

# The Catholic Lawyer

---

Volume 3  
Number 4 *Volume 3, Autumn 1957, Number 4*

Article 2

---

## Censorship - A Moral Good

Joseph T. Tinnelly, C.M.

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



Part of the [Catholic Studies Commons](#), and the [Ethics and Political Philosophy Commons](#)

---

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 editor of St. John's Law Scholarship Repository. For more information, please contact [selbyc@stjohns.edu](mailto:selbyc@stjohns.edu).

# CENSORSHIP — A MORAL GOOD

Censorship is a fighting word. To some it means an attempt by narrow minded, incompetent bigots to stifle all forms of art and literature which the censors deem indecent, obscene or pornographic.

To others censorship is a justifiable means of protecting the public against unprincipled authors, publishers or producers who would exploit for gain the moral weaknesses of individuals, particularly the young.

Very few would seriously deny the right of the state under the police powers to enact penal laws prohibiting the portrayal in word or picture of matters which would universally be deemed pornographic. But two problems are constantly recurrent:

1. What are the borderlines between the vulgar, the indecent, the obscene and the pornographic?
2. How may the criminal law be utilized in this area to protect the public without endangering the basic civil rights of individuals?

The present issue of THE CATHOLIC LAWYER features a symposium on censorship which presents the opinion of Catholic experts in various areas of the problem of censorship.

The opening article, "Church Prohibition of Books," by His Excellency Bishop Pernicone is a clear, concise, yet detailed explanation of the prohibition by the Catholic Church, through its *Index* and provisions of canon law, of books which are dangerous to faith or morals. Bishop Pernicone is an eminent authority in this field and the author of a comprehensive text on the subject which will be revised and republished in the near future.

The transition from religious to civil censorship is made by Father John Sheerin, a member of the New York Bar and Editor of *The Catholic World*, in an article stressing the principle of subsidiarity. This principle requires a recognition that

the state may not properly assume necessary functions which can be performed by lesser social groups. The effectiveness of group action by voluntary organizations such as the Legion of Decency and the National Organization for Decent Literature, along with civic and business associations, is given due consideration.

The legal issues are debated in the next two articles written by Norman St. John-Stevas and Charles Tobin, Jr. Mr. Stevas, who presents the British law, is one of England's leading Catholic lawyers. He recently drafted a memorandum for His Holiness Pope Pius XII on the question of censorship and recent developments in the relevant laws in England at the request of the Apostolic Delegate, Archbishop O'Hara. Mr. Tobin, who discusses American law, is Secretary to the New York State Catholic Welfare Committee and is a member of the New York Bar.

The concluding article deals with "Censorship in Education." Written by Monsignor William T. Dillon, a member of the New York Bar and for over thirty years President of St. Joseph's College for Women, it is an eloquent refutation of all who seek to stigmatize the Catholic educational system as narrow, intolerant and subject to arbitrary and unreasonable censorship.

In his message of May 5, 1957 to the Catholic Press Association, His Holiness Pope Pius XII gave to the Catholic press the task of helping public opinion to find and hold the path of truth and justice. It is this mandate that THE CATHOLIC LAWYER is endeavoring to follow in the present symposium.

Certain matters are clear and beyond the realm of debate but there are many areas in which the Holy Father and the Bishops of the Church will welcome the help of priests and laymen whose warrant for voicing an opinion will be derived from the mission entrusted to them by the Bishops and not from their personal eminence in learning.

Specific books or pictures are pornographic and immoral beyond a reasonable doubt, but the difficulties of formulating a rule of law to define what is pornographic, obscene or indecent are grave and the cooperation of experienced legal draftsmen is urgently needed.

Moreover, the realm of law — civil or criminal — is not nearly so wide as that of faith or morals. But where shall we draw the line beyond which the law will not attempt to go? Here too, then, is need for experienced lawyers, grounded in faith and morals as well as in jurisprudence.

Finally, we have a choice of remedies whose respective merits may be legitimately debated. Is the object of the law best attained by pre-censorship? Is the civil injunction a more effective weapon than the criminal law?

The task of the Catholic editor or writer who enters this field is a difficult and delicate one. As His Holiness has pointed out the problems with which they must grapple are not those of an ideal world but of this world in which they here and now live and toil.

THE CATHOLIC LAWYER presents this symposium on censorship because its editors believe that some censorship is necessary for the welfare of our nation as well as of its respective citizens. Nevertheless, they recognize that there is still much to be done in defining the areas, limitations and mechanics of censorship.

The editors do not present the opinions in the following articles as their own but they present them as the considered views of mature, qualified spokesmen for positions which are presently tenable. When the Church has not spoken there is room for free discussion within the fundamental problems of Christian Philosophy and Theology.

In the words of the Holy Father, "... [E]ach one may hold and defend his own opinion. But let such an opinion be presented with due restraint; and no one will condemn another, much less, challenge his loyalty, because he does not agree with his opinion."

*Joseph J. Tinnelly, c.m.*

EDITOR