the popular assembly, and will form his Executive Council or Ministry for local purposes. It is possible that the case of some of the departments in Malta, as in the United Kingdom, there might be advantages in associating with the responsible Minister a Board comprising other elected Members, or outside experts, or representatives of special interests. Similar boards, under the Chairmanship of the Governor, might deal with matters of joint concern to the local and Imperial Governments.*

10. *The decision of the National Assembly, after long discussions, to have two Chambers for the Legislature is one in which I am prepared to concur, and, indeed I shall be influenced by the desire to follow, as far as may be conveniently possible, the main outlines of the scheme of the National Assembly, which has evidently been worked out with considerable care and with a clear understanding of the general principles of responsible Self-Government. The detailed examination of the scheme will, however, be certain to suggest modifications which will tend to improve the working of the Constitutional machine without departing from the principles underlying the Assembly's proposals.*

11. *I regard it as eminently desirable in order to avoid the possibility of discussion and controversy in the future, that **the settlement of the language question** should be clearly defined from the outset and laid down in the Constitution. The solution arrived at as regards the Legislature, the Courts of Law, and generally, should in my opinion, take due account of the cultural traditions the island, of its position as a member of the British Commonwealth, and of the everyday practical needs of its people.*

12. *Before the new Constitution can be promulgated it will be necessary that I should discuss fully with you any points of detail which will require to be settled with the greatest care beforehand in order to give that Constitution the best possible prospect of success. It is neither necessary nor desirable that I should allude to them on this occasion, especially as His Majesty's Government will preserve an open mind with regard to them pending such consultation. I will merely say here that success can only be obtained if each of the parties concerned – the representatives of Imperial interests equally with those representing the Maltese people – is prepared to give full consideration to the point of view and to the needs of the other party.*

13. *In this connection I feel sure that the people of Malta will realise the significance of the fact that their desire for responsible self-government has found so warm and able an advocate in one of the Empire's most distinguished Generals.*

14. *I need not say that it has caused me great pleasure to hear from you that the announcement of the intention of His Majesty's Government has been received in Malta not only with enthusiasm but with fervent demonstrations of loyalty to the Throne. I trust and believe that the new system of government will not only give free and full scope to the desire of the Maltese people to vindicate their capacity and sense of responsibility in the control of their own affairs, but will increasingly strengthen their loyal attachment to the Crown and to British institutions, and their pride in being members of the world-wide British Commonwealth.*

15. *I request that you will communicate this dispatch to the Council of Government and will also cause it to be published for general information.*

*I have etc. (for the Secretary of State)
(Signed.) L.S. Amery.*

*Governor Field Marshall Lord Plumer, G.C.B, G.C.M.G., G.C. V.O.*¹²⁷

The Secretary of the Commission then read out the following proposition that was signed by all the representatives of the people on the Council of Government, and which was presented to the Council during the session held on the 10th January 1920:

127 Malta Government, *L'Assemblea Nazionale di Malta*, 171-173.

Office of the Council of Government
Malta, 10th January 1920.

His Excellency, the President of the Council of Government of Malta,
Your Excellency,

We the undersigned, the legitimate representatives of the people of Malta and Gozo, while acknowledging the letter of the Secretary of State for the Colonies, dated 24th December last, Number 296, which was communicated to the Council of Government during the session held on the 5th of this month, we fulfil our duty in thanking the Hon. Secretary of State for his flattering and very authoritative assessment of the draft of the Constitution that we proposed.

With reference to paragraphs 3 and 12 of the said letter, we suspend our judgement until we are provided with the details mentioned, especially those regarding the safeguarding of the interests on the Empire, which the letter did not clearly define.

Regarding paragraph 11 of the letter, (regarding the language issue), the undersigned would like to point out that in the draft Constitution, the issue of public education is included with the issues of purely local interest, and even Mr Asquith, the British Prime Minister, defined it as such during his visit to the island a few months prior to the war. There is no need to repeat the most noble reasons that make us safeguard our Italian language; indeed, even the Hon. Secretary of State loyally acknowledges that, in this delicate issue, one ought to have the greatest consideration for the cultural traditions of the islands. Nevertheless, to avoid any misunderstanding, we assure the Imperial Government that neither we, nor our successors, would ever discourage the study of the English language, something that today all Maltese consider not only useful, but necessary. Besides, we are ready to promote a mutual agreement by which, while the representatives of the people commit themselves to encourage the study of the English language in public schools, the Imperial Government, on its part, would commit itself to respect and assure the respect of our Italian language in the civil and intellectual life of the country, and this for reasons of courtesy and history.

While strongly trusting that the Imperial Government accepts our conciliatory proposal, we ask Your Excellency to forward to the Secretary of State a copy of this document, of which we are providing four copies as required by the Colonial Regulations.

*Yours Truly,
Dr Andrea Pullicino
Notary. G. Gabaretta
Ant. Dalli
G. Muscat Azzopardi
G. Bencini
G. Vassallo
G. Zammit Pl
Lawyer Enrico Mizzi.¹²⁸*

12/6/1920: The Letters Patent communicated to the Nation

The draft Letters Patent were communicated to the Maltese.

16/6/1920: The Colonial Office and Religion

In number 56 of its draft, the Colonial Office said that: “(1) *All the persons who live in the Colony must have full liberty of conscience and the free exercise of their respective faith.* (2) *No one must be subjected to any disability or excluded from getting an employment because of one’s belief.*”¹²⁹

17/6/1920: Commission – Ninth meeting

This ninth meeting of the Commission was held in Casa Briffa Brincati, 83 Strada Mercanti, Valletta.¹³⁰

As regards **the language(s) question**, the Secretary of the Commission read the address of the deputies of the people and which was read in the Council of Government during the meeting of 31st March 1920:

*Office of the Council of Government
Malta 27th March 1920*

128 Ibid, 173-174.

129 Draft letters Patent, Government Gazzette, 16/06/1920.

130 Cf Malta Government, *L’Assemblea Nazionale di Malta*, 178.

*To His Excellency the President
Of the Council of Government of Malta.
Excellency,*

In the address that was presented by us to the Council of Government on the 10th January last, we hastened to answer to the Ministerial Dispatch that was communicated to us five days before by Your Excellency.

*As regards the conciliatory proposal that was formulated by us in that address, in order to equally define the very vital **language question**, we are pleased to say that it got again, and it still has, the unanimous approval of all the classes of the Maltese people. All of them feel and understand the very strong reasons of Civility and History that support the defence of the Italian language.*

*Dr Andrea Pullicino
Notary G. Gabaretta
Ant. Dalli
G. Muscat Azzopardi
G. Bencini
G. Vassallo
G. Zammit Pl
Lawyer Enrico Mizzi.¹³¹*

Issues, other than Religion, were also discussed.¹³²

The 2nd **Sub commission** was set up to examine in detail the Ministerial Dispatch of the Project of a Constitution and the other documents published in the Government Gazzette on 16th June 1920.¹³³

19/6/1920: Archbishop Mauro Caruana OSB – Letter

In an open letter to Bishop A. Portelli, Vicar General, Archbishop M. Caruana said that with this draft Constitution the British had not kept the promise made at the beginning of their administration that they would recognise and protect the religion of the Maltese. The clause presented by the National Assembly

131 Cf Ibid, 179-180.

132 Cf Ibid.

133 Cf Malta Government, *L'Assemblea Nazionale di Malta*, 181.

had been left out from the draft Constitution prepared by the Colonial Office. Caruana said that number 2 of this draft Constitution degraded the faith of the Maltese people and that the clause of the National Assembly had to be included.¹³⁴

22/6/1920: 2nd Sub Commission – First meeting

This meeting of the 2nd Sub Commission was held in Casa Said, Strada Stretta Valletta.¹³⁵

The abovementioned letter was presented to the 2nd Sub commission.

*Archbishop's Palace Valletta,
19th June 1920*

Dear beloved Vicar,

We need not express in words the joy we have felt at the announcement that H.M. the King, was pleased to grant to the Maltese the so long coveted Constitution. This joy was increased much more when we listened to the reading of the Despatch with which the Colonial Secretary accompanied the details of the granted Constitution to be submitted to the National Assembly.

This joy, however, was soon embittered by the absence of the first article which the National Assembly, as the representative of the people of Malta and Gozo, had very wisely resolved to establish in the project of a Constitution to be presented to His Majesty's Government for their due approval. We allude to the article by which the people of Malta and Gozo, faithful to the Religion of their fathers, proud of the Catholic Faith which ever since the year 52AD has always been professed in these islands, had declared the Catholic Religion to be the Religion of Malta. The peoples of Malta and Gozo laid down in the Constitution this article not only as a public profession of Faith, as they have, always as a matter of fact, done, but besides and moreover because they were sure, by reason of the promises made to them in the name of the Sovereign when these islands asked for the protectorate of Great Britain, that their religion should be recognised and protected.

134 Caruana to Portelli, 19/06/1920 (Cf Ibid, 232-233).

135 Cf Malta Government, *L'Assemblea Nazionale di Malta*, 231.

The omission of this article seems to us to be in open opposition to these promises as it goes directly against the wishes of the people who, by declaring that the Catholic Religion is the religion of these islands, have done nothing else but exercise their religious rights recognised by His Majesty's Government and even placed under his safeguard and protection. We deeply regret that in the draft of the Constitution, we do not find this article whilst article 56 allowed of both Elementary, and Superior Instruction being in the hands of teachers who are not Catholic or who may be atheists, to the great detriment of our beloved sons; not only so, but this article especially in its 2nd part, lowers and unsettles the position of our dear religion in these islands.

We hope that the faithful entrusted to our pastoral care, when like us, they become aware of the serious wound inflicted on their religious sentiment, will insist, through the action of the National Assembly, that the omitted article be inserted in the place assigned to it by the people's will, to the greater glory of God, as a guarantee of social tranquillity and for the further development, progress and success of the new Government of Malta.

Your Right Lordship dear beloved Vicar, who with us share the burden of this diocese and who, like us, glory in the fact of being a son of Malta, cannot but have felt, on account of this omission, the sorrow which weighs us down, and, therefore, for our mutual comfort and as a relief to this sorrow, we thought it right to address to Your Lordship the present letter, at the same time that we seize this opportunity of heartily reasserting ourselves,

beloved Vicar,

Your Lordship Affectionate brother in Christ (signed)

+ Mauro osb

*Archbishop – Bishop of Malta*¹³⁶

The three-member 1st Sub commission debated about the substitution of the first article approved by the National Assembly on 8th August 1919, related to clause 56 of the project Constitution submitted by the Minister for the Colonies, and this in conformity with the letter written by the Archbishop to his Vicar General on 19th June 1920.¹³⁷

136 Caruana to Portelli, 19/06/1920 (Ibid. 232-233).

137 Cf Ibid, 231-233, 234.

25/6/1920 De Piro's letter about Religion, the Orphanages and Education

Joseph De Piro wished to send a letter to Dr Filippo Sceberras about the status of religion in Malta's Constitution, the orphanages, and education in Malta. Before he sent it to the President of the National Assembly, he showed it to the Cathedral Chapter:

25th June 1920

Chapter Hall – the Cathedral

Mdina

Mr President,

During the next meeting of the Commission of the National Assembly, on behalf of the Cathedral Chapter, I will present the following proposals, while also reserving the right to add other observations:

- 1. That article 56 of the Letters Patent be preceded by the following article: "The Religion of the Government of Malta, Gozo and its dependencies is the Roman Catholic Apostolic Religion," as already agreed upon unanimously by the National Assembly on 8th August 1919.*
- 2. That the following is added to the same article 56: "except the judiciary including the magistrates, the orphanages and the public education."*

With esteem,

Dr Filippo Sceberras

President of the National Assembly

Coadutor Dean G. De Piro Navarra,

Representative of the Cathedral Chapter¹³⁸

The members of the Cathedral Chapter advised **De Piro** not to send his letter and instead talk directly to Sceberras. The **Servant of God** spoke to Sceberras and the latter did not agree that education be included among these proposals. Sceberras assured **De Piro** that he had already spoken to the Archbishop about this.

138 De Piro Archives, *Mons Guzeppi De Piro: Dekan*, 133.

26/6/1920: 2nd Sub Commission – Second meeting

This meeting of the 2nd Sub Commission was held in Casa Said, Strada Stretta Valletta.¹³⁹

Legal Procurator Augusto German, a member of this 2nd Sub Commission, proposed that the Secretary, Dr Mizzi, should send to the Archbishop a copy of the discussion that took place at their meeting of 22nd June 1920, regarding the substitution of the first article approved by the National Assembly on 8th August 1919, related to clause 56 of the project Constitution submitted by the Minister for the Colonies, and this in conformity with the letter written by the Archbishop to his Vicar General on 19th June 1920.¹⁴⁰

28/6/1920: Archbishop Caruana – and Mizzi

On 27th June 1920 Mizzi wrote to Caruana informing him that the 2nd Sub Commission had unanimously decided, even since its first meeting held on the 22nd June 1920, that the first article re: Catholic Apostolic Roman Religion, approved by the National Assembly in its meeting of 8th August 1919, had to substitute clause 56 of the Constitutional project submitted by the Colonial Office. This in the light of the letter sent by Caruana to his Vicar General on 19th June 1920.¹⁴¹

30/6/1920: Archbishop Caruana met the Cathedral Chapter

Caruana met a delegation from the Cathedral Chapter to talk about the emendments to the draft Constitution. The contents of this meeting was reported by **De Piro** in the letter he sent to the Cathedral Chapter on the 14th July 1920.¹⁴²

1/7/1920: 2nd Sub Commission – Third meeting

This meeting of the 2nd Sub Commission was held in Casa Said, Strada Stretta Valletta.¹⁴³

139 Cf Malta Government, *L'Assemblea Nazionale di Malta*, 233.

140 Cf Ibid, 233-235.

141 Cf Ibid, 239-240.

142 Cf De Piro Archives, *Mons Guzeppi De Piro: Dekan*, 134-136.

143 Cf Malta Government, *L'Assemblea Nazionale di Malta*, 237.

As regards the issue of Religion, Mizzi informed the 2nd Sub Commission that in the morning he had met W. Robertson, the officer administering the Government, and told him that three issues preoccupied the Maltese people: Religion, Language (s) and the Imperial Interests.¹⁴⁴

The 2nd Sub Commission assured Caruana that on 22nd June 1920 they had no intention to substitute the article of the National Assembly by the clause presented by the Colonial Office. Rather, they proposed that both the clause and the article be included.¹⁴⁵

The 2nd Sub Commission also informed the Archbishop that they had suggested that the words: “*but can be disabled and excluded from being employed in the Departments of Public Instructions,*” be added to clause 56.¹⁴⁶

In relation to the language(s) question the minutes read:

Regarding the language issue, Dr Mizzi pointed out to His Excellency that the solution proposed by the Minister in his Draft of the Constitution still leaves Italian in an inferior position, and this is something that no Maltese would ever accept. Therefore, in the general interest, we need to find a solution that is more just and more in line with the national feelings of the people. Indeed, maintaining, for example, the status quo in public schools would jeopardize considerably Italian because, as we all know, the majority of subjects are taught in English, especially in the Lyceum, and the Secondary and Elementary schools. The same holds for the Administration, where maintaining the status quo means giving English, as the official language, an absolute predominance, constraining even those Ministers, who are not so familiar with the English language, to correspond officially in English with the public and the various Government Departments. In practice this would limit the choice of Ministers who effectively enjoy popular support. Moreover, Italian is no longer recognised as the official text of our laws, and the possibilities that are being considered to be given to the Maltese dialect, will all, evidently, undermine the existence of Italian. Lastly, the Minister asks for guarantees regarding the English language, but does not offer a single guarantee regarding our language, Italian.

144 Cf Ibid.

145 Cf Ibid, 237-238.

146 Cf Ibid.

*Dr Mizzi says that, regarding the Italian language issue, His Excellency never gave any sign of commitment, although his attitude was such that we cannot exclude a favourable revision of the clause in the Draft regarding the language issue. His Excellency asked Dr Mizzi which language should be used by the Maltese Government when corresponding with the Governor and the Imperial Government. Dr Mizzi replied that the Maltese Government would surely want its correspondence with the Governor and the Imperial Government to be understood, and therefore, such correspondence would be either directly in English or through an English translation.*¹⁴⁷

3/7/1920: 2nd Sub Commission – Fourth meeting

This meeting of the 2nd Sub Commission was held in Casa Said, Strada Stretta Valletta.¹⁴⁸ Neither Religion nor the language(s) were discussed in this meeting.¹⁴⁹

6/7/1920: Archbishop Caruana met again the Cathedral Chapter

Caruana met again the delegation from the Cathedral Chapter. The discussions of this meeting were reported by **De Piro** in the letter sent to the Cathedral Chapter on the 14th July 1920¹⁵⁰

7/7/1920: Unione Cattolica San Giuseppe, Valletta

The members of the *Unione Cattolica San Giuseppe* wrote a letter to the members of the 2nd Sub Commission urging them to include the declaration of the National Assembly: “*The Religion of Malta and its dependencies is the Roman Catholic Apostolic Religion.*”¹⁵¹

8/7/1920: 2nd Sub Commission – Fifth meeting

This meeting of the 2nd Sub Commission was held in Casa Said, Strada Stretta Valletta.¹⁵²

147 Cf Ibid, 238 (tr C. Sciberras mssp).

148 Cf Ibid, 241.

149 Cf Ibid, 241-249.

150 Cf De Piro Archives, *Mons Guzeppi De Piro: Dekan*, 134-136.

151 Cf Malta Government, *L'Assemblea Nazionale di Malta*, 250-251.

152 Cf Ibid, 249.

Mizzi communicated with Robertson and told him that religion was the topic that was causing the biggest embarrassment for the Maltese. Regarding the language(s) question it was decided that: *“the official text of our laws would continue to be done in Italian, considering the English to be its translation.”*¹⁵³

10/7/1920: Meeting of Archbishop Caruana with the members of Council of Government

Archbishop Caruana invited the members of the Council of Government to discuss with him clause 56 that dealt with Religion. Mizzi and Muscat Azzopardi attended this meeting. They spoke to Caruana about the meeting of the 2nd Sub Commission held on 1st July 1920. Caruana agreed with this deliberation.

Mizzi also informed Caruana about the communication he had with Robertson the morning of the 1st July 1920, where he talked to Robertson about the issues that mostly preoccupied the Maltese people.

At this same meeting Mizzi insisted that it was very important that all the members of the clergy, led by the Archbishop himself, would support the popular movement not only regarding Religion, but also in defence of Italian and other fundamental points of the constitutional reform. Caruana assured them that what had been said about him opposing Italian was incorrect. Rather, he assured the members of the Council of Government that he fully supported the aspirations of the people even with regards to language(s). He insisted that Italian and English would both be on the same level.¹⁵⁴

13/7/1920: 2nd Sub Commission – Sixth meeting

The members of the 2nd Sub Commission were informed by Mizzi about what had been said in the meeting of the 10th July between Caruana and the Council of Government.¹⁵⁵

153 Cf Ibid, 249-250.

154 Cf Ibid, 252.

155 Cf Ibid.

14/7/1920: A letter of De Piro to the Cathedral Chapter

After the meetings between Caruana and representatives of the Cathedral Chapter, **De Piro** wrote a letter to all the Chapter members:

14th July 1920

Mdina

Most Reverend Monsignors,

The Chapter, following the discussion held on 22nd June last, entrusted me with a letter to be sent to Dr F. Sceberras, President of the National Assembly. However, before I sent it, I had the opportunity to read it to you on the 25th of the same month. The Chapter, having thought out its position better, after having read that letter, asked me to wait before sending it, and, at the same time, encouraged me to first speak to Dr Sceberras regarding the amendments of article 56 contained in the letter.

I met Dr Sceberras the following day. He understood the importance of the amendments proposed by the Chapter; he deemed those regarding the judiciary and orphanages to be too extensive. He was of the opinion that we ought to keep our reservation regarding the public instruction and education by amending article 56 of the Letters Patent in such a way that we safeguard what is already stated in articles 1 and 2 of the Statute of the University. Before we parted, Dr Sceberras suggested that I speak to H.G. Mgr Archbishop, adding that, following the letter sent to the Vicar General, he had already spoken to the Archbishop and were in perfect agreement.

Naturally, even if Dr Sceberras had not suggested it, I went immediately to speak to the Archbishop on behalf of the Chapter. I explained to him our position, which is the same as his. This is important because, once he takes things in his hands, any action we take that is not in full agreement with his, would be wrong and harmful.

The Bishop, therefore, decided to meet immediately all the representatives of the Chapter, and asked lawyer Enrico Vassallo, the legal counsel, to attend.

The first meeting took place on 30th June, followed by another one on 6th July. Apart from these two meetings with the representatives of the Chapter, Mgr Archbishop also met Dr Sceberras and Dr Massimiliano Debono, both members of the Sub Commission of the National Assembly; with Dr Alfredo Caruana Gatto, member of the Commission of the Chamber of Advocates; and with all the members of the Electoral Commission, three of whom are part of the said Sub Commission of the National Assembly. Mgr Bishop asked me to attend, and so I attended all the meetings. Thus, I am able to summarise to this Chapter what has been discussed as follows:

a) If the Chapter, the Commission of the National Assembly and the Chamber of Advocates were to be unanimous in proposing the amendment to article 56, there would be no division or discussions. That is, the amendment would be approved by acclamation, as we all desire, and it would be easier to persuade the Minister of the Imperial Government.

b) Since the article declaring the Catholic Apostolic Religion to be the Religion of Malta and Gozo was unanimously approved by the National Assembly on 8th August 1919, we all agreed that it ought to be incorporated into the Letters Patent in question.

c) Regarding the exception for the judiciary, the amendment could easily be proposed by others and in other places, independently of the religious point of view.

d) The amendment should not be extended to the orphanages for various reasons. First, because it is not right to deprive, for religious reasons, the rights of a beneficial entity of a capable pathologist like, for example, that of Ballance during the war years; second, because if, in the future, the Parliament were to remove all religiosity – which today is what marks our public orphanages – this would mean that the Maltese would no longer be Catholic (God forbid) that the opposition offered by such an exception would be become useless. Lastly, because regarding the orphanages and other institutions that look after boys and girls, there is the relevant amendment regarding the public instruction and education.

e) As a consequence, the amendment on the second paragraph of article 56 of the Letters Patent ought to deal with the exception in relation to the public instruction and education.

Seeing this, I asked one of the members of the Sub Commission of the Assembly to provide me with the amendment that they intend to propose; I have been informed that it is the same as that of the Chamber of Advocates. And it is this:

The first paragraph of article 56 to be preceded by the following words: "The Religion of the country is the Roman Catholic Apostolic Religion." Whereas to the second paragraph of the same article, the following words are to be added: "can, however, be declared unfit or excluded from the ministry of public instruction and education".

To this amendment it would be appropriate to add in the margin articles 1 and 2 of the Statute of the University promulgated in 1915. These state:

Article 1. The Roman Catholic Religion is the basis of instruction in every public educational institution.

Article 2. Nothing that goes against the Catholic principles is allowed to be taught in public schools.

It is clear, however, that regardless of such a Statute, norm, rule or permanent order, exams and tests on religion cannot be imposed upon non-Catholic candidates. Also, no university student – whether reading for a diploma or for a degree, except in theology – should suffer any disadvantage as a result of his religious ideas."

This is all I can offer at the moment.

Yours Truly,

Coadjutor Dean G. De Piro

Representative of the Chapter in the Commission of the National Assembly.¹⁵⁶

23/7/1920: Cathedral Chapter to 2nd Sub Commission

In the name of the Cathedral Chapter, **De Piro** requested that clause 56 would not only include the article of the National Assembly, but that 56(2) should also exclude the nurses and the medical doctors, besides the teachers.

156 De Piro Archives, *Mons Guzeppi De Piro: Dekan*, 134-136.

De Piro asked that the Chapter be allowed to meet the members of the 2nd Sub Commission.¹⁵⁷

29/7/1920: 2nd Sub Commission – Seventh meeting

This meeting of the 2nd Sub Commission was held at the Giovine Malta, Valletta.¹⁵⁸

De Piro had given Scerberras two letters to be passed on to the 2nd Sub Commission of the National Assembly in the name of the Cathedral Chapter.

Letter 1

Mdina

23rd July 1920

Dear Dr Scerberras,

Please find enclosed the amendments proposed by the Chapter. As you can see, we tried to be as moderate and tolerant as possible. Nevertheless, if the Sub Commission finds any difficulty, our representatives would gladly meet with the members of the Sub Commission for an opportune discussion.

Yours Truly,

Canon G. De Piro.

*P.S. On Monday morning I plan to be at St Calcidonius, Floriana.*¹⁵⁹

23rd July 1920

Chapter Hall Mdina

Mr President,

The Cathedral Chapter of Malta, while appreciating your endeavour in favour of our nation, asked me to propose the following amendments regarding article 56 of the Letters Patent.

I. The article declaring the Religion of Malta and Gozo to be the Roman Catholic Apostolic Religion has already been approved, as it is, by the National

157 Ibid.

158 Cf Malta Government, *L'Assemblea Nazionale di Malta*, 253.

159 Ibid, 254 (tr C. Sciberras mssp).

Assembly on 8th August 1919, and this preceded the said article 56. We state “as it is” because the Chapter is aware that there are attempts to change the wording of that article. We feel duty-bound to protest any such changes. Any change is either of substance or it is not. If not, then it is not necessary. If it is of substance, Religion might be harmed, and we cannot allow this to happen.

II. Regarding the second paragraph of article 56 the Chapter does not intend to propose any exception or condition for the judiciary. However, regarding the public education and the hospitals, it insists that the following words must be added: “... with the exception of the ministry of public education and the hospitals.” For the former, the indications found in articles 1 and 2 of the 1915 Statute of the University of Malta should prevail. For the latter, the doctors and nurses need to be Catholic. In exceptional cases, the Government may ask for the services of specialist doctors who are not Catholic.

The motivation of these addenda is that schools ought to provide not only an intellectual culture but also one of the heart, that is, a wholistic education. This must be in conformity with the religious conscience of the parents. It is not enough to see that no offense is done to religion during lessons; indeed, the teaching has to be fully in conformity with the Catholic Faith, inspired by religious sentiments and the whole environment ought to be positively Catholic.

The hospital patients, apart from physical comfort, also need the spiritual one. They have the right to be surrounded by persons who share their religious values, and who can help them, through prayer, to receive divine consolation.

In this way, these persons would benefit from the work of the doctors, who, being Catholic, have the duty, not only to cure patients, but also to console them through religion with words imbued with religious affection. Since there could be medical conditions that require the service of a non-Catholic specialist, one not only can but must ask for this service for the good of the patients. There is no need to explain what needs to be done for non-Catholic patients.

*Yours Truly,
Coadjutor Dean G. De Piro Representative of the Chapter
23rd July 1920¹⁶⁰*

160 De Piro Archives, *Mons Guzeppi De Piro: Dekan*, 137-138 (tr C. Sciberras mssp).

During the meeting of the 2nd Sub Commission it was agreed that the Cathedral Chapter delegates would be invited for the following meeting of the Sub Commission.¹⁶¹

3/8/1920: 2nd Sub Commission – Eighth meeting

This meeting of the 2nd Sub Commission was held at 27, Strada Zaccharia, Valletta.¹⁶²

Members of the Chamber of Advocates and Monsignors Galea, **De Piro** and Panzavecchia attended this session.¹⁶³

Through its member Dr Ganado, the Chamber of Advocates told the 2nd Sub Commission that it wanted to make the same proposal as the Cathedral Chapter.¹⁶⁴

Galea, supported by **De Piro** and Panzavecchia, said that he was against clause 56 (1) because it only admitted social tolerance and not tolerance of worship and of conscience. The other members of the 2nd Sub Commission told the three Canons that neither the Cathedral Chapter nor the Archbishop had indicated this. A very hot discussion ensued and the session was adjourned for the 10th August 1920.¹⁶⁵

6/8/1920: 2nd Sub Commission – Ninth meeting

This meeting of the 2nd Sub Commission was held at 27, Strada Zaccharia, Valletta.¹⁶⁶ This session was attended only by the members of the 2nd Sub Commission and the members of the Chamber of Advocates.¹⁶⁷

10/8/1920: 2nd Sub Commission – Tenth meeting

This meeting of the 2nd Sub Commission was held at 27, Strada Zaccharia, Valletta.¹⁶⁸

161 Cf Malta Government, *L'Assemblea Nazionale di Malta*, 253.

162 Cf Ibid, 256

163 Cf Ibid, 256.

164 Cf Ibid.

165 Cf Ibid.

166 Cf Ibid, 257.

167 Cf Ibid, 257-258.

168 Cf Ibid, 258.

The members of the Cathedral Chapter proposed only political tolerance in the practice of religion and therefore, only social tolerance. The members of the 2nd Sub Commission disagreed. When the Cathedral Chapter delegates left the meeting, the members of the 2nd Sub Commission presented these definite proposals:

(1) *The Religion of Malta and Gozo will be the Catholic Apostolic and Roman.*

(2) *No one with a belief different from the Catholic Apostolic Roman Religion, must be, because of one's belief, hindered to practice one's own cult.*

(3) *No one must be excluded from any employment because of one's religious belief, but must be excluded from the Departments of Public Instruction and Education.*"¹⁶⁹

17/8/1920: 2nd Sub Commission – Eleventh and final meeting

This meeting of the 2nd Sub Commission was held at the Giovine Malta, Valletta.¹⁷⁰

The 2nd Sub Commission continued discussing **the use of Maltese language in Parliament.**¹⁷¹

18/8/1920: Commission – Tenth meeting

This tenth meeting of the Commission was held in Casa Briffa Brincati, 83 Strada Mercanti, Valletta.¹⁷²

The Commission discussed **the use of the Maltese language in Parliament.**

Muscat Azzopardi proposes that in Parliament, anyone who was not able to speak either in Italian or in English would be allowed to speak in Maltese.¹⁷³

This proposal was supported by **De Piro**, Pullicino and Apap Bologna; "*They were not in favour that the Maltese language would be introduced in Parliament. They only supported the proposal in the spirit of conciliation, in order to avoid any opposition from the side of the dockyard workers. At such a tense moment they wanted to have popular concord.*"¹⁷⁴

169 Ibid, 258-260.

170 Cf Ibid, 262.

171 Cf Ibid, 253, 262-263.

172 Cf Ibid, 190.

173 Cf Ibid, 191.

174 Ibid.

Muscat Azzopardi's proposal was approved by the majority of the members of the Commission.¹⁷⁵

Regarding the Language(s) question, it was suggested to accept the words: *“It is perfectly logical [to use both languages] because one cannot expect that all the Deputies would know the English Language.”*¹⁷⁶

20/8/1920: Chamber of Advocates

The members of the Chamber of Advocates said that they had intentionally not mentioned Religion in their first draft of 26th July 1919, as *“It considered it dangerous to regulate so important a matter as Religion in its relations between these eminently Catholic islands¹⁷⁷ on the one hand and a Protestant Government¹⁷⁸ on the other.”*¹⁷⁹

25/8/1920: Commission – Eleventh meeting

This eleventh meeting of the Commission was held in Casa Briffa Brincati, 83 Strada Mercanti, Valletta.¹⁸⁰ Neither the Religion, nor the Language(s) issues were discussed in this meeting.¹⁸¹

26/8/1920: National Assembly – Fourth meeting

Held in Villa De Piro Gourgion, Lija.¹⁸² 144 delegates present.¹⁸³

The order of the day:

- the approval of the resolution of the Commission, published in *Malta* of 19th August 1920 and other proposals about the Ministerial project of the reform of the Constitution:¹⁸⁴

175 Cf Ibid, 192.

176 Cf Ibid.

177 This insisted on the importance of Religion for the Maltese people.

178 The values, priorities and considerations of the Imperial Government were different from those of the Catholic Maltese population.

179 Cf Malta Government, *L'Assemblea Nazionale di Malta*, 61.

180 Cf Ibid, 201.

181 Cf Ibid, 201-205.

182 Cf Ibid, 49.

183 Cf Ibid, 49-50.

184 Cf Ibid, 50.

“The National Assembly of the Maltese People, during its session, today, 26th August 1920;

Having read the Ministerial Dispatches that were communicated to the Council of Government on 12th June 1920;

Having examined the drafts of the Letters Patent A and B of the Royal Instructions attached to the said Dispatches and published in issue n. 6312 of the ‘Government Gazette’ on 16th June 1920;

Having taken note of the invitation contained in paragraph 60 of the Dispatch of the Minister for the Colonies, number 151 and dated, in London, 28th May 1920;

While reaffirming, first of all, the principles and the aspirations stated in the Resolution that was approved by the National Assembly on 25th February 1919;

Decides to submit to His Excellency the Governor, and the Minister for the Colonies, the following observations and amendments regarding the Clauses, (indicated below) of the Letters Patent A and B, and of the Royal Instructions attached to the said Ministerial Dispatches.¹⁸⁵

Among the proposals that the Commission presented to the National Assembly during its fourth meeting there was one regarding the language(s) to be used in parliament and another one regarding Religion in the Constitution.

The language to be used in Parliament¹⁸⁶

“XIII. In article 40 of the Draft there is an innovation: that is, that Maltese may be spoken in the two Chambers of Parliament. The Commission is of the opinion that this innovation is not appropriate; members of both Chambers are to speak only Italian or English.

According to the Commission, no Maltese has ever felt the need to speak our vernacular in the Council of Government.

The Commission is against this innovation for the following reasons:

- 1. A person who cannot express his ideas in one of the two languages, Italian or English, can be considered to be a person that lacks an education;*
- 2. That such a person cannot examine efficaciously the documents of administration;*

185 Malta Government, *L’Assemblea Nazionale di Malta*, 50.

186 Ibid, 58-60 (tr C. Sciberras mssp).

3. *That, probably, such a person would not be able to follow fruitfully the parliamentary discussions;*
4. *That it would not be easy to use Maltese when the discussion concerns laws and similar topics;*
5. *That this would jeopardize the seriousness and the dignity of Parliament.*

Regarding the First Objection

As we have already stated, it is common knowledge here that any person who has attended school for a number of years, just enough to acquire a certain mediocre education, must necessarily have learned one of the two languages, so that he is able to follow a discussion in that language and also to express his ideas in the same language. When we consider the Ministerial Dispatch that states that, although a person may follow the discussions, he may not be able to express himself easily in that language then one must conclude that that person is completely uneducated. The most damaging effect of this innovation would not only be the lowering of the education standards that persons who are chosen to serve the people ought to have, but also that of a general national regression along our way toward civilisation.

Regarding the Second Objection

We hold that a person, who is not familiar with Italian or English, and therefore not able to examine the documents of the administration, is not fit for purpose. Because this means that such a person cannot form his own opinion on certain issues, but is dependent on newspapers written in the vernacular, thus lacking the opportunity to read the English or Italian newspapers that deal with matters of public interest, and which would provide him with a better overview. The newspapers in the vernacular do not always carry all the discussions that are of public interest. This means that in forming his opinions, a person who cannot read Italian or English, must depend completely on the poor intellectual nourishment that the editors of the newspapers in the vernacular hand out to their readers.

Also, appointing persons to govern the Country who have no, or little, education goes against elementary principles of constitutional right, according to which, the people's mandate ought to be entrusted to persons chosen from the best that the Country has to offer. We must repeat that those who are not familiar with any of

the two languages cannot be classified as being the best or the most suitable that the Country has to offer.

Regarding the Third Objection

The Commission considers quite evident the fact that, if a person has such a poor familiarity with Italian or English that he cannot express himself in any one of these languages, then he is not able to follow the discussions carried out in those languages and to understand their importance.

Moreover, it is clear that the Ministerial Draft allows for persons who can express themselves solely in Maltese, or even illiterate ones, to be elected. In that case, those persons will find it impossible to participate in the legislative function, and could in fact harm it.

Regarding the Fourth Objection

It has been said that the Maltese language is not suitable for legislative matters and similar topics.

The Commission feels it has to reiterate what this Chamber stated regarding this issue in its observations to the Report of the latest Royal Commissioners (p. 17 – XXVII), that is: “Even though books and newspaper of good quality are published in Maltese, it does not follow that Maltese is a language, and, even less, a literary language; even much less that it could be ‘utilised for legislation, the administration of justice and the other acts linked to civil life. No one has ever thought of writing a contract or drawing up a testament in Maltese, even though this is not prohibited by law”.

Regarding the Fifth Objection

It is evident that allowing Maltese to be used during discussions would seriously jeopardize the seriousness and the dignity that the Senate and the Parliament merit. In Malta all associations of persons of any calibre conduct their business in either Italian or English; indeed, well-educated persons know that allowing Maltese to be used in a committee would jeopardise its dignity and the seriousness of the discussions. If this is what commonly happens, the Maltese feel that it would be disrespectful to allow the vernacular to be used in the most important institution, more so when one sees that in no Parliament, including the British one is the use of the vernacular allowed.

The Commission, referring back to the above-mentioned objection addressed by this Chamber (following the Report of the Royal Commissioners) feels duty-bound to strongly reiterate that such an attempt would “make us regress along the way toward civilisation.

XIII. The Commission holds that article 40 (ii) needs to be amended so as to state that the original texts of laws must be solely in Italian, thus keeping the present system.

The objection to the new proposal is that, having stated that the original texts of our laws ought to be in two languages, Italian and English, the exact interpretation in the courts could result difficult and even dangerous; indeed, a different interpretation, depending on whether the Italian or the English text is quoted, will cause continuous controversies and quarrels. The importance of this objection cannot be appreciated by those who are not trained in legal hermeneutics and do not know about the many doubts that arise every day regarding the interpretation of the one legal text. We do not condemn the fact the Canada produces two legal texts. Surely, the original Italian text could be accompanied by an English translation, as is normally being done at present.

XIV. Regarding article 40 (iii), the Commission holds that it needs to be amended so that the minutes, the documents, etc, of the Chamber’s business must be written in Italian and English.

The reason for this is the following:

If, as follows below, it is convenient that both Italian and English be declared the official languages of the country, and if these two languages can be used for Parliamentary discussions, it naturally follows that the minutes, the documents, etc, are to be written in both languages. Please note that in Canada, where English and French are spoken, the minutes and other documents are published in English and French, according to article 133 of the Constitution of that colony. We cannot see any reason to be treated differently from other British Colonies.

Language¹⁸⁷

XX. In relation to article 57 of the Ministerial Draft, the Commission, for reasons

187 Ibid, 62-63.

that follow, proposes the following changes as substitutions:

1 Italian and English are the two official languages of Malta and its dependencies, while the official language of the Courts, the Laws and culture shall be Italian;

2 Italian and English are recognised as being equal and obligatory in University, the Lyceum, the Secondary Schools and the Upper Classes of the Elementary Schools:

3 The language of the Courts of Justice is Italian, excepting when dealing with British subjects that were not born in Malta or naturalised as Maltese, as per the 1899 Order of Council.

The Commission feels that it cannot accept the declaration that the official language of the country is English, as the first paragraph of article 57 states, because, although we cannot, and surely we do not want to ignore that fact that English is the language of the British Empire, and therefore to be adopted by us too, nevertheless, Italian is the national language of the country, and as such it cannot, and must not, be put at a lower level than the English language.

If one studies our political history, one finds that, even though Malta and Gozo had been subjected by various dominations, yet, since the presence of the Romans on these islands, along the centuries, they always had their own language, which was also the language of their culture; first it was Latin, and then, as soon as it emerged in Italy, it was Italian. Moreover, one needs to note that among the promises that England made to Malta, there is also that of respecting the customs of the Maltese, which include in a special way the language of the Laws and their culture.

Moreover, in relation to the first part of the second paragraph of the said article 57, the Commission proposes that the two languages, Italian and English, must be obligatory languages in University, the Lyceum, the Secondary Schools and the Upper Classes of the Elementary Schools:

There is no need to add reasons in favour of the so-called ‘pari passu’ system in public schools, because it was the Government itself that, in order to address such a thorny issue as the language one, proposed the adoption of that system as a means of transition.

The Commission cannot accept part two of the second paragraph of the said article, and therefore it proposes its elimination, because: (a) the application of

this indication would jeopardise the 'pari passu' system which the Government itself supports in the first part of the second paragraph; and also because (b) where there is a responsible government it seems somewhat inconsistent that part of the norms regarding the schools, that is, the curriculum, will be at the discretion or the whim of the parents and the students; indeed, under a constitutional government, the interests of parents and students are seen to through popular representation.

The system based on the choice given to parents and guardians of students was planned to undermine the Italian language, and in fact the results were extremely bad and have been deplored by all.

Many of those students who chose to study only one language are finding it difficult to proceed with their studies. Lastly, the 'choice' system lowered the level of both English and Italian, and this is clearly borne out by the results achieved in the state schools in the last years.

We hold that part three of the said second paragraph ought to be eliminated because we see no need whatsoever to state explicitly in the Constitution Charter that Maltese may be used for teaching in the Lower Classes of the Elementary Schools, because it is a given and it has always been done.

In relation to the amendment that the Minister intends to make to the indication of the 1899 Order of Council, about which he speaks in the 3rd paragraph of said article, the Commission holds that this amendment is useless because every British subject that is born and resides on these islands knows, out of necessity, Italian, Maltese and the local customs as much as the Maltese themselves. Also, because, moreover, this amendment could constitute an undue racial privilege in favour of such British subjects; this privilege would be strongly resented by the other British subject that were born and reside here, but do not belong to the English race.

In the case that the Minister insists in adopting this amendment, it must, anyway, be subordinated to the exceptions when, under oath, those persons declare that they do not understand Italian.

In concluding this Document, the Commission sees as important, indeed, as indispensable, the inclusion of the above-mentioned amendments in response to the opinion expressed by the Minister in the Dispatch dated 24th December 1919, and with which the Commission is in full agreement in that “in order to avoid in the future the possibility of discussions and controversies, it is highly desirable that the language issue be clearly defined at the outset, and enshrined in the Constitutional Charter”.

Religion¹⁸⁸

XIX. Regarding article 56 of the Ministerial Draft that deals with Religion, the Commission notes:

1) That the Commission of the Chamber of Advocates that was asked to draw up a draft of the Constitution has, intentionally, left out all references to Religion in a Constitutional Charter. They considered regulating such an important issue like Religion to be risky in view of the relations between these most Catholic islands on one hand, and a Protestant Government on the other.

2) That, nevertheless, during its plenary session, the National Assembly has decided that the first article of the Constitution ought to declare that the Roman Catholic Apostolic Religion is the religion of these islands;

3) That the Minister, in his draft of the Constitution, has substituted the declaration regarding the Religion of Malta, which the National Assembly wanted, with a formula that deals with the absolute freedom of conscience and of worship – a formula that puts our religion on the same footing with any other;

4) That the ministerial formula introduced into the said draft does not reflect the reality that the Catholic Religion enjoys in Malta, and which has been so since the outset of Christianity. Moreover, it betrays, rather than fulfils, the formal often repeated promises that the English Crown had made to the Maltese from the day they entrusted themselves to England for the protection of their freedom and their Religion;

5) That, indeed, as far as one can remember, persons of diverse convictions and beliefs that are different from those manifested and professed by the entire population of these islands were never offended or harassed;

6) That in including norms found in the Church’s Canon Law in a Constitution of an autonomous government, it rightly insists that the dominant Religion

188 Ibid, 61-62.

of Malta be given the place it merits; also, it reasonably insists that the new political freedoms should not temper with or diminish the religious rights of the Maltese. Nevertheless, it goes without saying, that a people that is Christian, humane, mature and developed as the Maltese people, and as the other peoples surrounding it, is duty-bound to tolerate – in the clear juridical meaning of the word – all the opinions and beliefs that are different from its own. And this is so even though such a duty is not being imposed by the civil authorities: it is, in fact, a firm given in constitutional sciences;

7) That the law regarding Religious Tolerance (although the expression and the extension of the formula is in disagreement with the concept of Catholic tolerance, and this has caused a lot of popular protests) has already been formally proclaimed in these islands by Order of His Majesty during the Council held on 27th October 1906;

8) That the principle stated in the latest addition to the said article – which declares that no one should be deprived of employment or of public office because of one's ideas or religious beliefs – may, with such a rigid formulation become dangerous in its application, especially where schools, both primary and secondary, are concerned; in this case, as per the Statutes of the University, it has already been decided that the education given is to be based on the principles of the Catholic Religion;

9) Now, more than ever before, having thus shown all the facts, it is imperative that we insist that the above-mentioned declaration regarding the Religion of Malta and Gozo must be introduced at all costs in the Constitution; also, that the Minister's indications, which have been given in relation to Religion, and which he seems not willing to omit altogether, ought to be modified so that the irreducible rights of the Catholic Church are not damaged.

To this end, since it is such an important issue, the Commission, after having held meetings about this topic with the Sub Commission of the National Assembly and with a delegation of the Cathedral Chapter of Malta, would like to propose that the said article 56 be modified as follows:

1. The Religion of Malta and its dependencies is the Roman, Catholic, Apostolic Religion.

2. No person professing a Religion other than the Roman Catholic one shall in anyway be harassed because of his religious convictions, or in any way hindered from the exercise of his mode of worship.

3. No person shall be subjected to any discrimination or excluded from holding any office because of his religious profession, with the exception that persons not

professing the Roman Catholic Religion may not hold any office connected with public instruction or education.

Therefore:

- **As regards the language(s) in Parliament and the Constitution** the members of the National Assembly agreed that: “[...] *while adhering to the use of Maltese in Parliament, it does not want to imply any insidiousness regarding Italian, the national language of the country.*”¹⁸⁹
- **As regards Religion and the Constitution** the members of the National Assembly approved ‘by acclamation and without discussion’¹⁹⁰ the proposal of the 2nd Sub Commission of 10th August 1920, that number 56 of the Constitution proposed by the Colonial Office, “[...] *seriously offends the Maltese religious sentiments and does not keep the solemn promises made by the British Government immediately after taking hold of the island.*”¹⁹¹

10/9/1920: The Vatican Secretary of State to the English Ambassador to the Holy See

Cardinal Pietro Gasparri, Secretary of State of the Vatican, wrote a letter to the Count de Salis, His Majesty’s Representative at the Vatican, wherein he described the demands of the Maltese people as ‘*legitimate*’ and appealed to the promises Britain had made when it took over the government of the islands. Gasparri pointed out that the entire population was Roman Catholic, and that meeting the demands of the Maltese on this matter “*will contribute largely to the keeping of peace and public order in the island.*” The official request from the Holy See specifically mentioned the approval of “*the entire population with the Archbishop at its head*” in favour of having the Catholic Apostolic Religion declared as being the “*Religion of Malta.*” Indeed, the momentous nature of the religious question was not only supported by tradition and arguments, but more strongly by the sheer mobilisation of all the strata of Maltese society which was nearing an ever developed sense of self-awareness and self-consciousness grossly independent of its colonisers.¹⁹²

189 Cf Ibid, 70.

190 Ibid, 71.

191 Ibid, 77.

192 Ch.J. Scicluna, *Religion and the 1921 Malta Constitution: Genesis and Implications*, 62-63, 103-104.

VATICAN

September 10th, 1920.

The undersigned Cardinal Secretary of State has the honour to draw Your Excellency's attention to the new Constitution of Malta, in which, differing from the preceding Constitution, the declaration that the Catholic Religion is the Religion of the country is omitted.

Such an omission has deeply wounded the Catholic sentiments of the entire Maltese people, the more so as the latter placed complete confidence in the promises made to their forefathers when they begged the protection of Great Britain.

Notwithstanding, however, that the entire population with the Archbishop as its head declared itself in favour of the above-mentioned declaration, it appears that the Government is opposed to granting this legitimate desire.

For this reason, the undersigned Cardinal hastens to beg the intervention of Your Excellency in order that the desired declaration may be inserted in the text of the Constitution. In this manner not only will the legitimate votes of the population, which is entirely Catholic, be satisfied, but it will contribute largely to the keeping of peace and public order in the island.

Thanking Your Excellency in advance for whatever may be effected in this matter, the undersigned takes the opportunity etc. etc.

P.C. Gasparri.

His Excellency

Count de Salis¹⁹³

11/9/1920: Archbishop Caruana to Governor Plumer

Archbishop Caruana wrote to Governor Plumer a strongly-worded letter claiming that the omission from the Ministerial Draft of the 'Religion of Malta' declaration and the inclusion of the 'Exclusion of Disabilities' clause in Article 56(2) were "unfair to the Maltese people and prejudicial to the British Empire:"

193 Ibid, 299.

Archbishop's Palace,
Valletta, Malta
11th September 1920

To His Excellency
Field Marshal Lord Plumer, G.C.B., G.C.M.G., G.C.V.O.,
Governor and Commander-in-Chief, Malta.

Your Excellency,

With reference to the draft of "the Malta Constitution Letters Patent, 1920" I have the honour to submit the following remarks.

1. I consider the omission of the clause about the Catholic Religion, proposed under Art.1 of the draft of the National Assembly of the 6th June 1919, and the insertion of Art.56(2) of "the Malta Constitution Letters Patent, 1920" as it stands, to be unfair to the Maltese People and prejudicial to the British Empire.

a. Unfair to the Maltese people, as it was on the understanding that nothing prejudicial should be done to their Religion that they gave themselves up to the British in the beginning of the nineteenth century. Whatever others may think, it is a great prejudice done to their Religion that the new Constitution should alter the status that it has always enjoyed for a great many centuries and that the only provisions of the new Constitution, on Religion, should be such as to lower the prestige of the Catholic Religion while there is not a word to signify the preeminence it has always had, actually has and is passionately desired for it for the future by our people.

This passionate desire has found adequate expression since the draft of the Malta Constitution was published. Your Excellency cannot fail to have noted that every constituted body of all classes and of every shade of opinion has expressed itself hurt and dissatisfied by the omission of the clause referred to, is opposed to its omission and desires an alteration of Art.56(2) so far as to safeguard the Catholic teaching and atmosphere of our schools and University. Your Excellency will also have noted that bodies, whose immediate scope has nothing to do with Religion, such as the Chamber of Advocates, the Chamber of Commerce and the Workers' Union, to leave out others, have been of one mind with the rest of the population and the Workers' Union, in particular, has expressed itself in the most energetic terms on the subject.

b. The omission of our Religious clause is also prejudicial to the British Empire, for, small as Malta is, it forms a part of the Empire and the passing of the draft as it stands is introducing a new element of deep discontent. It will alienate the devoted loyalty of the largest portion of the population and will cause mistrust of the British Government in so many who, up to now, have been unquestionably loyal. It will, as a consequence, prevent the proper working of the new system of government about to be introduced. And a measure of liberty which has been granted to this people to satisfy its long and ardent wish for control of local interests will be looked on with distrust and resentment by the Maltese, whose dearest interest, their Religion, had been unjustly disregarded.

2. It is hard for us to understand why England should have its State Religion and Scotland should have its State Religion while Malta, whose Religion is truly the Religion of its entire population, should be denied the same privilege.

3. That papers like "the Times" refuse to print our views on our Religious question while the ultra-Protestant papers are exultant over the draft of our new Constitution shows that this is looked upon as a triumph gained over the Catholic Church, and is further proof to us, if any were needed, why we should insist on the insertion of our Religious clause and on the amendment of Art.56(2) sufficiently to safeguard our education in all its branches.

4. For the wording and recasting of the Art. on Religion, I am satisfied with that formulated by the National Assembly at its last sitting.

I have the honour to be,

Your Excellency,

Your devoted servant

(sd) + Maurus osb

Archbishop – Bishop of Malta.¹⁹⁴

13/9/1920: Archbishop Caruana to Cardinal Gasquet

Two days after writing to Governor Plumer, Caruana wrote to Cardinal Francis Aidan Gasquet, a very influential prelate in England. Caruana asked Gasquet to use his influence with the Catholic public in England and Scotland, with Catholic members of both Houses of Parliament and with the ministers of the Government. The letter sums up the chronology of events

194 Ibid, 284-286.

and, more importantly, illustrates what the Church Hierarchy understood by the “*Religion of Malta*” declaration. In Caruana’s words, this article was meant to safeguard: (a) the status of the Catholic Church, (b) the education of our children, and (c) the traditions of our Courts which have always acted in harmony with our Faith and with the Church Laws:

*Archbishop’s Palace,
Valletta, Malta
13th September 1920
To His Eminence Aiden Cardinal Gasquet,¹⁹⁵
Downside Abbey, Bath.
My Lord Cardinal,*

I take the liberty of forwarding to you a copy of a letter written by me to our Governor, Lord Plumer, for transmission to the Secretary of State for the Colonies. It refers to the Religious clause of the draft of “the Malta Constitution Letters Patent, 1920,” sent for local comment and criticism and published here by the Governor on the 12th June.

Before this draft was drawn up in England, the people of Malta had been invited to express their views and to send a project for a new Constitution. This was done by a representative body named the National Assembly which met on June 6th 1919 and drafted a project of which the first article was as follows: “The Catholic Religion is the Religion of Malta and its dependencies.”

By this article it was meant to safeguard:

- (a) the status of the Catholic Church*
- (b) the education of our children*
- (c) The traditions of our Courts which have always acted in harmony with our Faith and with the Church Laws. (Marriage and benefices are regulated exclusively by Canon Law.)*
- (d) The draft sent out to us by the Colonial Office was published on the 12th June 1920 had one clause affecting Religion; it ran as follows:
Art. 56(1) “All persons inhabiting the colony shall have full liberty of conscience*

195 Besides being president of the English Benedictines, Gasquet occupied several important roles in the Vatican.

and the free exercise of their respective modes of religious worship.”

(2) “No person shall be subjected to any disability or excluded from holding any office by reason of his religious profession.”

Art.56(1) was already part of our Law (27th October 1906); (2) is new.

The first article of the draft of our National Assembly was utterly ignored.

In order to draw public attention officially to the action of the Colonial Office, I wrote an open letter (19th June) to the Vicar General and had it published in the Papers (Enc:A). The effect of the letter was the publication of over a hundred letters of concurrence with the views and action of the Ecclesiastical Authority, from almost all constituted bodies, both ecclesiastical and lay, throughout Malta, demanding the insertion of our article on the Catholic Religion and the amendment of Art.56(2), so as to give discretionary powers to the authorities in appointments connected with education. Finally the National Assembly met last month, demanded the insertion of its first article on the Catholic Religion, and recast and amended art.56(1) and (2) of the draft of the Colonial Office. After this demonstration of the Faith and solidarity of all parties in the matter of Religion I wrote to the Governor my letter of the 11th instant (Enc:B).

On hearing of our action, the ultra Protestants of England grew alarmed and elicited from both Colonel Amery and Lord Milner answers in Parliament, which apparently compromise our cause. But I still have hopes that the Colonial Office will not refuse us justice and will not start a new era of supposed liberty and autonomy in Malta by inflicting on our people a deeper wound in our most sacred feelings than we have ever had to suffer.

His Eminence the Cardinal Secretary of State is fully informed in this matter and he has promised me his good offices at the British Embassy to the Vatican. I venture to ask you too, my Lord Cardinal, to use your great influence with our Catholic public men in England and Scotland, with Catholic members of both Houses of Parliament and with the ministers of the Government. We do not want to restrict the liberty of others but we want our Religion to be declared the Official Religion of Malta, as it has always been, and we want to leave no chance whatever to non-Catholics or indifferent Catholics to tamper with the Faith of our children or to ruin the Catholic atmosphere of our schools.

*I have the honour to be,
My Lord Cardinal,
Your devoted, obedient servant
(signed) + Maurus osb
Archbishop – Bishop of Malta*¹⁹⁶

It is worth noticing that Caruana did not use the term “*State Religion*,” but “*Official Religion*.” This phrase fits better in the situation of a colony which has been granted relative political and juridical autonomy in its progress towards full emancipation and statehood.¹⁹⁷

14/9/1920: Commission – Twelfth meeting

This twelfth meeting of the Commission was held at the Giovine Malta, Valletta.¹⁹⁸

The Religion and Language(s) issues were not discussed in this meeting.¹⁹⁹

25/9/1920: Archbishop Caruana to Cardinal Francis Bourne of Westminster

There are strong indications that Caruana wrote to Cardinal Francis Bourne of Westminster. A letter from Bourne to Mr Lloyd George, dated 25th September 1920, referred to the “*Religion of Malta*” declaration and asks that the “*national religion*” of the Maltese should be clearly recognised in the new Constitution. Bourne defines the “*Religion of Malta*” declaration as “*a mere statement of an absolute and acknowledged fact*,” and refers to the assurances given by the Government of England when Malta voluntarily handed itself over to the British Empire. Bourne reiterates the guarantee that there is no intention of intolerance in the matter, and appeals that His Majesty’s Government should not create an unnecessary arousal of religious feeling.²⁰⁰

196 Cf Appendix IX of Ch.J. Scicluna, *Religion and the 1921 Malta Constitution: Genesis and Implications*, 290-293.

197 Cf Ibid, 103.

198 Cf Malta Government, *L’Assemblea Nazionale di Malta*, 206.

199 Cf Ibid, 206-207.

200 Ibid, 103.

8/11/1920: Commission – Thirteenth meeting

This thirteenth meeting of the Commission was held at the Giovine Malta, Valletta.²⁰¹

The Religion and Language(s) issues were not discussed in this meeting.²⁰²

9/4/1921: The Colonial office

The Colonial Office did not accept the proposal of the National Assembly of 26th August 1920.

Milner tried to soften the negative answer; he very diplomatically indicated that the contents of the proposal was to be treated by the Maltese themselves and not by the British authorities. The only condition that was presented was that anyone who did not practice the Catholic religion had to be allowed to practice one's own religion, and was not expected to suffer any discrimination as regards employment.²⁰³ If the Maltese wanted to make a solemn declaration about their religion, they were to do this in the Legislative Assembly.

14/4/1921: The promulgation of the 1921 Malta Constitution

With the Constitution promulgated on the 14th April 1921, the British Government gave Malta a Parliament with wide ranging self-governing powers.

30/4/1921: The proclamation of the New Constitution for Malta²⁰⁴

4/5/1921: The Letters Patent published in the Malta Government Gazette.²⁰⁵

201 Cf Ibid, 207.

202 Cf Ibid, 207-224.

203 Cf Ch.J. Scicluna, *Religion and the 1921 Malta Constitution: Genesis and Implications*, 104-106.

204 Cf Ibid, 81.

205 Malta Government Gazette, n. 6389 (4th May 1921), 326-366.

8/5/1921: The Bishops' Pastoral Letter

PASTORAL LETTER OF THE BISHOPS OF THE DIOCESES OF MALTA AND GOZO – 8th MAY 1921

*Dom Mauro Caruana osb
Archbishop of Rhodes, Bishop of Malta
Fra Giovanni M. Camilleri oesa
Bishop of Gozo*

*To all the Faithful
Venerable Brothers and dearest brothers and sisters,*

Before meeting the Holy Father to update him about our Dioceses, we thought to invite you to solemnise with an enhanced devotion the upcoming feast of Pentecost. For all Christians, this feast is a cause of joy because it reminds them of the day in which the great work of Redemption was completed and the Church started to live and minister, as she presented herself for the first time to the world as a safe haven for all humanity. This is especially true for us Maltese, because this year's Pentecost marks the date of the political rebirth of our dear nation; in fact, it was during the celebration of this solemnity that it presented itself to the entire world, proud of its freedom and glad to have obtained those exemptions to which it was entitled in view of its century-old fidelity to our Protector Nation and the care and wisdom of its children. Indeed, as you well know, the Constitution that has been granted will come into effect on the day after this solemnity, that is, on the 16th of this month.

This date will surely become of the most important pages of our glorious history; we are also reflecting on the fact that this year it falls on the feast of Pentecost: we are struck by the coincidence, which surely is not by chance. This gives us the opportunity to express our best wishes for the religious and social future of our dear nation. Since this happy coincidence reminds us of the Apostles' prodigious change on Pentecost day, we are encouraged to face the great responsibilities that await us: indeed, the Holy Spirit, through a few timid and illiterate individuals, changed the world. If we invoke him fervently, he will help those who shortly will be responsible for the government of our dear nation, which, thanks to this Divine Spirit, will not disgrace its historical greatness – on the contrary, it will enhance it, making Malta the 'Flower of the world,' as we like to call it.

We wanted to share these thoughts with you, Venerable Brothers and dearest sons and daughters in Jesus Christ, so that together with us you may rejoice in this coincidence, which, as we said, is impregnated with best wishes and with best hopes for our nation. We wanted to communicate this message especially to you, future members of the Government of Malta; from you Malta rightfully expects and hopes to receive prosperity and progress: in a nutshell, its wellbeing. In the great endeavour that awaits you, and which you will carry out responsibly for the good of our nation, we urge you to invoke the Holy Spirit.

Since this Divine Spirit is the soul that enlivens the entire Church, he also enlivens us because we are members of this Church. He enlivens us in such a way that the civil society in which we live is also enlivened by this Divine Spirit, who acts in each one of us according to what we possess as perfect and good, as it is written: "Every good thing given, and every gift, is reduced in perfection, coming down from the Father of Glory." Therefore, he will give you the necessary light to know what is best for the country that you will soon be called to govern. He will give you wisdom, intelligence and knowledge, and will, in doubt, be your advisor. With his grace he will render what you deem as difficult or even impossible not only possible but easy too. We have reason to hope for all this because the day chosen for the new Constitution to come into effect is a day dedicated to this Divine Spirit, who, indeed, is called the Paraclete, that is the Consoler.

Thus, we did not exaggerate when, at the beginning of this Pastoral Letter, we stated that if Pentecost is a joyful day for all Christians, it is even more for us Maltese people.

This joy, however, my dear ones in Jesus Christ, would have been greater, more intense and full if the new Constitution was presented to us in front of the Cross of Jesus the Saviour; if, in other words, it contained the article that we all ardently desired and which was unanimously and solemnly demanded: the article that declares the Catholic Religion to be the religion of the Government of Malta. In fact, His Majesty's Letters Patent were meant to give our people a new Constitution. We were greatly surprised and saddened because after the unanimous desire of the people of these islands to see included in the new Constitution the above-mentioned article – a desire that was manifested to His Majesty's Government through the acclamation of the National Assembly – this

desire was not granted. Our surprise and sadness comes from the fact that we hoped, and rightly so, that His Majesty's Government would find no difficulty to grant this holy, unanimous, legitimate and solemn request of the people of these islands. We never imagined that such a wound would be inflicted, and it is made more serious because of the vital part that it affects: the love of our Holy Religion, which for us is all; it is our life mission to safeguard what our forefathers shed their blood for, thus freeing Europe from the Muslim domination and later, in more recent times, once again, in order to safeguard and hand down intact their Religion to us, they entrusted it, together with our nation and their families, to the great and invincible Britain. When Britain took possession of these islands, there she found a Queen calmly seated on her throne for eighteen centuries. This is what we hoped for, and the greater our hope, the greater has been our and your pain for this refusal.

We cannot fail to tell you, our dear ones, that in our pain we found consolation in remembering the public and solemn manifestation of Faith through your generous support to our letter of 19th June; your support showed that the religious sentiments of our people, whose life is the Catholic Faith, are ever more alive and strong. In spite of the open and hidden attacks against it, our Religion remains steadfast as that rock on which the Apostle Paul, our father, brought it in AD 58. There is another consolation amidst this pain: although this just and legitimate desire of the people of Malta and Gozo was not granted by His Majesty's Government, its fulfilment – as revealed in the ministerial Despatch – now lies in the hands of the new Government of Malta. We are sure that this new Government will, at the outset of the first legislature, decree by law and by a solemn declaration that the Religion of these islands in the Catholic Religion.

Since we mentioned the new Government, we believe it is relevant to observe that those who are capable of doing something for the good of our dear Nation ought to cooperate in the choice of the representatives of the people. There is no place for apathy and indifference in this. When the interests of Religion and our nation are at stake, one must take an active part in the political elections; indeed, indifference could be fatal to both Religion and nation, and therefore, one is bound in conscience to desist from being indifferent. Therefore, we expect to see in the new Government the best our Nation can offer in terms of wisdom, prudence, Religion and politics.

And since every good beginning comes from God, we nurture a strong hope – or rather a certainty – that the new Government of Malta would start its endeavour with its solemn consecration to the Most Sacred Heart of Jesus. This act, besides being a public manifestation of Faith, will surely attract all the heavenly blessings upon our dear nation and its political leaders.

In this hope, and as a token of our love for you, we bless you most heartily in the name of the Father, of the Son and of the Holy Spirit. Amen.

Given at the Archbishop's Palace, Valletta, Malta, today, 8th May 1921.

+ *Maurus, osb*

Archbishop – Bishop of Malta

+ *Fra Jannes M., oesa*

Bishop of Gozo

Fr P. Vella Mangion, B.A., D.D., Chancellor of the Maltese Curia²⁰⁶

11/5/1921: Commission – Fourteenth and final meeting

This fourteenth meeting of the Commission was held at the Giovine Malta, Valletta.²⁰⁷

The Religion and Language(s) issues were not discussed in this meeting.²⁰⁸

15/5/1921: Pentecost Day

The Solemnity of Pentecost.

16/5/1921 (The day after Pentecost): The New Constitution came into force

27/5/1921: National Assembly – Fifth and final meeting

Held in Villa De Piro Gourgion, Lija.²⁰⁹ 149 delegates present.²¹⁰

206 Malta Government, *L'Assemblea Nazionale di Malta*, 104-106.

207 Cf Ibid, 224.

208 Cf Ibid, 224-226.

209 Cf Ibid, 80.

210 Cf Ibid, 80-81.

During this session, the last one of the National Assembly and which was held after the New Constitution had come into force, Ugo Mifsud passed a resolution:

“The Maltese National Assembly gathered in Villa De Piro Gourgion on 27th May 1921. While taking into consideration the Letters Patent proclaimed by His Excellency the Governor on 30th April 1921 ... Considering the Pastoral Letter of the 8th May 1921 of the Bishops of Malta and Gozo ... while reaffirming the resolution taken on 26th August 1920 (4th meeting of the National Assembly), accepts the new form of Constitution ..., regarding that which concerns Religion, in the spirit contained in the abovementioned Pastoral Letter”²¹¹

Mifsud’s resolution was unanimously accepted by the members of the National Assembly.

Another resolution was presented by Fr Emmanuel Mifsud, delegate of the parish priests:

“The Parish Priests of Malta gathered in General Assembly today, 27th May 1921, express their respectful adherence to the Pastoral Letter that the two Bishops of Malta and Gozo addressed to their faithful. Moreover, they renew the strong protests, which they expressed on 26th August 1920, for the absence in the Letters Patent dated 14th April 1921 – which provided for the setting up of a responsible Government for Malta and Gozo – of the solemn declaration that the Maltese rightly wanted (as the same Secretary of State for the Colonies stated in the Despatch attached to the said Letters Patent; that is, since the Catholic Religion is the Religion of Malta, that declaration ought to have been the basis of the new Constitution, if for no other reason, at least, for the reasons put forward by the Secretary himself). Therefore, they insist that the Minister declares openly that the Religion of Malta is the Catholic Religion, even though we are most certain that the new lawmakers shall legislate on this.”

Having finished reading this resolution, Mifsud was warmly applauded. He then added that the parish priests were doing their utmost to keep intact the right of our Religion.²¹²

211 Ibid, 87.

212 Ibid, 87-88 (tr C. Sciberras mssp).

The Servant of God, Joseph De Piro proposed that the resolution of the parish priests be included with the minutes of the National Assembly.²¹³

Mgr Paul Galea summarised the state of the issue: “*The Imperial Government has given us a Constitution with the original sin, but we will baptise it by putting it in front of the cross of the Saviour.*”²¹⁴

5-6/10/1921: Election for the Senate

One of the articles of the new Constitution decreed that the Government of Malta would be bicameral: a Senate and a Legislative Assembly. An election for the members of the Senate was held on the 5th and 6th October 1921.²¹⁵

18-19/10/1921: Election for the Legislative Assembly

An election for the members of the Legislative Assembly was held on the 18th and 19th October 1921.

The party of Mgr Panzavecchia, the *Unione Politica Maltese*, won the majority of seats. Panzavecchia did not accept to be the Prime Minister and asked Governor Plumer to offer Joseph Howard, a member of his party, to form the government. Howard formed the government.

1/11/1921: Parliament Inauguration Ceremony

Prince Edward, Prince of Wales, arrived in Malta on the battlecruiser HMS Renown.²¹⁶ He was greeted by Plumer and Caruana, who boarded the warship. Prince Edward went ashore and was accorded a tumultuous welcome throughout the route to the Governor’s Palace, Valletta, where the parliament inauguration ceremony was held.²¹⁷

213 Ibid.

214 Ibid.

215 Cf M.J. Schiavone, *L-Elezzjonijiet f’Malta (1849-1992)*, *Storja, Fatti Cifri*, Malta 1992, 62.

216 Cf Ibid, 77.

217 Cf J.F. Grima, *The Opening of Malta’s First Parliament in 1921*, in *The Sunday Times of Malta* (1/11/1920), 44-45.

3/11/1921: Religion Declaration in Parliament

On 3rd November 1921 Prime Minister Howard proposed this declaration to parliament:

“In homage to our own conscience and to that of the whole Maltese people, we, members of the Government of Malta, of the Senate and of the Legislative Assembly, faithful to the religious sentiments of our ancestors, solemnly declare and affirm that the Roman Catholic Apostolic Religion is, as it has always been, the Religion of these islands.”²¹⁸

According to Howard this declaration presented the Roman Catholic Apostolic Religion as the *“permanent and prominent Religion of the islands.”*²¹⁹ On the Government’s side, Howard and Count Caruana Gatto were very explicit: this declaration refers specifically to a sense of duty to the nation’s Catholic conscience and to that of the representatives themselves.²²⁰ Augustus Bartolo, a member of the Opposition, was just as clear: *“[...] both in its substance and in its form the one great principle upon which there never was and never can be the slightest difference of opinion or sentiment throughout the whole length and breadth of both islands.”*²²¹

The Senate and Legislative Assembly made this resolution their own.²²² In the minutes of the Senate meeting of the 3rd November 1921 the Senate decided to send a telegram to Pope Benedict XV, through Cardinal Gasparri, stating that the Senate and the Legislative Assembly had started working to reaffirm that the Roman Catholic Apostolic Religion was the Religion of the Maltese Islands.²²³

218 *Official Report of the Debates of the Senate of Malta*; First Session, First Legislature: Vol 1, 28th October 1921-22nd December 1922, Malta, Government Printing Office, 1923, 31.

219 Cf Ibid, 30. Cf also Ch.J. Scicluna, *Religion and the 1921 Malta Constitution: Genesis and Implications*, 115.

220 *Official Report of the Debates of the Senate of Malta*; First Session, First Legislature: Vol 1, 28th October 1921-22nd December 1922, Malta, Government Printing Office, 1923, 31, 33.

221 Ibid, 31.

222 Ibid, 37.

223 Cf Ibid, 39.

15/11/1921: Discussions about the Religion Act

The new Legislative Assembly had its first formal sitting. Dr Ugo Mifsud, the Minister for Industry and Commerce, moved the First Reading of “*The Religion of Malta Act.*” The motive of the Government was to “*fill a lacuna in the Constitution*” by giving legislative force to the declaration agreed to by both the Legislative Assembly and the Senate on the 3rd November. Unlike a resolution, an act of Parliament remains in force after the Legislature’s term had elapsed.²²⁴

2/2/1922: End of discussions about the Religion Act

Although the declaration was owned by all members of Parliament, it still had no juridical character because the session on 3rd November 1921 was an extraordinary joint meeting of both Houses. The debates on this Act continued until 2nd February 1922 when **Malta got its Religion of Malta Act:** “*The Religion of Malta is, as has ever been in the past, the Roman Catholic Apostolic Religion.*”²²⁵

224 Cf Ibid, 117.

225 Cf *Official Report of the debates of the Legislative Assembly of Malta*; First Session, First Legislature; Vol 1 (28th October 1921-2nd April 1922); Malta Government Printing Office, 1924, 539-542.

Conclusion

Joseph De Piro: a faithful member of the Catholic Church

The Servant of God, Joseph De Piro was not part of the Senate or the Legislative Assembly that governed Malta between 1921-1924 and therefore he was not one of those who gave birth to the 1922 Religion of Malta Act. However, the above pages show that he played a very significant part in the conception and embryonic stages of this Act. Here it is worth asking why the **Servant of God** was so vocal in the meetings of the National Assembly and its Commission about the Roman Catholic, Apostolic Religion in Malta.

Contemporaries did not speak so much about the relationship between the **Servant of God** and the 1921 Malta Constitution. Less and less did they say why he was so strong in insisting that in Malta's Constitution there had to be reference to the Catholic Religion. But **De Piro's** own writings are very indicative.

In the introduction to the 1922 edition of the "Saint Paul: Almanac of the Institute of the Missions", the **Servant of God** wrote:

"Although Malta is a small country, however it resembles larger countries in several things.

This holy country, the faithful daughter of her father the Apostle of the gentiles, is proud of its history, courage and the heroism of its people. Yet it must be prouder still for its faith in Religion which it has upheld for twenty centuries.

Last year Malta proved the power of its faith in Religion when in its first step through the new Constitution it declared that its Religion is the Catholic Apostolic Roman Religion."²²⁶

226 *Saint Paul: Almanac of the Institute of the Missions*, 1922, tr., F. Ferriggi, 3.

A year later, in the 1923 Almanac, **De Piro** wrote:

“We are, by nature, religious. There is no country, city or people, where Religion is not present. We read in history that from the beginning, sacrifices were offered to God; we read about Abel and Cain and many others. This religious sentiment was no less present in the Maltese nation. It was a very strong feeling and it is still visible today.

Religion has always adorned and elevated this nation ... St John Chrysostom, in a homily about the shipwreck of St Paul in Malta, says that the people of the island had a strong idea of God, that God is everywhere and that his providence extends on everyone and is visible in everything.

When St Paul spoke to them to give them the light of Faith, that Faith took roots so well on our island that up to our days it has always been strong. So it will remain in the future by St Paul’s help.

As we can see, the Maltese nation is so imbued with this spirit that it carries it wherever it goes.”²²⁷

Further on in the same edition of the Almanac **De Piro** wrote:

“Among the events in Malta, the consecration of the Maltese Parliament to the Sacred Heart of Jesus on the feast of St Paul’s Shipwreck, on the 10th February of last year,²²⁸ is a fact well worth remembering. This was really a fitting day for this solemn ceremony. It showed the whole world that the Faith which the great Apostle gave us when he was shipwrecked on our island is still alive. It was also confirmed and strengthened in our country.

This consecration, therefore, honours our country and it is a proof to the enemies of our Religion, that this nation still holds what it has received from the Apostle of all the gentiles.

This consecration serves as a confirmation of our whole history; there we find that our ancestors always strove to keep the Christian Faith as the only

227 Ibid, 1923, 2-3.

228 Only eight days after the Act was passed.

Religion of their country. If we search in the pages of our history, we find that they continually fought against the enemies of the cross of Christ, and they shed their blood for no other reason except to hold always triumphant the Christian Religion above all."²²⁹

For the Servant of God faith was:

- the civilization and a holistic amelioration of humanity;²³⁰
- the giver of all life;²³¹
- light for all;²³²
- the light of truth;²³³
- that which introduces liberty in human society.²³⁴

Joseph De Piro: a passion for anything Maltese

The very first words introducing this research make reference to the patriotism of Joseph De Piro. What has been said in the pages following the "Introduction" shows quite clearly Monsignor's great love for anything Maltese. This part of the "Conclusion" gathers together the writings of people who lived at the time of De Piro and other more recent authors who highlighted De Piro's affection for all the aspects of the Maltese life and culture.

In *Malta*, a daily paper of the National Party (PN),²³⁵ there appeared this eulogy about Monsignor's patriotism:

"Fr Joseph De Piro, a priest whom nobody can accuse of any fault, is an example of integrity, devoted dedication and holiness. He is also a patriot, who was involved in heart-breaking events-the disorders and deaths of the 7th June, 1919.

229 *Saint Paul: Almanac of the Institute of the Missions*, 1923, tr F. Ferriggi 33-34.

230 *Ibid*, 1924, 88; 1928, 207; 1931, 332; 1933, 436.

231 *Ibid*, 1926, 152.

232 *Ibid*, 1924, 28; 1926, 151,152; 1929, 249; 1930, 288; 1933, 436.

233 *Ibid*, 1925, 129; 1933, 436.

234 *Ibid*, 1928, 207.

235 This Paper was published between 1883 and 1940, mainly by the Mizzi family (Fortunato Mizzi was the founder of the National Party, while his son Nerik became leader of the Party and editor of the Paper after his father) (Cf W. Zammit, *L-Istorja ta' l-Istampar f' Malta*, Malta 2006, 224-225. Cf also H. Frenndo, *Il-Gurnalizmu f' Malta [1798-2002]*, Malta 2003, 34-39).

*On that occasion he was in the midst of firing and close to the injured. De Piro is, for the Church and his native country, an exemplary priest and an ideal patriot. Everyone should love and admire him.*²³⁶

Another paper, on the opposite side of the political sphere, published in fact in English and by the Imperialists Antonio and then Augusto Bartolo, was as much strong, regarding De Piro's patriotism. The Daily Malta Chronicle and Imperial Services Gazette referred especially to Monsignor's mediatory role in Malta's society:

Monsignor De Piro - A Tribute to his Memory

*... For a little more than a year ... since the opening of the present parliament ... [Monsignor De Piro] had, in addition to his manifold roles, yet another ... he was one of the archbishop's representatives in the senate ... a task we are inclined to believe, he must have undertaken out of that sense of duty and utter selflessness which were uppermost in his character; for he fought shy of politics and kept away from the political strife. Yet there has been a notable and quite recent occasion, when he played a remarkable and beneficent part in the political field, though he hardly figured in it at all. It was he, in fact, who was mainly responsible, through his initiative, his tact and particularly his sincerity and earnestness of purpose, for putting an end to the unfortunate politico-religious dispute which caused so much harm to the island; it was he who restored the relations between Church and State to their normal and traditional state of peace and cordial cooperation. No one was better fitted for the task ... no one enjoyed to a greater degree the confidence of both sides, nor possessed the qualities that were necessary to undertake the delicate mission and carry it to a happy conclusion. Not for that alone, however, are we all in the Church and State alike, profoundly moved by his sudden and untimely death: we mourn in him the loss of one who was indeed a pillar of both Church and State.*²³⁷

De Piro's part in particular dramatic events of the Malta Story was highlighted by another author who maintained that Monsignor was a true patriot.

236 *Giubileo Sacerdotale*, in *Malta* (19/4/1927), 2.

237 *Monsignor De Piro: A Tribute to his Memory*, in *The Malta Chronicle* (19/9/1933), 4.

Referring to the contribution of the Servant of God, Fr Philip Mallia OP presented De Piro's contribution as: "[...] *the fruitful contribution* [...]"²³⁸

A more recent critic of Maltese History and the official biographer of the Servant of God, Fr Alexander Bonnici OfmConv., could not but support the above:

“Malta’s attempt to achieve freedom from foreign interference was slowly beginning to materialise. De Piro was highly esteemed by the British authorities; they recognised him as the ideal mediator, someone with true Maltese blood in his veins. As a Maltese patriot with deep love for his country, De Piro was of the opinion that the Maltese ought to be free to govern themselves. His contribution was valuable at a time when it would have been easy for reckless compatriots to take advantage of the situation for their own selfish interests. With his kind and calming interventions De Piro managed to unite the Maltese people and help the British to be open to discuss the necessary changes.

*De Piro’s contribution, as well as that of those who shared the same ideals for the good of their country, was a great help towards the approval of a constitution that granted self-government to the Maltese, albeit with limitations. Mgr De Piro was an active member of the National Assembly, and did his utmost to help his compatriots, including his efforts to see that they obtained what was rightfully theirs.”*²³⁹

238 Cf Ph. Mallia, *L-Isqof li Habbu Kulhadd*, 203.

239 Al. Bonnici, *Mons Guzeppi De Piro (1877-1933)*, vol II (trans. by M. De Piro Nelson), Malta 1985, 236.

Appendix

The 1921 Malta Constitution

The meetings of the National Assembly, its Commission and two Sub Commissions

Date	National Assembly	Commission	1st Sub Commission	2nd Sub Commission
25/02/1919	1 st meeting			
07/06/1919	2 nd meeting	Setting up of Commission		
07-09/06/1919	The <i>Sette Giugno</i> Riots			
10/06/1919	Governor, Field-Marshal Herbert Charles Plumer arrives in Malta			
23/06/1919		1 st meeting	Setting up of 1 st Sub Commission	
30/06/1919		2 nd meeting	1 st meeting	
09/07/1919			2 nd meeting	
10/07/1919		3 rd meeting	3 rd meeting	
14/07/1919			4 th meeting	
15/07/1919			5 th meeting	
16/07/1919			6 th meeting	
25/07/1919		4 th meeting	7 th meeting	
26/07/1919		5 th meeting		
29/07/1919		6 th meeting	8 th meeting	
02/08/1919		7 th meeting		
08/08/1919	3 rd meeting			

August/1919	Louis Amery, Undersecretary for the Colonies, arrives in Malta			
28/01/1920		8 th meeting		
17/06/1920		9 th meeting		Setting up of 2 nd Sub Commission
22/06/1920				1 st meeting
26/06/1920				2 nd meeting
01/07/1920				3 rd meeting
03/07/1920				4 th meeting
08/07/1920				5 th meeting
13/07/1920				6 th meeting
29/07/1920				7 th meeting
03/08/1920				8 th meeting
06/08/1920				9 th meeting
10/08/1920				10 th meeting
17/08/1920				11 th meeting
18/08/1920		10 th meeting		
25/8/1920		11 th meeting		
26/08/1920	4 th meeting			
14/09/1920		12 th meeting		
08/11/1920		13 th meeting		
14/04/1921	Promulgation of the 1921 Malta Constitution			
30/04/1921	Proclamation of the new Malta Constitution			
04/05/1921	Malta Constitution Letters Patent published in the Malta Government Gazette			
11/05/1921		14 th meeting		
16/05/1921	New Constitution comes into force			
27/05/1921	5 th meeting			
01/11/1921	Opening of the First Parliament			

03/11/1921	<p>Joseph Howard, the new Prime Minister proposed a declaration to parliament: <i>In homage to our own conscience and to that of the whole Maltese people, we, Members of the Government of Malta, of the Senate and of the Legislative Assembly, faithful to the religious sentiments of our ancestors, solemnly declare and affirm that the Roman Catholic Apostolic Religion is, as it has always been, the Religion of these Islands.</i></p> <p>The Senate and Legislative Assembly adopted this resolution.</p>
15/11/1921	<p>The first formal sitting of the Legislative Assembly, Dr Ugo Mifsud, Minister for Industry and Commerce, moved the First Reading of <i>The Religion of Malta Act</i>. The motive of the Government to <i>fill a lacuna in the Constitution</i> by giving legislative force to the declaration adopted by the Senate and the the Legislative Assembly on 3rd November. Unlike a resolution, an act of parliament stays in force after the Legislature's term had elapsed.</p>
02/02/1922	<p>Although the declaration was adopted by all parliamentary members, it still had no juridical character as the session on 3rd November was an extraordinary joint meeting of both Houses. Debates continued until 2nd February 1922 when Malta got its Religion of Malta Act: <i>The Religion of Malta is, as has ever been in the past, the Roman Catholic Apostolic Religion.</i></p>

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