

April 2016

## Church Prohibition of Books

Most Reverend Joseph M. Pernicone, D.D.

Follow this and additional works at: <http://scholarship.law.stjohns.edu/tcl>

 Part of the [Catholic Studies Commons](#)

---

### Recommended Citation

Most Reverend Joseph M. Pernicone, D.D. (2016) "Church Prohibition of Books," *The Catholic Lawyer*: Vol. 3: No. 4, Article 3.  
Available at: <http://scholarship.law.stjohns.edu/tcl/vol3/iss4/3>

This Symposium Article is brought to you for free and open access by the Journals at St. John's Law Scholarship Repository. It has been accepted for inclusion in *The Catholic Lawyer* by an authorized administrator of St. John's Law Scholarship Repository. For more information, please contact [cerjanm@stjohns.edu](mailto:cerjanm@stjohns.edu).

# CHURCH PROHIBITION OF BOOKS

MOST REVEREND JOSEPH M. PERNICONE, D.D.\*

**A** LAWYER ONE DAY asked our Lord this question: "Master, what must I do to gain eternal life?" He answered: "What is written in the Law? How dost thou read?" The lawyer answered and said, "Thou shalt love the Lord thy God with thy whole heart, and with thy whole soul, and with thy whole strength, and with thy whole mind; and thy neighbor as thyself." Our Lord approved this answer and said: "Thou hast answered rightly; do this and thou shalt live."<sup>1</sup>

In preparing this article on the "Church Prohibition of Books," I have kept in mind this fundamental duty of every man. It is well that my reader do likewise so that he may see in the book legislation of the Church another indication of the fidelity with which the Catholic Church fulfills her mission of bringing souls to God and of aiding them on their way to Heaven. For, if she demands that books on faith and morals be submitted to her approval before their publication; and if she forbids literature that is opposed to faith or morals; she does this in order that the faithful may more easily carry out the fundamental commandment of God enunciated above and thus gain eternal life.

## *The Written Word*

Today, a tremendous war is going on between all the forces of evil on one side and religion and morality on the other. One of the most powerful weapons in this struggle is the *written word*. Writings in every style, size, and language, are pouring out of the printing presses every day either to

---

\*A.B., St. Joseph's Seminary (1928); J.U.L., Catholic University (1931); Auxiliary-Bishop of the Archdiocese of New York.

<sup>1</sup> Luke 10:25-28.

destroy or to build up the sacred things of life. The Church, conscious of this fact, in the present as in the past, has issued laws and decrees so that the evil effects of the godless and immoral press might be pre-



J. M. PERNICONE, D.D.

vented or at least minimized, and the good accomplished by the Catholic press might increase.

Thus we have a legislation which regulates the censorship of certain books before publication and condemnation and prohibition of other books already published. In this article we shall not treat the subject of *prior censorship* of books. We shall limit ourselves to a summary presentation of the rules which govern the *prohibition of books*.<sup>2</sup>

### **Books Affect Men**

We need not give a list of arguments showing that *books can endanger one's eternal salvation*. Convinced as we are that religion and morality are essential for man to reach his final end, and knowing that bad literature is a positive hindrance in man's efforts to know and fulfill his religious and moral duties, we deem it unnecessary to give a lengthy presentation of these facts.

Indeed, the *very intention of those who write*, the *dispositions of the average reader*, the *nature of printed works* which, in truth, are the constant *companions* and the skill-

ful *teachers* of men, as well as the *food* of their minds — *experience* and *history* as well — prove beyond doubt that books, magazines, newspapers and all kinds of publications wield a tremendous power over the minds and lives of men, influencing their present welfare and their future destiny.

### **Law of Nature**

If the Church had enacted no laws on books we would already be bound to observe the law of nature and, therefore, to refrain from reading any work or works which might endanger our eternal salvation. Indeed, this natural law binds everyone at all times; so that, even though in a given case the Church law does not prohibit a certain book or article but the reader finds it dangerous to himself, he is bound by the natural law to refrain from reading it.

### **Law of the Church**

However, in a matter of such great importance, the Church could not keep aloof. She was established by Jesus Christ to continue His work of saving mankind,<sup>3</sup> and to this end, she was given supreme powers to teach, rule and sanctify men.<sup>4</sup> The Church, then, has not only the right but also the duty to promote and encourage all that helps men towards their eternal salvation, and to forbid all that hinders them in the attainment of their destiny. Since godless, immoral and otherwise pernicious writings are dangerous, the Church must strive to keep them away from the faithful.

It is for this reason that, since her inception, she has always acted promptly and effectively in condemning and prohibiting evil books. Thus, to give only a few

<sup>2</sup> A fuller treatment of the subject will be found in my work, *The Ecclesiastical Prohibition of Books*. We also recommend the more recent work, *What is the Index?* by Redmond A. Burke, C.S.V., Ph.D.

<sup>3</sup> John 3:17.

<sup>4</sup> John 20:22; Matthew 28.

examples, in the presence and very probably at the request of St. Paul, the Ephesians burned many valuable but dangerous books in the first century; the *Acta Pauli* was condemned in the second century; *Thalia* a work of Arius, in the Council of Nicea in 325; the books of Origen and *Asceticon* and other books listed in the *Decretum Gelasii*, in the fifth century; and other prohibitions which followed in the succeeding centuries. Stricter and more extensive regulations were made after the invention of the printing press, for, while at first hailed and used as a great means of spreading the truth, it became soon the tool of much evil. In the sixteenth century, with the advent of Protestantism, new laws were enacted. The first *Roman Index of Prohibited Books* was published by Paul IV in 1559. Subsequently the Council of Trent revised those laws and likewise the *Index*. New laws were enacted, and changes made in the old laws, by Pontiffs of the following centuries, especially in 1897 and 1900, by Leo XIII, who made a thorough revision of the laws on the Prohibition of Books and of the *Index*.

Today, the entire Church legislation on the Prohibition of Books is contained in the Code of Canon Law and in the *Index of Prohibited Books*.

#### ***What Books Are Forbidden?***

From time to time the Church has forbidden and does forbid certain harmful books by name. All the works thus condemned are placed in the *Index of Prohibited Books*. But the number of dangerous and evil works coming daily from the printing presses of the world is so vast that it is impossible to condemn each evil book or publication by name. Therefore, the Church has laid down general rules for judging the books or works she forbids. These general

rules are found in canon 1399 of the Code of Canon Law.

We are forbidden to read or to have any book which the Church has placed in the *Index* or which falls under one or another of the general laws of the Church prohibiting books. No other book is forbidden unless we feel that it is dangerous to us (natural law) or it is condemned by our Bishop. Thus, it is a mistake to think that as long as a book is not found in the *Index* it is not forbidden. We must consider also the general laws of the Church in this matter and, in addition, our own conscience, which may be harmed by a book apparently harmless.

#### ***General Laws***

The following books are forbidden by the general law of the Church:

1. All editions of the original text of the Sacred Scriptures, and of the old Catholic versions of the same — of the Eastern as well as of the Western Church — published by non-Catholics; also all translations of the same Scriptures into any language, made or published by non-Catholics.
2. Books of any writer, defending heresy or schism, or tending in any way to undermine the very foundation of religion.
3. Books which of set purpose attack religion in general, or the Catholic religion in particular, or morality.
4. Books of any non-Catholic treating of religion *ex professo*, unless it is certain that they contain nothing contrary to the Catholic faith.
5. Books of the Sacred Scriptures and vernacular translations of the same, their annotations and commentaries, and all books and pamphlets or magazines which give an account of *new* apparitions, revela-

tions, visions, prophecies, miracles, or *introduce new* devotions, even under the pretext that they are private — *if they were published without the canonical requirements, i.e., censorship and approval of the ecclesiastical authorities.*

6. Books which attack or ridicule any of the Catholic dogmas, which defend errors condemned by the Holy See, which treat disparagingly of divine worship, which strive to overthrow ecclesiastical discipline, and which deliberately and systematically use opprobrious language in treating of the ecclesiastical hierarchy or of the clerical or religious state.

7. Books which teach or encourage any kind of superstition, fortune telling, sorcery, magic, evocation of or communication with spirits and similar practices.

8. Books which declare duelling, suicide, or divorce licit, or in treating of the masonic or other similar sects (*e.g.*, anarchistic, communistic societies), contend that these are useful and not pernicious to the Church and civil society.

9. Books which treat of, describe or teach impure and obscene things *ex professo*.

10. All editions of liturgical books, approved by the Holy See, in which any alterations have been made, in such a way that they are no longer the same as the authentic editions approved by the Holy See.

11. All books which spread a knowledge of apocryphal indulgence or indulgences proscribed or withdrawn by the Holy See.

12. Images, in whatever manner printed of our Lord, the Blessed Mother, the Angels, the Saints and other Servants of God, if they depart from the meaning and decrees of the Church.

### **Meaning of "Books"**

Whenever the Church prohibits a certain class of "books," she intends to forbid not only "books," strictly so called, but also any kind and style of publication, such as magazines, pamphlets, newspapers.

A book, pamphlet, magazine or newspaper is forbidden for defending heresy, or schism, or for attacking religion, morality or any of the teachings and practices of the Church only when *that* is clearly its chief tendency and purpose, or at least the work is vitiated by frequent attacks and slurs upon religion or morality; or even by one lengthy chapter of the kind that it must be classed with the prohibited publications. A passing remark here or there in a book or other publication, even though offensive to the Church, does not make the work forbidden.

Likewise, the translation by a non-Catholic of a Catholic religious book, in which the Scriptural quotations are taken from the Authorized or any other Protestant version of the Bible, is not forbidden. Similarly, no prohibition exists for works of Catholic authors in which they quote parts of forbidden books for the purpose of criticizing them.

### **Prohibition and Permission**

Unless permission is obtained, *no one* may *publish, read, keep, sell, translate* a forbidden book, or *pass it on* to others in any way whatsoever. Priests as such are not exempt. The only exemptions made by the Code are in favor of Cardinals, Bishops, and other Ordinaries, who are not bound by the Church prohibition of books (provided they take the necessary precaution) and in favor of persons engaged in theological

or biblical studies. The latter may read a forbidden edition of the Sacred Scriptures, provided it renders the original with fidelity and integrity, and in its preface or notes no attack is made on the Catholic faith. This exemption applies to all scholars given to these sciences, students of theology or Scripture in colleges, theological seminaries and universities; also to all priests, who in accordance with the prescriptions of Canon Law continue their sacred studies after their ordination; finally it applies to any one, cleric or layman, who gives himself seriously to theological or biblical studies in any way whatever, *e.g.*, to prepare for an examination, to write an essay, to deliver a sermon, etc.

All persons not expressly exempt by the law must obtain permission before they may legitimately read a forbidden book.

Permission to read, keep or in any way use books forbidden either by the general laws of the Church or by the *Index*, can be granted only by the Holy See and by those to whom the Holy See has given that faculty, *e.g.*, Nuncios, Apostolic Delegates, Residential Bishops and other Prelates with quasi-episcopal jurisdiction are empowered by the Code to give this permission to their subjects, but only for specified books and in urgent cases. If, however, they have faculties to give general permission to their subjects to read and keep forbidden books, they must give their permission not promiscuously and for only just and reasonable causes. In practice application for this permission is made to one's Bishop, through the pastor or confessor.<sup>5</sup>

Permission to read and keep forbidden books does not exempt the receiver from the prohibition of the natural law not to

read books which are for him a proximate spiritual danger. Moreover, those who are permitted to read forbidden books have a serious obligation in conscience to guard those books (*e.g.*, under lock and key) so that they will not fall into the hands of others.

In case of urgent necessity, when it is impossible to obtain permission and is imperative that one read a forbidden book at once, permission may be presumed.

#### *Duties of Booksellers*

Booksellers may not *sell, lend or keep in stock* books explicitly dealing with lewd and licentious things. This prohibition is absolute. Concerning all other prohibited works the Code orders booksellers *not to expose them for sale* unless they have obtained permission from the Holy See, but permits them, by implication, to *keep secretly* or to *procure* such works and sell them to a customer who, in their own prudent judgment, is lawfully entitled to have them.

#### *Extension of Prohibition*

Books condemned by the Holy See through the *Index* or the General Rules must be considered forbidden everywhere, even when translated into a language different from the original. It makes no difference whether they were published before or after the Code.

When a book is condemned, all its parts are forbidden. However if the parts containing the cause of its condemnation are removed, the book ceases to be forbidden. If the work consists of several volumes formally united, *i.e.*, a novel, all the volumes are prohibited. If, however, each volume of a work treats of a different subject, *e.g.*, one deals with religion, the others with philosophy, history, etc., or they all

<sup>5</sup> CODEX IURIS CANONICI, Can. 1402.

treat of the same subject in a divisible way, e.g., dogmatic theology in several volumes, each one containing a distinct treatise, then each volume is to be judged by itself.

*Anthologies, readers, historical source books* or other similar kinds of publications which contain, among their many selections, parts of condemned books, are *not*, on that account forbidden. They are to be considered as entirely new works with their compiler as their author, and judged on their own merits, according to the general rules found in canon 1399.

### ***Mortal Sin***<sup>6</sup>

Any violation of these laws which would be seriously dangerous to the ordinary person, is considered grave. Accordingly it is mortally sinful to *publish* a bad book, to *keep* a forbidden book over a month, or to *read* from it about six octavo pages of a very harmful nature or about thirty pages of a less dangerous character.

### ***Penalties***

Not every one who violates the Church law on forbidden books is *excommunicated*, but only the following:

*Publishers* of the *books* of apostates, heretics, and schismatics which advocate apostasy, heresy and schism, incur ipso facto an excommunication specially reserved to the Apostolic See, from the date of publication. The same penalty is incurred by those who *defend* or *knowingly* and without the necessary permission *read* or *keep* these books or others prohibited by name in Apostolic Letters. The books pro-

hibited by Apostolic Letters are marked with a cross(+), in the *Index of Prohibited Books*. However, this excommunication is incurred only when the Apostolic Letter condemned the book by *name* and under the pain of excommunication reserved to the Supreme Pontiff. No such penalty is incurred when the condemnation came from a Congregation, even though the decree was approved by the Pope or was issued at his command. An Apostolic Letter comes directly and immediately from the Supreme Pontiff, generally in the form of a Brief, a Bull or an Encyclical.

*Authors* or *publishers* who, without the necessary permission, cause books of Holy Scripture or notes or commentaries on them to be printed, incur ipso facto a non-reserved excommunication. No excommunication can be incurred unless the culprit in all the above cases is guilty of mortal sin.

### ***Conclusion***

In view of all that has been said, every Catholic, whatever be the degree of his learning or the position he holds, is obliged in conscience to observe these laws. Moreover each one of us should use all his influence and power to assist the Church in this great task of preserving the Faith and the morals of our people by the promotion of good literature and the avoidance and elimination of evil literature.

In this manner we shall prove our sincere intention to love God with our whole heart, with our whole soul, with our whole strength and with our whole mind; and our neighbor as ourselves — and thus merit eternal life.

<sup>6</sup> 2 NOLDIN-SCHMITT, SUMMA THEOLOGIAE MORALIS N. 707 (1951).