

THE ROLE OF PRUDENCE IN THE RIGHT TO CENSOR IN LITERATURE AND ART

I

My part in this discussion is to treat the right to censor. I shall begin—prudently enough—by severely restricting the scope of the title: The Right to Censor. I am sure that no one in this audience is expecting to hear from me a discussion of the censorship and prohibition of books according to the Code of Canon Law. For that you would have gone to a canonist. I take it, rather, that the “right to censor in literature and art” referred to in the title means the right to do what the Church is doing at present through such agencies as our own National Legion of Decency and National Office for Decent Literature.¹

Interpreting the title in this restricted fashion, I shall treat the topic in the following order. There will be first a preliminary discussion as to whether this activity is censorship or not. This will be followed by a brief direct presentation of the basis of the Church’s right to engage in this activity. Finally there will be a consideration of five objections to this right. In these five objections I have tried to summarize the arguments that have been urged most frequently by opponents and critics of the Legion of Decency and the NODL. I have omitted any reference to one objection, that of the allegedly un-American character of this activity. Father Harold Gardiner has written the definitive word on that subject in his recent book, *Catholic Viewpoint on Censorship*.

¹ Those interested in the treatment of censorship and prohibition of books from a canonical standpoint are referred to the standard commentaries, e.g. *Practical Commentary on the Code of Canon Law*, by S. Woywod, O.F.M. (Revised by C. Smith, O.F.M.) New York, Wagner, 1957, nos. 1398-1420; there are also the following dissertations: J. M. Pernicone, *The Ecclesiastical Prohibition of Books*, C.U.A., Washington, 1932; E. Gagnon, P.S.S., *La Censure Des Livres*, Grand Seminaire, Montreal, 1945; and others.

I. *The Activity of the National Legion of Decency and the NODL:
Is It Censorship?*²

May the term "censorship" be applied in any legitimate sense to the activity of the National Legion of Decency and the NODL? I do not think so. The activity of these agencies is not censorship, first of all, because the ratings assigned to particular films and publications by these agencies do not have the force of ecclesiastical law. This point is made by Father John J. Lynch, S.J., in the latest issue of *Theological Studies*.³ But the activity of these two agencies is not censorship in the further sense that it does not involve prevention by court decision and police enforcement. Hence it is not actual restriction of physical liberty. This point is made by Father Harold C. Gardiner, S.J., in *Catholic Viewpoint on Censorship*.⁴

I think that the twice-repeated declaration in the 1957 Statement of the Bishops of the United States: "Neither agency exercises censorship in any true sense of the word"; and, again, "We assert that our activities as carried out by these organizations cannot justly be termed an attempt to exercise censorship"; was intended to exclude from the public mind the notion of censorship in the sense of physical coercion as well as in the sense of ecclesiastical law. The point may seem obvious; but it must be made explicitly. For in the popular mind, and also according to the most strict and proper meaning of the term in modern usage, "censorship" means restriction by law, by court decree, by police enforcement. It means the restriction of physical liberty with regard to the public expression, publication, or presentation of someone's views, comments or conceptions.

² I wish to say that in my comments on the use of the term "censorship" in this connection I do not intend a criticism of anyone in particular. We have all been using the term "censorship" in this very broad, and, I think, non-legitimate sense. I have used the term myself in this way in some articles I have done on the subject. And I confess that it is difficult to get out of the habit. It is much easier to say: "The right to censor," than to use the more cumbersome expression: "The right to publish moral evaluations."

³ John J. Lynch, S.J., "Notes on Moral Theology," *Theological Studies*, Vol. 19, No. 2, June 1958, pp. 174-175.

⁴ Hanover House, Garden City, New York, 1958, p. 10.

In the Introduction to his book, *Catholic Viewpoint on Censorship*, Father Gardiner makes the following observation.

It would truly make for clarity of argument if all—the National Legion of Decency, the National Office for Decent Literature, the American Civil Liberties Union, the American Book Publishers Council, and all agencies concerned in the discussion—would resolve to discard the word “censorship” and adopt the word “control.” “Censorship,” strictly so called, can be exercised in our American constitutional framework only through legal channels; but control is exercised, and will and must be exercised, through channels that are “extra-legal,” though never anti-legal. In other words, the state, through judges and courts, can alone bring censorship to bear on the problem of “indecent” literature and films; but society can and does bring “control” to bear long before the judges and courts can or ought to be called into the dispute.⁵

I would follow up this observation by urging that, regardless of what the other parties do, *we* stop using the term “censorship” in referring to the activity of the Legion of Decency and the NODL and any similar agencies. When we use the term “censorship” we are using a term that will lead the ordinary audience to be confused at the very least and most probably prejudiced against our position from the start.

If we persist in using the term “censorship” before a popular audience that is unfortunately subject to the tyranny of words, we may also make it appear that certain people are opposed to the activity of such agencies as the Legion of Decency and the NODL when in point of fact they themselves are engaging in the same kind of activity, or at least in an analogous sort of activity. I have particularly in mind a book published only a month or so ago: *Man in Modern Fiction*, by Edmund Fuller. Writes Mr. Fuller on the responsibility of the artist and others in the book trade:

A long, hard fight was fought for the right of the serious literary artist to deal as he sees fit with any facet of human behavior, with no arbitrary taboos on language, and no forbidden areas in the relationships between the sexes. The fight was fought for serious purposes by the honest artist. The privilege so hard

⁵ P. 10.

won is merited only by him, and the check-rein against its abuse lies in the stature and responsibility of the artist himself. It is not a privilege to be lavished on every idiot or pornography merchant. None—absolutely none—of society's other important privileges in areas involving discretion and judgment—even the driving of an automobile—is lavished simply on anyone. There is no reason why this privilege of literary license should be. Yet it is—and I admit that nothing directly restrictive can be done about it without opening the doors to the censor again. But unless something is done we are inviting the censor by provocation, so that plain speaking about the matter within the book trade is in order, and overdue. Editors and critics, publishers and book-sellers, have a discriminatory responsibility here as large as that of the writers.⁶

Mr. Fuller does something about it by setting forth devastating criticism of the novels and other writings of James Jones, Tennessee Williams, Alberto Moravia, Norman Mailer, Nelson Algren, Paul Bowles, and others, on the grounds that these writers show no appreciation of artistic restraint, but confuse the methods and devices of the clinic with the technique of the novelist's art, that they present in their work a sordid and meaningless "realism" without vision or "splendor," and that their work is based on a concept of man which utterly falsifies human nature and cuts him off from God, the moral law, and any true social or personal relationship with his fellows. In all of this Mr. Fuller is actually engaging in moral judgment—he is bringing moral judgment into his critical appraisal of the novels he considers. It would be well to emphasize that Mr. Fuller, although he declares himself a vigorous opponent of censorship, is doing, as a morally alert and mature literary critic, a job analogous to the job that the Legion of Decency is doing with regard to films. Let us not obscure this fact by insisting on calling the work of the Legion "censorship."

II. *The Right to Publish Moral Evaluations*

I shall not spend much time on the direct presentation of the basis of the Church's right to publish moral evaluations of movies

⁶ *Man in Modern Fiction*, Random House, New York, 1958, pp. 88-89.

and printed publications for youthful readers. Our Bishops have stated it succinctly:

The competence of the Church in this field comes from her divine commission as teacher of morals. Moral values are here clearly involved. . . . A judgment of moral values in these areas is of prime importance to the whole nation.⁷

The civil authority has the right and the duty to watch over publications and over the production of films in order to protect the moral health of the nation. His Holiness, Pope Pius XII, in his recent Encyclical Letter *On Motion Pictures, Radio and Television*, has reminded public administrators that beyond all doubt they are strictly bound "to oversee carefully these new means of communication. They should look upon this matter not from a political point of view alone, but from that of public morals, whose sure foundation rests on the natural law, which, as inspired words attest, is written in our hearts."⁸ In practice, however, and especially in a country such as our own, whose "juridical system has been dedicated from the beginning to the principle of minimal restraint," there is great need of additional activity over and above the activity of the civil authority—i.e., over and above censorship strictly and properly so called, in order to raise the standards of public morality and lead men to their genuine happiness and most complete development.

The right and duty of the Church to be especially concerned over this additional activity for human betterment and human happiness springs from the mission she has received from the Divine Saviour Himself—the mission to announce to all men the Gospel of Christ, to teach all men to observe the commandments of Christ and thus to lead them to eternal salvation. Through the agency of the National Legion of Decency and the NODL the Bishops of the United States are exercising that sacred right and carrying out that sacred duty, publishing moral evaluations of films through the Legion of Decency, for the guidance of Catholics and all others

⁷ *Censorship*: Statement of the Bishops of the United States, 1857. NCWC Publications Office, Washington, D. C.

⁸ "The Encyclical Letter *Miranda Prorsus*," English Translation in *The Pope Speaks*, Winter, 1957-58, p. 326.

who are interested in forming their conscience in this matter, and through the NODL engaging in a program of information and evaluation with regard to comic-books, magazines, and paper-back publications in so far as these are made available to youth.

Experience of parents, teachers, law-enforcement officials and others all over the nation, sociological studies, findings of committees of national and state legislators and of juvenile court judges—all point up beyond question the gravity of the evil against which the NODL carries on its activity. The very nature of the moving-picture medium which—together with the radio and television—is the most powerful extra-scholastic and post-scholastic educational instrument (for good or evil) in our modern mass culture, makes manifest the importance of great care and watchfulness on the part of the Church through such an agency as the Legion of Decency.

Objections

Objection 1. The specific classifications proposed by the Legion of Decency constitute an invasion of adult freedom of conscience. The person who is intellectually adult is well-informed, active and critical in his approach to films and to other forms of art and literature. The Legion of Decency represents a development of extreme paternalism, and reduces responsible adults to the level of children.

Response: First of all, this objection passes over the fact that the ratings of the Legion of Decency are for *all* Catholics, children as well as adults, and for all others interested. Many of these, even among the adults, are not well-informed and critically active in their approach to films, and are very grateful for some authoritative guidance of conscience in this matter. Furthermore, the proper liberty of all, even the intellectually trained and critical, is safeguarded in the status of the Legion of Decency listings; they are moral evaluations, not ecclesiastical laws, and they allow for legitimate exceptions where valid reasons exist for such exceptions. Certainly, the adult who would ignore the listings would be guilty of gross carelessness, imprudence, and a dangerous pride, and would expose himself to many unnecessary occasions of sin. On the side of liberty it might also be pointed out that the adult (Catholic or non-Catholic) is actually aided in the exercise of his liberty through

the Legion of Decency listings. In the concrete situation it most often happens that movie-goers have very little advance knowledge of the quality of the film they are about to see; they actually do not know what they are buying. In this respect the Legion rating is a service: the movie-goers know, at least, that a responsible Catholic agency has judged the film suitable or not suitable for such and such an audience. Thus the Legion of Decency rating becomes an element in the exercise of their freedom.⁹

Objection 2. The Legion of Decency represents a moralistic approach to literature which effectively snuffs out any true appreciation of art as a source of enjoyment and of cultural refreshment and deepening, presenting it rather as a natural enemy of man, as something essentially corrupting—a trap for the unwary, an invitation to license.

Response: This objection (which I have not made up, but which has actually been put forward by certain writers and critics) proceeds on the double Kantian assumption that the only way we can enjoy ourselves—or enjoy art, is to suppress our moral awareness, and that the only way in which we can act morally is turn stoically aside from any kind of enjoyment. The people who put forward this objection simply need to be instructed on the manner in which a sensible, balanced Catholic conscience avoids the two extremes of heedless laxity and scrupulous rigidity. If this objection be urged seriously, it must be said that it is not in accord with the basic principles of Catholic morality. To put it quite plainly: “Is this morally good or morally evil?” is the basic question any Catholic must ask himself (if there is any serious doubt about it) in his approach to any activity. Art or literature hold no privileged position in this respect. His Holiness, Pope Pius XII is quite explicit on this point with regard to film criticism:

It is quite wrong, then, for Catholic magazines and newspapers not to give their readers a moral appraisal of the motion pictures that they review.¹⁰

⁹ For a discussion of these points see René Ludmann, C.S.S.R., “The Cinema as a Means of Evangelization,” *Cross Currents*, Vol. III, no. 2, Spring, 1958, pp. 168-169 (translated by Joseph E. Cunneen).

¹⁰ *Miranda Prorusus*, In *The Pope Speaks*, Winter 1957-1958, p. 334.

Sometimes the objection is presented in a slightly different vein. The moral approach to literature and art is characterized as smug, as condemnatory of the sins of others, as lacking in sympathy and compassion for the fallen as these latter are represented in play or book or film.

In answer we may say that we too reject any pharisaical, holier-than-thou attitude of scorn or contempt for the fallen. We too accept the sinner—in life or in art, for we are sinners ourselves. But to do this does not demand indifference to evil. It does not require that we drop all moral restraints and simply go along vicariously with all the depravity and evil depicted. And any film that invites us to do this by the way that it depicts life and character, leading us into the midst of evil without any attempt at moral evaluation, is a film that we must condemn—not because we are lacking in compassion, but because such a film (or book or play) devaluates and degrades all that is human. Without a framework of moral values there is no true art, for the simple reason that without a moral framework there is nothing truly human.

Objection 3. The moral approach to art and literature is an obstruction to artistic integrity—i.e., to the freedom of the artist to introduce into his treatment whatever he judges necessary in order to present reality as it actually is.

Response: The objection that moral concern is an obstruction to artistic integrity betrays a misunderstanding of the true nature of artistic integrity. The integrity which any artist seeks in his work, and to achieve which he insists on his freedom to work without arbitrary interference and restraint, is not opposed to, or hampered by a concern for morality. On the contrary, it is only a fundamental concern for morality—for the moral nature of man as a creature of God responsible for his actions, that makes for true artistic integrity in any fictional treatment. It is not only in the statements of moral theologians that we find this recognition, but also in the statements of literary artists and critics who are deeply concerned about the present-day widespread misconception of integrity. Edmund Fuller speaks for many of these when he declares:

The existentialists and those influenced by them, and many who unconsciously have been practicing existentialists without the fancy jargon, portray human depravity and degradation without comment, presumably as they see it. This is a kind of moral neutralism. It makes no judgment, on the grounds that there is no judgment. But these writers show phenomena without meaning. If we give depravity no significance we imply that it has no significance. Far from being neutral or unmoralistic or undogmatic, this is a highly partisan, positive philosophical position indeed (*Man in Modern Fiction*, p. 39). . . . A true view of man, a fully human view, never finds man wholly without choice. Yes, the life of man, circumstantially, environmentally, economically, or morally can bring him, sometimes with appalling abruptness, to points of extremely limited choice. But he has always the choice of yes or no, in the sense of moral consent, so long as he is rational. When he is irrational, and no longer morally free, this is either medically or circumstantially accidental, or possibly the end result, the checkmate, from his own previous choices. If he be a condemned man, justly or unjustly, he may have no further choice of whether to live or die, but there remains the choice of how to accept the death. Choice, or decision, is the glory of man and the burden of man. . . . A concept of man that views him as not possessing these elements of freedom and self-determination is a concept of something less than man, essentially sub-human—the unman. One can, in a manner of speaking, dehumanize oneself, embrace the state of unman, enter the Wasteland, by waiving, negating, rejecting, or denying the endowment of free will and moral responsibility. This is truly to resign from the human race. . . . The most terrifying thing depicted in much fiction is blind, uninterpreted, meaningless, causeless corruption and malignancy. These qualities are offered to us as simply existential—they just *are*. Either they are taken as pure evil, or else worse, the very idea of evilness is dismissed and only beingness of this sort is acknowledged (pp. 22-24).

Artistic integrity in the true sense, then, is only achieved when man is treated as he is in his full reality—as free, morally responsible, and part of a purposive world order ruled by Divine Providence. It is such integrity that His Holiness, Pope Pius XII, had in mind when he pointed out in his discourse on “The Ideal Film” that the literary treatment of evil is objectionable “whenever perversity and evil are presented for their own sakes; if the wrong-

doing represented is, at least in fact, approved; if it is described in stimulating, insidious or corrupting ways; if it is shown to those who are not capable of controlling and resisting it"; but that "when none of these causes for exclusion are present; when the struggle with evil, and even its temporary victory, serves in relation to the whole to a deeper understanding of life and its proper ordering, of self-control, of enlightenment and strengthening of judgment and action; then such matter can be chosen and included as part of the whole action of the film." "The same criterion," the Pope added, "applies here that must rule any like artistic medium: novel, drama, tragedy, every literary work."¹¹

Objection 4. The moral approach to art and literature, as exemplified in the Legion of Decency ratings, is negative. The system of classifying films as objectionable or unobjectionable is incapable of serving as a help toward the positive appreciation of art, and specifically of the moving picture art. As a French writer on the subject has observed (Father René Ludmann, C.S.S.R.): "Films of high spiritual density cannot be detected by this means, and *The Diary of a Country Priest* finds itself in the same category with *Tarzan in New York*."

Objection: The objection states a truth that must be considered in our whole approach to the movies, as to all art. It is really not an objection to the Legion of Decency ratings, but a reminder that the negative aspect by itself is not sufficient. The necessity of a greater emphasis on the positive approach has been pointed out by Bishop Scully of Albany, Chairman of the Bishops' Committee on Motion Pictures and Moderator of the National Legion of Decency, in an article published in *America* (Mar. 30, 1957, p. 726), "The Movies: A Positive Plan." Bishop Scully urges the formation of film study clubs in Catholic high schools and colleges and among adults all over the United States "for intensive study of the artistic and moral values embodied in the films which they [the adults] and their children are asked to patronize at neighborhood movie houses." Fathers Kelly and Ford, in their long article on the Legion of Decency in *Theological Studies* (September, 1957)

¹¹ "The Ideal Film," address delivered October 28, 1955. English translation in *The Pope Speaks*, Winter 1955-1956, p. 358.

point out that "this kind of educational movement has already been flourishing abroad, while the United States has lagged behind." In a footnote they refer to the growing literature in France on film education for the use of film study clubs. Most interesting was the reference to *Répertoire général des films 1956-1957*, a work which "not only lists and classifies but synthesizes and analyzes the current films, including all the major American productions."¹²

Objection 5. The Legion of Decency and the NODL represent an effort to impose a particular (Catholic) concept of morality and interpretation of natural law on the rest of American society.

Response: Let it be observed, first of all, that so far as the nation at large is concerned the moral evaluations of these two agencies are *offered*, not *imposed*. The Church, through these agencies, as also through all her work of teaching and sanctification, certainly seeks to raise the spiritual level of society and of the nation. The individual Catholic who is guided in his choice of films and reading matter by the evaluations of these agencies is doing his part to influence society for good, he is casting a vote. This having been said, it should be pointed out immediately that the framework of morality—the view of human nature, which is upheld by the evaluations of the Legion of Decency and the NODL is not something "particular" in the sense that it is just one point of view among many others that have been handed down in our cultural history. It is rather the doctrine of man upon which our whole Western civilization has been built; in all that deals with the natural law it is the doctrine of man which is in its essentials the common heritage of the whole Judaeo-Christian tradition, and which agrees with and perfects what was most enlightened in the thought of the pagan Greeks and Romans. The term "Catholic" may be applied to this doctrine of man in the sense that the Church has never failed to defend it in all its purity, just as she has never failed to preserve and defend the supernatural mysteries committed to her keeping. But it is a falsification of all Western and Jewish history to present this doctrine of man as if it were just one point of view about the subject held by a particular group in our culture.

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¹² P. 428.

II

This section of the panel is devoted to the role of prudence in the censorship of art and literature. Although the principles set down here would pertain to all art and literature, I believe the present panel is concerned chiefly with the practical problem of censorship that prevails in this country: that is, the censorship of movies by the Legion of Decency and the censorship of magazines, comic books and pocketbooks by the National Office for Decent Literature. This latter organization, I believe, confines its concern to the circulation of objectionable literature among youth.

Before we take up the problem of censorship itself it will be necessary to distinguish the function of prudence from that of art. For purposes of convenience we will use the term art in a broader sense than it is used in the title of this panel so that it will include literature as well as so-called fine arts. St. Thomas, following Aristotle, defines prudence as *recta ratio agibilium*, art as *recta ratio factibilium*. Although he considers both prudence and art virtues, he maintains that only prudence is a virtue in the fullest sense of the term. The reason is that only prudence is aimed at moral goals; it teaches one how to practice moral virtue. Art equips one with an esthetic or a technical know-how. It teaches one, for example, how to be a good doctor, a good carpenter, or in the more common usage of the term today, a good actor, a good painter, a good writer. In other words, it effects some physical or intellectual good. Prudence is aimed at moral good; it teaches one how to be a good man.

It follows from this analysis that the artist, as artist, is not *per se* aiming at moral good; he is interested only in producing a piece of art. This does not mean, of course, that the artist may not have some extrinsic goal, even of a moral or religious nature, in his work. He may, for instance, want his work to have some moral or religious impact on those who receive it. Just as one may practice one moral virtue *ex objecto* and another *ex intentione* (e.g., one may practice abstinence or almsgiving out of a motive of charity), so one may practice an intellectual virtue with some moral purpose. But it is important to keep in mind that the moral purpose is ex-

trinsic to art, just as the motive of charity is extrinsic to the virtue of abstinence or mercy. Abstinence and mercy have their own definitions and their own norms. Nor will the motive of charity turn into abstinence or mercy what is not abstinence or mercy. Similarly, art has its own norms, and a religious or moral goal will not of itself make something a work of art. Although the agent may be practicing a moral virtue in this instance, he can in no sense be said to practice the intellectual virtue of art. He may be a very good or a very pious person but he is no artist.

On the other hand, just as a good intention will not make art, neither will a bad intention of itself destroy it. The intention of the artist will not necessarily interfere with his art. Neither will the character of the artist necessarily detract from his art. The artist may be depraved in character or his intention may be evil but he may still be capable of executing a masterpiece. Just as a man may be a first class surgeon or a first rate atomic scientist without being a good man, so a first rate artist may not be a saint. The surgeon may be a very greedy person; the atomic scientist may devote his technical knowledge to the service of atheistic Communism. Both are to be condemned; but they are to be condemned not because they are deficient in art or science but because they are deficient in moral virtue.

This is not to say that the artist may not be distracted by his intention. He may be more intent on religion than on art. Worse still, he may be more intent on immorality than on art. This is particularly true when he is producing for mass consumption and for profit. His intention in these cases may actually interfere with his art, and this is precisely because the immoral appeal, and even the religious appeal, is more universal than the artistic appeal, and hence more profitable. It is for this reason that the product even of a good artist may be vitiated by his intention. And this is the reason why a censoring agency that does inhibit immorality in art can indirectly do a service to the artist and art itself. It can prevent an author from being distracted from his artistic goal. I believe this accounts for the rise in the artistic level of the movies that followed upon the introduction of the Legion of Decency. In raising the moral standards of the movies, it affected indirectly their

artistic level. On the other hand, a trip through some of our religious goods stores will convince us that there are as many sins committed against art in the name of religion as in the name of immorality. Ultimately, of course, it may not be either religion or immorality as such that distract the artist from his art. It may be nothing more than profit.

Just as the artist, qua artist, is not interested in morality, neither is the prudent man, in so far as he is exercising the virtue of prudence, interested primarily in the progress of art. He is interested first of all in moral progress. His first interest is not in the artistic value of a work but in its moral impact. And since moral good takes precedence over physical or intellectual good, prudence and the other moral values will take precedence over art or intellectual virtue.

I believe it is this subordination of art and intellectual virtue to moral virtue that provides the basis for the charge of anti-intellectualism that is sometimes raised against censorship. Certainly, art and intellectual virtue are inferior in stature to moral virtue, and moral virtue may not be sacrificed to either, at least where the alternative is sin. But to accept and maintain the supremacy of moral virtue is not to condemn art or intellectual virtue. When a work of art is condemned on a moral basis, the judgment does not of itself reflect on the art. It is not opposition to art but opposition to immorality that dictates the condemnation. There is no opposition between intellectual and moral virtue.

There can be no doubt about this hierarchy of virtue. Moral virtue must be supreme. Where there is question of something intrinsically evil, then, it is clear what prudence demands of the individual; he must dissociate himself from it completely. But art as such cannot be put into this category; it is not intrinsically evil. Although it may have evil effects, it is a good in the physical order. The task of prudence, then, is not so easy. It must evaluate the bad effects of a particular production and balance them against the expected good. This means that although prudence as such is not primarily concerned with artistic values, it cannot ignore them. These values may have to be taken into consideration in judging the morality of contact with a particular work of art. We can illustrate

this with the example of artistic representations that would be sexually stimulating. In making a prudent decision to read or not read a book that may have certain stimulating passages, the artistic value of the work is a very important consideration. It may make the difference between a perfectly legitimate act and one that would have to be classified as sinful.

Authors who write on this subject sometimes draw too sharp a line between art and prudence. Certainly these two virtues deal with different values, and moral values take precedence, but one can no more ignore artistic values in moral decisions than he can, for example, ignore medical values. Thus, prudence would dictate that certain touches could be indulged in legitimately for medical purposes that might at other times be sinful. Similarly, prudence may dictate that certain reading may be engaged in for artistic purposes even though it may be sexually exciting.

One cannot conclude then that because a work is sexually stimulating it must be proscribed either for personal use or for the use of others. It is very true, of course, that a personal decision in this matter is much easier to make than a political one. The individual understands his own reactions and can determine for himself the value he wishes to get from contact with a work of art that may be sexually exciting. But when the decision must be made for others the task becomes far more complicated. Besides a knowledge of the stimulating power of the work and its artistic value, he must try to estimate the way in which the people for whom he is making the decision will receive the work. It is this problem that forces the various classifying agencies to separate those for whom the service is being performed into different categories and to make a separate judgment for each. One can presume, for example, that children will be attracted by the more superficial values. The artistic value, which will appear at times only after mature analysis, will escape them. For the mature adult, on the other hand, the artistic value may be predominant. The prudent man is not expected, of course, to be an artist himself. He may have to depend on others for an estimate of the artistic value of a work. But if he does expect to make a prudential judgment, he must take this value into account.

We are now in a position to consider the role of prudence in the

ensorship of art. When one relates prudence to censorship, the presumption is that the censorship is aimed at moral goals. Otherwise, the moral virtue of prudence does not come into play. Strictly speaking, a certain censorship might be instituted that would have art itself as its goal rather than morality. To raise the cultural level of a community, a board of censors might be appointed to prevent the public sale, exhibition, etc., of any works that did not meet certain artistic standards. Thus, a kind of censorship would be established over works which did not meet these standards. In a sense, every museum, every art exhibition, every publisher or producer exercises in varying degrees this kind of censorship. But censorship of this kind is related to the virtue of art rather than the virtue of prudence. In other words, it has nothing *per se* to do with morality. If a work which happens to be obscene is rejected, it is not because of its moral impact but rather because it has failed to meet the artistic standards of the censors.

It would be impossible here to go into a lengthy discussion of the psychological process by which one arrives at a prudential decision. Briefly, it involves three separate functions; counsel, judgment and precept. This means that one who wishes to practice moral virtue (or avoid moral harm) must first initiate an investigation of ways and means. The amount of investigation necessary will depend on the demands of the individual case. But whatever may be the extent of the inquiry, it must eventually lead to a judgment regarding the best means to achieve the goal. Here it might be advisable to point out that since prudence deals with contingent judgments, it will not give a perfect guarantee against speculative error. But the fact that the prudential decision may contain speculative error does not mean that it takes its origin in ignorance, as one author recently insinuated. The purpose of the investigation is to remove ignorance as a source of error in the prudential judgment. If the whole process is carried on under the guidance of a well-ordered appetite, speculative error will be reduced to a minimum. So, although of itself the prudential process will not lead to a certitude that will rule out all possibility of error, it will give that kind of certitude which is possible in contingent matters.

To practice virtue it is not sufficient, of course, to stop at a

judgment regarding the best means to achieve it in a particular situation. One must ultimately act. The prudential precept, therefore, is the climax of the process and the most important function of the virtue. But since a discussion of the precept does not pertain to our purposes there is no need to delay on it.

If art were intrinsically evil, or if the evil effects of art in a general way far outweighed any good that might come from contact with it, the function of prudence in relation to art would, as we have already indicated, be very simple. Art would be outlawed by the individual just like homicide, and in all probability, it would be outlawed by society itself. We know from history that some philosophers seemed to take the attitude that art should be banned from society. Plato banned the artist from his Republic, and he has had his followers throughout history from some of the early Christian Fathers down to such disparate personalities as Bossuet and Rousseau. Most thinkers, however, have considered this an extremely harsh judgment of the arts. Although they recognize the evil influence that the arts can exercise, those who follow the Aristotelico-Thomistic tradition also recognize the important contribution of the arts, and indeed their necessity in human society. The question raised today is not whether to extirpate the arts but whether to control them. The issue is formulated in terms not of exclusion but rather of supervision and control. Do moral considerations call for some kind of control over art?

The presumption in any decision to control or supervise arts is that they can exercise an evil influence or impact on the receiver. Unfortunately, it is here that the basic disagreement between those who advocate censorship and those who oppose it begins. There are those who deny that art has any capacity for influencing the mature adult for evil. By the time people reach adulthood, they have already acquired good or bad habits. If their habits are good, they will not be affected by immoral art. If their habits are bad, the evil that results will be traceable to these habits rather than to their contact with art. Although this group would admit that the young and immature, who are still pliable, are more open to evil influence, they maintain that the capacity of art for exerting evil influence is insignificant when compared with such other influences

as home, school and church in the development of the moral personality. Where evil conduct exists it will be due to a failure of these influences rather than contact with evil art.

One can readily admit that it would be difficult, perhaps impossible, to trace a particular crime or vice to exposure to the movies rather than to some more serious failure in home, school or church influence. But anyone who has witnessed a movie, read a book or looked at a magazine knows that he can be affected by it. I suppose the most obvious illustration of this common experience is the sexual stimulation that can arise from contact with such sources. Everyone knows that commitment to such a stimulation is easy. Unfortunately, there seem to be many who do not recognize evil involved in such commitment. In fact, the more uncritical opponents of censorship fail to distinguish between this type of emotional reaction and catharsis, and actually consider it a kind of safety valve. There is no need here to point out the error in this confusion. Catharsis cannot be identified with auto-eroticism.

To those who deny that art has an influence for evil censorship is an unjust limitation of human freedom. The question of prudent censorship simply does not arise for this group. Unless there is some moral good to be achieved or evil to be avoided, prudence cannot function. But even among those who admit that art can have an evil influence there is no unanimity of opinion regarding the means that must be resorted to as a protective measure. I think that all in this group would admit the need for personal censorship over contact with art. Even supposing a very strong will, everyone knows that there are certain representations that are so devoid of any distracting value that it would ordinarily be very difficult to avoid personal commitment. Only an extraordinary purpose would keep the will distracted or neutralize the stimulating effect of contact with such representations. The only protective measure that would be adequate in most cases is a personal censorship that would rule out all contact with such representations. I think it can be said also that those who admit the need of personal censorship would also allow for a degree of parental censorship

in regard to those who were not sufficiently mature to perform the function for themselves.

But the chief issue does not concern personal censorship, or even parental censorship. It is censorship by outside agencies, whether of a legal or an extra-legal status, that is the main source of controversy. The problem to be considered is that of political prudence rather than personal prudence. In other words, it is not the prudence of measures selected to achieve personal goals but rather the prudence required in selecting measures to achieve the common good that is under discussion. More specifically, it is the prudence of measures taken to protect the community against moral harm.

Before action by an outside agent will be warranted there must be a presumption of common danger, if not to the community, at least to the particular class for whom the protection is meant. Nor will the presumption of common danger be the only consideration to be made in estimating the prudence of such intervention. The function of the community is to supplement the efforts of its individual members, that is, to provide benefits which they cannot easily provide for themselves or to give protection which they cannot provide for themselves, or at least cannot provide without causing greater evils. Thus, for instance, if personal censorship (or parental censorship) were adequate to protect the individual members of the community, prudence would dictate that the task be performed at this level. The ordinary individual does not benefit by having the community take over functions which he can easily perform for himself. Personal development and integrity demand personal responsibility. Unless there is some need for community action, then, censorship would best be left to the individual.

Granted that the intervention of some outside agency is necessary, prudence demands that consideration be given to the adequacy of the agent selected to achieve the goal. This is an aspect of prudence which is of the greatest importance. The adequacy of a particular means to reach a desired goal may vary from time to time and place to place. Means that are effective in one place may be completely ineffective in the next. Means that were effective at one time will lose their effectiveness entirely and may even give rise to

greater evils. It is the part of prudent administration to continue to assess the effectiveness of means and adjust them to the demands of a changing situation. This may appear at times to be a kind of retreat, especially when the second means is not as effective as the first originally proved and the adjustment is necessitated by hostile opposition. But it is the end that is important, not the particular means. When an organization becomes so wedded to one means that it becomes identified with it and can no longer adjust to changing situations, it has lost the flexibility essential to success in any permanent endeavor.

A third consideration is of the utmost importance in the exercise of political prudence. Granted that a particular measure is necessary and adequate to protect the community against some harm, it must still be examined to determine whether or not in curing the present evil it will give rise to more serious ones. It may be prudent even to tolerate an evil where efforts to remove it, although successful, will give rise to greater evils. Unfortunately, in spite of its importance, this last consideration is the easiest one to lose sight of. It is very easy to narrow one's vision to the relationship between the means in question and the immediate goal, and to measure the value of the means solely in terms of this goal to the exclusion of all other considerations. It is important to realize that most actions have more than one effect and that very often secondary effects may not be altogether desirable. Besides the purpose of the measure under consideration, one must evaluate its other effects before he can legitimately make a prudential decision to adopt it. In this connection, also, it is well to remember that the good to be achieved by a measure may be confined to a particular locality whereas the undesirable repercussions may be nationwide. It may be necessary to sacrifice some local good to the general welfare or some higher good.

These three considerations must be made not only in the original decision to take community action but in all subsequent decisions relating to the various aspects of this action. The first decision that must be made, once the advisability of community action is decided, concerns the nature of the agency to be entrusted with the task. Should it be an authoritative agency, or would it be preferable

to entrust the task to private groups? Although there are some who would deny to any private group the right to set itself up as a censoring agency, there can be no doubt that in a democratic society particularly, where the function of the individual in relation to the common good is much more intimate than in other forms of government, individual citizens and private groups may undertake this task. Moreover, if action on this level were adequate, it would seem preferable to legal action. This position is based on the principle already mentioned, that the function of the state is to supplement the individual, not to supplant him. What the individual or private groups can adequately accomplish for themselves should be left to them. If this principle is carried out, the energy and resources of the government will be conserved for those functions which it alone can perform and will not be expended on activity that can be performed by others.

That extra-legal action can fulfill the canons of prudential action is demonstrated clearly, I believe, by the success of the Legion of Decency. When the Legion originated, although it was under Catholic auspices, it was generally recognized that it represented the opinion of all decent members of the community, independently of religious persuasion, regarding the moral level of the movies. There seemed to be a consensus of opinion that some kind of action was needed. That the Legion performed an adequate task is today a matter of history. It is also a matter of history that it achieved its goal without introducing greater evils, and particularly without discouraging art or lowering artistic standards. In fact, it is generally conceded that in raising the moral standards of the movies, the movement indirectly affected even the artistic quality of the films. We have already touched upon this aspect of the Legion's work.

The fact that a private agency may be able to achieve a success in one community does not necessarily mean that legal action will not be necessary in the next, or even that legal action will not be necessary in the same community in a changed situation. But it must be admitted that the private agency will be faced with problems of prudential decisions that do not harass public boards. For this reason it is important to pay special attention to the canons of prudence in the conduct of such agencies.

If the private agency is quite confident that it represents the thinking of the community, the problem of prudence will be considerably simplified. Similarly, if it limits its function to provide a service for its own constituents, it will have a comparatively easy row. Prudential problems will arise more in a situation where a private agency attempts to extend its influence over those who do not share its convictions.

Certainly no private agency has any right to impose its own peculiar religious standards on others. It does have a right, however, to take action to prevent moral harm or damage from coming to the community. It has a right, then, to take certain action to prevent harmful literature or harmful movies from being disseminated in a community. But where its action is unilateral or unsupported, prudence will dictate great caution or may even demand that the agency refrain from action. Where an agency is unsupported, the evil that may result may far outweigh any immediate good that action may achieve. This problem must be faced particularly by religious agencies. The damage done to the Church and her cause may far outweigh any good that might be achieved in preventing a particular movie from being circulated in a community that wants it, or is at least indifferent to it. The private agency, then, especially if it represents a religious group, will have a more delicate task to perform. The delicacy of this task will appear more clearly in the rest of this paper.

The goal of the agency, that is, whether it expects to service the community or only its own constituents, will determine the prudence of the various approaches that are open to it to achieve this goal. The organization may direct all its activities immediately at the consumer or buyer, without paying any immediate attention to the publisher or producer. I believe the original measures of the Legion of Decency were directed at the consumer. As I understand it, the Legion in the beginning relied chiefly on the pledge which Catholics took not to attend indecent movies. The classification of movies on a moral basis was a later development, intended primarily as an aid to Catholics in implementing their pledge.

In taking a direct approach to the consumer, an agency may, of course, have either of two goals in mind. It may intend only the

immediate protection of the consumer by warning him of the danger of contact with a particular artistic representation. Or it may have an ulterior motive, the exercise of a certain box-office pressure on the distributor or publisher . . . to prevent objectionable works from being produced. Ultimately, the protection of the consumer remains the goal, but the agency may feel that it can achieve this goal more effectively by discouraging the production of objectionable movies than by merely discouraging attendance at them. Whatever may be the primary intention of the agency, discouraging attendance at objectionable movies will ultimately affect production, but the avowed use of pressure is bound to generate more opposition and hence should be resorted to with greater caution.

Instead of directing its efforts immediately at the consumer, the agency may direct them at the retail agent (bookstore owner, newsstand operator, movie house owner, etc.). This seems to be the method adopted by the National Office for Decent Literature. What the Legion of Decency did for the movies, this organization wanted to achieve in the field of magazines, comic books and pocketbooks, although it limited its interest to the young and immature. Like the Legion it drew up a list of objectionable publications in this field, but unlike the Legion it did not publish the list for general consumption. It was not compiled as a service to the buyer. It was meant rather to be put at the disposal of committees contacting newsstand operators, drugstore owners, etc., with the purpose of getting objectionable publications withdrawn from circulation.

If any agency elects this approach, it again has a choice of goals. It may look immediately to the protection of the consumer, or it may be looking more in the direction of the publisher or producer, with the intention of giving more effective protection to the buyer by inhibiting publication of objectionable literature. But even if the agency limits its goal to the immediate protection of the buyer, this procedure involves risks that a direct appeal to the buyer does not contain. Since such a procedure will affect a whole community, prudence will dictate that the censoring agency be sure it represents the wishes of the community.

In the early days of the Legion and also of NODL, the support of the non-Catholic part of the community was clearly present. One

wonders to what extent this is true today. Certain rather vocal defenders of freedom have for the past decade or more been trying to sell to the non-Catholic part of the community the idea that Catholics are trying to impose a "party line" on the rest of the community. To what extent this idea has been accepted by what we might call the silent part of the community is difficult to judge. But it must be admitted that the group has made itself heard. As a result, Catholic organizations working for decency today are meeting with resistance that was absent in earlier days. Even those who might otherwise share their view and support them are putting up resistance today because they have been taught to fear the power of the Church more than they fear the purveyors of indecent literature.

This changed situation must be taken into account in any Catholic crusade for decent literature, and failure to do so may interfere with the effectiveness of the crusade. There is no need, of course, to be concerned with these fears in direct dealings with Catholics. But where the agency is approaching movie owners, newsstand agents, etc., prudence would seem to demand that it be assured of the support of the rest of the community. In the early days of these organizations, such support might have been legitimately presumed. Today, it does not seem safe to work on such a presumption. It is important today to make sure that those outside the Church recognize the fact that the decency Church organizations are promoting is not a matter of religious opinion but of morality and therefore a matter of common concern. Catholic agencies must make a greater effort to sell their program to the rest of the community so that wherever possible they will have not only the support but the active co-operation of the other members of the community. Actually, this has been done in many communities where committees representing the whole community have been organized. The more this movement grows, the better.

A censoring agency may decide to direct its efforts immediately at the publisher or producer itself in an effort either to have him exercise the moral censorship over his own literary product that is his personal responsibility, or at least to accept a certain moral code. There seems to be a special objection to this latter measure,

which is classified a prior censorship, although it is not clear on what basis this objection rests. It is difficult to understand what objection there could be to forcing an irresponsible author or publisher to conform to a norm that the natural law itself obliges him to. Actually, censorship at any level will ultimately, if it is successful, have some moral impact on the author or publisher. It does not seem to make much difference whether the impact is direct or indirect. It is more important to guarantee that the censorship, at whatever level it occurs, will be based on a realistic moral code. But given the opposition that prevails to this prior censorship, prudence would dictate that less direct, but more acceptable, methods be given preference.

A final alternative is open to a private agency. Instead of making direct efforts to protect the customer or stop the flow of indecent literature by extra-legal methods, the agency might decide to work through the law. There are several courses open to it in this area. It may try to put through new legislation to outlaw objectionable literature or movies, or if legislation is already in existence, it may attempt to activate such legislation by urging legal action against authors or publishers of objectionable works. For the same reason that was mentioned above in connection with efforts to have these works withdrawn from circulation, prudence would demand that such efforts have the support of the non-Catholic part of the community. One recent effort in the area of legal action seems to fall within the sphere of the imprudent. It consisted in a letter campaign to a judge who was trying a case dealing with indecent literature. The judge subsequently disqualified himself because of the pressure. He felt that a decision against the defendant under such circumstances might well have been thrown out on the basis of undue pressure. Although from a legal standpoint a case might be made to justify such tactics, they seem to fall within the realm of the imprudent.

Finally, we must give some consideration to the limits that prudence sets on the extent of censorship. Should the agency attempt a moral estimate of every publication or every movie produced? Or should it content itself with a certain minimum? The Church in her own legislation regarding the prohibition of books seems to fol-

low a minimum norm. In the area of obscenity, for instance, she limits her prohibition to those publications which *ex professo*, treat, narrate or teach obscenities. Authors interpret this to mean that the whole character of the work, or at least a notable part of it, must be such as to indicate that the purpose of the author is either to teach obscenity or to stimulate the reader sexually. Certainly any agency sponsored by the Church for censoring literature would have to include at least the area covered by Church law. If it did not cover this class of publication, it is difficult to see what purpose it would serve. Similarly, an agency for censoring movies would have to be concerned with productions that constitute serious moral danger for the generality of men, or at least for the class for whom the service is being performed.

The critical question, however, is whether an agency should try to do more. Obviously the legislation of the Church regarding the prohibition of books does not pretend to solve the whole moral problem regarding contact with dangerous publications. She limits her concern to publications that constitute serious common danger and without any distinction of class. For the rest she expects the personal moral education of the individual to be a sufficient guide.

Since the private agency is functioning in the same area as the law, that is, in behalf of the common good, prudence would demand that it limit itself to the above norm to the extent that it condemns certain productions or publications, or at least to the extent that contact with them is judged sinful. This is not to say that it may not perform a further service and give a moral evaluation of other publications or productions. But it should be understood that this further evaluation is not made on the basis of sin and should not be interpreted on this basis. Except where a production is forbidden by positive legislation or where it constitutes a proximate danger of serious sin for the generality of men (or of a particular class), a judgment of sin by an outside agency would not be prudent. Where there is question of a production that may constitute grave danger for individuals, the judgment of sin should be left to the educated conscience of the individual under the guidance of a confessor. Similarly, the whole area of venial sin in this matter is too elusive to handle except on an individual basis. Actually, the Legion itself

has never entered the realm of sin in its classifications but attempts have been made from time to time to reduce the classifications of the Legion to judgments of sin.

In determining the extent of censorship every agency must realize that there is a limit to what an outside source should attempt, even in a situation where there is no active opposition and the agency can, as a result, count on the full co-operation of those it is serving. First of all, it is impossible for an outside agency to provide complete shelter against all evil influences. Even if this could be done in the area of art, the individual is still open to other evil influences. Contact with people can be just as dangerous as contact with art. There is a limit then to the amount of shelter and protection that will be healthy for the individual. If he cannot avoid contact with evil influences, he must learn how to contend with evil. This he cannot do in an over-sheltered environment. There must be a balance between protection and education in dealing with art just as there must be in social contact. No agency, then, should function on a level of anxiety, like an overprotective parent who attempts the impossible task of assuming the whole burden of the child's moral life. Ultimately, it is the individual himself who sins and it is the individual himself who must avoid sin. There is need for a degree of protection, but protection should never be carried to the point where it interferes with the education of man's moral faculties. To the extent that it is, it defeats its purpose.

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Digest of the Discussion:

Father Matthew Herron, T.O.R., of Steubenville, Ohio, opened the discussion by asking *Father Bennett* what term he would prefer to use in place of the word "censorship" when referring to the activity of the Church in this field.

Father Bennett admitted that as a philosopher he should be an expert giver of names but that there was real difficulty in this case. He thought

that perhaps some circumlocution would be necessary, an expression such as "moral evaluation," for example, or something like that.

Father Bennett went on to comment on the lack of logic that is manifest when the word "censorship" is used popularly to describe the activity of these agencies. Censorship is a generic term and this activity belongs rather to a species. Furthermore, censorship in the strict sense involves a restriction of liberty, an element that is not at all present in moral evaluation. As a matter of fact, the case is just the opposite; moral evaluation aims at a more perfect exercise of liberty. But the question of terminology is a difficult one, Father agreed, and popular usage of words is not always very rational.

Father Patrick Sullivan, S.J., of the national office of the Legion of Decency, then arose to express the gratitude of the Legion to the theologians for their interest in the question. He expressed the hope that the excellent papers of Father Bennett and Father Connery would receive a wide circulation among Catholic people generally.

Father Juniper Cummings, O.F.M.Conv., of Chaska, Minn., referred to a recent book by a Protestant minister who objects to the Catholic activity in the field of moral evaluation. The thesis of the book is that such evaluations are a denial of an apostolic opportunity. The author maintains that certain objectionable movies can present the "seamy" side of life and its degradation in such a way as to give "negative witness" to the Christian teaching. According to him, once such movies show life at its worst, then there is an opportunity for Christians to show how much better life can be when Christian principles are operative.

To this, *Father Bennett* replied by first identifying the book as Malcolm Boyd's *Christ and the Celebrity Gods*. In attempting to justify a movie such as *Baby Doll*, Boyd would hold that we have here a stark picture of life unilluminated by any Christian influence. The Christian preacher can say to those who see the film: "This is what life is like without Christian truth." Father Bennett admitted that this approach could be used once a person had inadvertently seen such a film. But Father denied that this could ever be a valid pastoral approach as a general rule or that this gives a justifying reason to encourage attendance at such films. Father Bennett gave three reasons for objecting to Boyd's thesis: (1) As Pius XI clearly says, there is no justification for presenting an evil situation in its entire and unrelieved degradation; (2) several million apostles would be needed to interpret the film in a Christian sense for the several million viewers; (3) it would be impossible to present the Christian view as persuasively as that of the film, and there is no certainty that the same audience could be exposed to both. For these reasons, Father Bennett said, the approach of Boyd is unrealistic.

Father R. Trahan, S.S.E., of Burlington, Vt., added to these observations by pointing out that Boyd's attitude is contrary to the basic principles that the end does not justify the means. Good can be drawn out of evil but that has to be left to God. Evil situations cannot be deliberately planned by man to help this process along. Thereupon, the imminence of the final adjournment brought this relatively brief discussion period to a close.

Recorded by: BROTHER C. LUKE SALM, F.S.C.
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