

## FORBIDDEN BOOKS

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When Christ established His Church for the spread of truth and the salvation of souls, He gave her the necessary authority for the attainment of that end. That she has exercised that authority for the betterment of mankind can be understood from the manner in which she has coped with all evil and destructive agents that tried to deter her from her purpose. From the vast number of illustrations that could be given of this fact, we have chosen that of her legislation against pernicious literature.

The enemies of the Church have ever been on the alert to instil in her children the poison of immorality and unbelief, and hence have made her censorship of literature a target for attack: but from her earliest days the warnings of holy mother Church have been present to shield them from disaster. Sacred Scripture is teeming with examples of this protection. St. Paul in both of his Epistles to Timothy warns him against the effects of vain and evil teaching. St. Peter and St. John also exhort the Christians against the baneful influence of a too intimate intercourse with the enemies of Christianity, either in word or writing. The Acts of the Apostles (Chap. XIX, 19) give the example of the destruction of all superstitious literature by the people of Ephesus. The Fathers of the Church were unanimous in their attacks not only on heretics but also against their books. St. Cyprian warns his flock "to avoid the discourse of heretics as a canker and to fly from it as from a pest." St. Gregory, St. Isadore, St. Jerome and Origen all use equally strong expressions to guard against evil results.

But even were we to set aside the words of the Apostles and the testimony of the Fathers, the evil caused in every age by bad books would be sufficient to justify the vigilance of the Church. For never in the course of all history has there been a revolution either in State or Church for which men's minds have not been prepared either by speech or writing. The spread of Arianism, Manicheanism, and Euthychianism can all be ascribed to the crafty ways in which they had been instilled by writings. Wiclif candidly admits that England rejected his teaching with reproach and insult and that he gained little by all his years of toil and vexation until his writings were spread through the country. They achieved his desired end in a very

short time. And it was the procural by John Huss of these same writings of Wiclif that was the cause of these fatal errors perverting nearly the whole of Bohemia.

A glance at the history of all civilized and cultured nations is sufficient to give us numerous examples of different temporal governments proscribing books. We are told by Eusebius, the father of ecclesiastical history, that Herod destroyed all the Hebrew genealogies lest they incite the Jews to sedition and revolt. The work "*De Natura Deorum*" of Cicero was destroyed by the Romans because he spoke lightly of their gods. And Livy in enumerating the duties of the Pontifex Maximus says he had the power of censuring all literature. We are all acquainted with Ovid's being exiled because of his book "*De arte amandi*." But even in our own times there are almost daily examples of a like censorship being exercised by the State. In many countries at every change of political power numerous newspapers, pamphlets, and books are suppressed because of their attacks on the party that happens to hold the reins of government. Nor could the government exist that did not condemn the literature that might in anyway weaken the civil rule. No one will deny the right of self preservation to any government; then, why call the Church unjust for protecting herself in the same manner? For surely if the temporal welfare and efficiency of her subjects justifies the state in her policy towards pernicious literature, the spiritual welfare and perfection of mankind justifies the Church in her precautions legislation. Such is the primary motive actuating the Church in proscribing works that are grossly immoral or opposed to faith. And by so doing she is not, as some writers would have us believe, keeping her subjects in darkness and depriving them of beautiful language. St. Augustine answered that same objection in his day by saying: "By means of immoral matter nice language is not acquired, but by means of nice language immorality is learned (*Confessions*. Bk. V).

Although we know that the Church has ever been opposed to bad literature, a brief review of her outstanding legislation at different times will aid us in understanding her present law. Many are of the opinion that the first express legislation of the Church on this subject was that of the Council of Nice (325) which condemned the errors of Arius. Socrates a historian of

that time, tells us that the emperor Constantine inflicted death on all in whose possession any of the heretic's works were found. The Council of Ephesus (431) condemned the works of Nestorius and asked the emperor, Theodosius the Great, to punish all who refused to obey the decree. What is considered as the first Index was issued at a synod held in Rome by Pope Gelasius. But to avoid further instances that would only prove wearisome we need only mention the condemnation of the works of Barendarius of Tours in 1059, of Peter Abalard in the beginning of the twelfth century, of Wiclif, Huss and Jerome of Prague in the late Middle Ages.

The invention of the printing press (1450) gave rise to the necessity of a new legislation more extensive in scope and severer in measure. It was met in part by the bull "Inter Multiplices" of Pope Alexander VII. This Bull authorized the bishops of the places where printing presses were established to censure all new publications. Pope Leo X sanctioned the simple rule of his predecessor, and in 1520 condemned Luther and all his writings by his Bull "Exurge Domine." Pope Paul IV made a further attempt to meet the exigency of his time but it was not until 1563 that a satisfactory method was found by the Council of Trent (18th sess.). Besides revising the list of Paul IV, these Fathers added ten rules which were to be the future guides in judging all books. A few years later (1571) the Dominican Pope, Pius V, made some necessary changes and established the Congregation of the Index.

This Congregation was established on a firm foundation by Pope Benedict XIV in 1753 by his Constitution "Solicita ac Provida." And the fact that Pope Leo XIII let this document stand a solitary monument of the past, when he brought forth his new Index, speaks for its great value. Its author has been called by some the greatest canonist that Italy has ever produced. This Constitution treats of the internal organization and working of the Congregation of the Index and not of the rules. Although there have been many accidental changes, the New Code essentially states the doctrine of this Constitution. Owing to this, it will not be amiss to give a short sketch of it here.

The officials of the Congregation were divided into various grades and orders. First, there are the Cardinals,—men eminent in some department of learning such as theology, canon

law, or science,—one of whom is the Prefect of the Congregation. Next come the master of the sacred palace with office of perpetual assistance; and secretary—both of whom were always Dominicans. Next follow the consulters, a relator, and other officials. These members meet in two separate assemblies. The first called the preparatory congregation, is made up of the consulters presided over by the master of the sacred palace. It now meets once a week.

When a book is handed to the secretary together with the reasons for its being examined, he takes counsel with two consulters. If they agree it is worthy of consideration, it is given to a relator for revision and criticism. If the author is a Catholic, a second relator makes an investigation before the result is presented to the preparatory council. If after the examination it is deemed worthy of censure they send it to the Congregation of Cardinals with all criticisms. If they in turn decide against it, the book is then submitted to the Pope for approbation. If the author is a Catholic, an absolute condemnation is not pronounced, but one having annexed to it “until corrected” or “until justified.” The author is then asked to make the necessary corrections or on his failing to do so the book is put on the Index.

This Pontiff also annexed four rules for the guidance of the judges and recommends to them the Angel of the Schools, St. Thomas Aquinas, as the model to be followed in all their works.

From Pope Benedict XIV to Pope Leo XIII no material change was made in the Congregation of the Index. Science, however, had made gigantic strides and the field of literature was greatly enlarged. The rules were now obsolete and entirely unsuited to the class of literature being vomited forth from the press.

In 1895 Pope Leo XIII commissioned the Congregation of the Index to draw up a new set of rules. After two years of discussion and revision the Constitution “*Officiorum ac Munerum*” was promulgated. This Constitution is introduced by a brief historical sketch of the development of the Index, a statement of the grave need for a change and then follow forty-nine rules or articles. These latter are divided into fifteen chapters, the first ten dealing with the prohibition of books, while the last five concern the censorship. As these rules have been largely incor-



porated in the New Code we can refrain from a treatment of them here. The old list of proscribed books was then revised and a new Index published in the September of 1900.

The last important change made in the old law was March 25, 1917, when the late Pope Benedict XV in his "Motu Proprio, *Alloquentes*" declared the Congregation of the Index as no longer existing as a separate autonomous body. He transferred all officials of the defunct congregation to the Congregation of the Holy Office. In doing so Pope Benedict says: "It is but natural that a Congregation whose purpose it is to supervise the teaching of Faith and Morals should also be commissioned to watch over the publication of books and writings." (*Acta Apostolica Sedis*, Vol. IX, pp. 165.)

At most in the space permitted we can but give a general idea of the present legislation of the Church. A book may be forbidden by the natural, the divine or the ecclesiastical law. A book teaching doctrine contrary to the preservation of the individual or the race is condemned by the natural law (Can. 1399, § 8 and 9).<sup>\*</sup> The divine law forbids books that may be the cause of exposing any one to the danger of sinning. Besides the forenamed, the ecclesiastical law forbids books that the Church judges unfit for the faithful. As head of the universal Church the Pope can proscribe books for the whole Church (Can. 1396). Such books may not be read, retained, published, sold, translated into another language, or made known to another in any way without permission (Can. 1398, § 1). The particular Councils have power over their territory and the Ordinary over his diocese (Can. 1395, § 1). That a book may be read licitly, then, it must not be prohibited by any of the three laws above mentioned.

When we consider the great amount of literature thrown upon the market today, it must be evident that the greater part is not seen by the ecclesiastical authorities in their official capacity, yet the Congregation of the Holy Office must seek out all harmful writings. She does this by laying down general rules to guide the faithful and establishing censors in every diocese. But besides these officials who act *ex officio*, she imposes on all the faithful and especially the clergy the obligation of referring to the Ordinary or to the Holy See books which they

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<sup>\*</sup> Canon 1399 states very clearly and concisely the books that are forbidden by the very law but it is not possible to quote it here.

think pernicious to faith or morals. This is not surprising when we think of the numerous agents the State uses to guard her welfare. This duty however binds the ordinary man only in very special cases; when a book causes great injury to faith or morals; or if a positive law imposes denunciation.

As is usual in all her legislation the Church foresaw that certain ones would find it necessary to read forbidden books, and hence has made provision for these. Ordinaries can grant the necessary permission in urgent cases (Can. 1402) but the general rule is to apply to the Apostolic Delegate or to the Holy See directly. The one receiving such a dispensation is bound under precept to guard the forbidden books that they may not fall into the hands of others (Can. 1403), and is not exempt by it from the prohibition of the natural law (Can. 1405, § 1).

The great penalty the Church imposes on any one not observing her law with regard to bad books gives us a clear idea of the great importance she attaches to it. In former times physical punishment was imposed as well as spiritual but at present only the latter survives. It is however of the severest nature, namely, excommunication. But that it be incurred one must not only know that a book is that of an apostate, heretic or schismatic written with the intent of defending their doctrines but also of the existence of the censure. The reading or retaining of such a book is sufficient to incur the ipso facto excommunication reserved to the Holy See (Can. 2318, § 1).

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Works consulted: "De Prohibitione et Censura Librorum"—A. Vermeersch, S. J.; "Index Legislation"—Hurley; Catholic Encyclopedia, "Prohibition of Books," "Censorship of Books"; "Commentary on the New Code," Vol. 6, Augustine; "Great Encyclicals of Leo XIII"; "The Roman Index," F. S. Betten, S. J.