

## THE LEGION OF DECENCY

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FOR many years there has been a world-wide concern over moral questions pertaining to the production of and attendance at motion pictures. As regards the United States, these moral questions can hardly be considered without some reference to the work and the objectives of the Legion of Decency. It is not the purpose of the present article either to propose or to solve all possible moral questions; the main purpose is rather to give more information about the Legion than is usually available to theologians, so that some of the more practical of the moral problems can be reasonably discussed, if not perfectly solved.

### HISTORICAL BACKGROUND

#### *Before the Legion*

The Legion of Decency emerged as a social reality in 1934.<sup>1</sup> At that time, and for many years previously, there was considerable dissatisfaction among decent people, regardless of their religious affiliations, with the moral fiber of the motion pictures. The source of the public

EDITOR'S NOTE.—The material presented in this article is a chapter from a larger study of contemporary moral problems by Fr. Ford and Fr. Kelly. The first volume of a projected series is now completed and will be published in the near future under the title, *Moral Theology under Pius XII*, Vol. 1: *Questions in Fundamental Moral*.

<sup>1</sup> Almost all of our data concerning the formation of the Legion and the first ten years of its history is taken from Paul W. Facey, S.J., *The Legion of Decency: A Sociological Analysis of the Emergence and Development of a Social Pressure Group*. This is a doctoral dissertation prepared in the Department of Political Philosophy at Fordham University, New York. It has not been published—a fact that the present writers regret, because we have found the manuscript intensely interesting and very illuminating. With the kind permission of Fr. Facey, we are making liberal use of it in this article. A point of special importance is that Fr. Facey had access not only to published material about the Legion but also to many private documents. Regarding the title of the dissertation, it might be observed at the outset that a "pressure group" is not necessarily the odious thing that it seems to connote in many minds. It can be—and, in the case of the Legion, it certainly is—a perfectly legitimate form of social action, the purpose of which is to get others to conform to an ideal social pattern.

concern was not only the scandals in the lives of prominent actors and actresses, but also and especially the moral dangers of the motion pictures themselves. On this topic, the following words of Martin Quigley are pertinent:

It has, of course, been well known to persons familiar with motion pictures that only a fractional part of the output of the studios since the beginning of the art involved any moral problem whatsoever; still fewer are the number which by reasonable standards may be considered to have been definitely harmful in their effect. Much of the public anxiety was occasioned more by the indication of a trend than by the appearance of a reality. But however few the number the potency of the film is such that even the occasional corrupt subject is of such possible consequences as to justify grave public concern.

Against an impression which has widely prevailed, an examination reveals that only a remarkably few motion pictures produced in the United States fall definitely and completely outside the domain of decent entertainment. Among these few the same objectionable incidents are frequently repeated. In many pictures, however, there have been brief bits of dialogue or picturization of an objectionable character.

The objectionable material, whether it colors a picture in its entirety or appears only briefly, consists mainly of the following: False sex standards; incitements to sexual emotion; glorification of crime and criminal and debasing brutality.<sup>2</sup>

This picture of the moral caliber of the movies is not as dark as some others we have seen.<sup>3</sup> It is, however, the considered appraisal of a man who is an expert and honest critic of the films, who has always been alert to the problems of the producers, and who was one of the prime movers, if not the prime mover, in bringing the Legion of Decency into existence. And it shows, in measured language and without

<sup>2</sup> Martin Quigley, *Decency in Motion Pictures* (New York, 1937) pp. 30-31.

<sup>3</sup> See, for example, many statements made by various members of the American hierarchy, as cited in *Le cinéma dans l'enseignement de l'église* (Vatican City, 1955). This book is published under the sponsorship of the Pontifical Commission for the Cinema, the Radio, and Television. It contains, besides documents of the Holy See, statements made by members of the hierarchies of twenty countries; also information about the various organizations, international and national, that are devoted to the apostolate of bettering the moral tone of the movies. There are twenty-two statements by members of the hierarchy of the United States, covering the period between 1933 to 1954 (see pp. 234-315). Although many of the episcopal appraisals of the moral tone of the movies are much more severe than Mr. Quigley's, one may wonder whether there was really a substantial difference of opinion, because Mr. Quigley worked very closely with the hierarchy in promoting the Legion of Decency.—To return to the book, let us mention here that in subsequent footnotes we shall refer to it merely as *Le cinéma*. When quoting from its English versions, we have taken the liberty to correct what are obviously only typographical errors.

confusing oratory, why Mr. Quigley and many others were deeply interested in effecting a moral betterment of the motion pictures and in stopping an evident trend toward the morally objectionable. Since the motion picture is a mass medium of entertainment and since the possibility of having a selected audience is decidedly limited, it is clear that even a small amount of objectionableness can do great harm.

There were, as we have intimated, widespread public protests against the immoral tone of motion pictures long before 1934. Thus, as early as 1921, the *Literary Digest* stated that there was no longer any dispute about the need of purification. "All the magazine and newspaper discussion as to whether there is a 'movie menace'," added the *Digest*, "shifts to a hot debate in the press and among our legislators over how the reform is to come."<sup>4</sup>

The same issue of the *Digest* announced the motion picture industry's willingness to take steps toward reform. The first step was the organization of the Motion Picture Producers and Distributors of America, Inc., with Mr. Will H. Hays at its head. Perhaps if Mr. Hays had had the dictatorial power over the movies that he was commonly thought to have, there would have been an immediate betterment of the moral content of the films. But the fact is that he did not have such power. Nevertheless, his appointment was a step in the right direction; and it was followed by other important measures taken by the producers themselves to elevate their product, if for no other reason than that it would be good public policy.

The two most important of these efforts are described in detail by Mr. Quigley.<sup>5</sup> The first was a "fair practices" resolution signed by the representatives of the Motion Picture Producers and Distributors of America, Inc., in 1927. One part of this resolution contains a list of things which "shall not appear in pictures produced by the members of this Association, irrespective of the manner in which they are treated." This list includes: pointed profanity; licentious or suggestive nudity; illegal traffic in drugs; inferences of sex perversion; white slavery; miscegenation; sex hygiene and venereal diseases; scenes of actual childbirth; children's sex organs; ridicule of the clergy; wilful

<sup>4</sup> *Literary Digest*, May 14, 1921, p. 32. For this quotation and the report from the *Digest*, cf. Facey, *op. cit.*, p. 15.

<sup>5</sup> See chapters 4 and 5 of *Decency in Motion Pictures*.

offense to any nation, race, or creed. A second list was of subjects that must be treated with special care, "to the end that vulgarity and suggestiveness may be eliminated and that good taste may be emphasized." Of the twenty-five items on this list, more than half concern brutality, crimes, and law enforcement. Concerning this group, the main points seem to be: detailed methods of committing crimes are not to be portrayed, and audience sympathy is not to be directed to criminals and against law enforcement. A few unrelated items concern the use of the flag, international relations, surgical operations, and the use of drugs. The main point of these seems to be the rule of "good taste." The remaining items have to do with sex and the institution of marriage. Since the more flagrant abuses in these matters are already covered by the first part of the resolution, it seems that here too the main point is "good taste."

This list was based on a pragmatic study of deletions and revisions most commonly demanded by state and municipal censorship boards. It represents what Mr. Quigley has recently called matters of "policy" as opposed to matters of "principle." According to Mr. Quigley, the reasons for the ineffectiveness of the resolution were: public interest seemed limited; the resolution was so general and vague that it was of little positive help to producers of good will, while it easily allowed others to circumvent or ignore it; and, finally, there was no machinery for enforcing it.

Mr. Quigley himself was convinced that what the producers needed was a code that would give them not merely a list of "Don't's and Be Careful's" (an expression often used to designate the resolution of 1927), but more rational guidance on the subject of morality in public entertainment. To supply such guidance, he and the late Daniel A. Lord, S.J., drew up a systematic code of general moral principles and specific applications relevant to the problems involved in the production of motion pictures. This document, as prepared by Fr. Lord, together with the subsequent addition of most of the list of "Don't's and Be Careful's," was accepted by the industry as its "Production Code" in March, 1930.

The text of this Code, as given by Mr. Quigley, takes up almost twenty pages of his small book. The bulk of the text is devoted to stating moral principles and to explaining the application of the gen-

eral principles to specific situations often encountered in motion pictures.

Despite the acceptance of the Code, the moral tone of the movies continued to degenerate. Mr. Quigley gives several reasons for this failure of the Code. For one thing, the industry still feared that a strict application of the Code would seriously impair the entertainment value of the pictures. A second reason was that there was no really impartial judge to insist on the application of the Code; in the last analysis, the producers judged one another—and this Hollywood Jury, as it was called, was ineffective. A third, and the principal reason according to Mr. Quigley, was “that there was not a sufficient pressure and support of public opinion to encourage or compel the industry at large to conform with the letter and the spirit of its regulations.”

To put it briefly: the producers, even those who had accepted the Code with good will, needed an organized expression of public opinion to help them overcome their fear that adherence to the moral standards of the Code would result in financial failure. The needed organization appeared in 1934 in the form of the Legion of Decency.

### *The Legion*

The story of the emergence of the Legion of Decency is interestingly narrated by Paul W. Facey, S.J.<sup>6</sup> He shows that, though the Legion itself, as an organization, appeared suddenly in 1934, yet it was the result of the careful planning and the tireless and expensive activity of a small group of men who were determined to get the producers to live up to the Code. This group included three Jesuit priests: Daniel A. Lord, FitzGeorge Dinneen, and Wilfrid Parsons; and two laymen: Martin J. Quigley and Joseph I. Breen. These were subsequently joined by Msgr. Joseph M. Corrigan, the Rector of the Catholic University of America. Their goal was to have the American bishops, as a group, endorse the Production Code and to sponsor a campaign that would provide the public opinion needed to make the Code work. Fr. Dinneen enlisted the support of Cardinal Mundelein, and Fr. Parsons obtained the endorsement of Cardinal Hayes. Then, through the instrumentality of Msgr. Corrigan, a public statement on the motion picture problem was obtained from the newly arrived Apostolic Dele-

<sup>6</sup> Cf. *supra*, n. 1.

gate, the Most Reverend Amleto Giovanni Cicognani. Thus, in his first public address in this country, the Apostolic Delegate said: "Catholics are called by God, the Pope, the bishops, and the priests to a united and vigorous campaign for the purification of the cinema, which has become a deadly menace to morals."<sup>7</sup>

Six weeks later, at their annual meeting in November, 1933, the bishops condemned immorality in the films, demanded that the industry reform, sanctioned a national campaign to effect this reform, and appointed the Episcopal Committee on Motion Pictures to plan, control, and conduct the campaign.

We have given only the highlights of the activities that preceded the formation of the Legion. These preliminaries are aptly summarized by Fr. Facey as follows:

The foregoing account of that process [of emergence] has made it clear that behind the apparent spontaneity of the Legion of Decency campaign was the conscious activity of a few men, who labored, first, to provide a solution for the problem of movie morals, and then to provide pressure to make the solution work. Self-regulation of the film industry in conformity with the Production Code was the solution. The pressure was to come from the activity of institutional ethical leadership, the organization of Catholic Bishops. Thus it was no accident that the Legion of Decency was directed and principally located within the Catholic Church; and it was not by chance that the Episcopal Committee directed the pressure of the Legion toward supporting the film industry's system of self-regulation according to the Production Code.<sup>8</sup>

### *Non-Catholics*

The Legion campaign was just getting under way when Bishop John F. Noll, a member of the Episcopal Committee, wrote:

There exists a "Federal Motion Picture Council in America, Inc.," whose slogan is "Mobilize for wholesome motion pictures." This Council is constituted almost

<sup>7</sup> Cf. *Le cinéma*, p. 234. This address was given Oct. 1, 1933, to a Catholic Charities convention in New York. The brief quotation given in our text may create the impression that the address was mainly negative, a diatribe against the motion pictures. Actually, the address was very positive, a call to Catholic Action, as is evident from this paragraph: "Catholics of America must show their zeal for every good work, for every holy crusade, sanctifying others by their example. In his individual life and in the life of the family, by his observance of the sanctity of the marriage state, by his zeal for the education of youth and by his generous cooperation in every movement to which he is called by his spiritual leaders, the true Catholic will respond to the invitation of Pius XI and thus render an inestimable contribution to the Church and to the nation. He will answer wholeheartedly the call of Catholic Action" (*ibid.*, pp. 234-35).

<sup>8</sup> Facey, *op. cit.*, p. 46.

entirely of non-Catholics, and as General Secretary, the Reverend William Scheafe Chase is soliciting Catholic cooperation for the passage of the Patman Bill—designed to secure Federal supervision of motion pictures “at the source of production, before they are filmed, and for the prohibition of blind and block booking. . . .”

Within the writer's own diocese Protestants of several cities have set Catholics an example by securing pledges from their people to remain away from the theatre until it desists from serving filth.<sup>9</sup>

A few months later, after the activities of the Legion had caught the public eye, Archbishop John T. McNicholas, O.P., Chairman of the Episcopal Committee, wrote:

It is very heartening to realize that an awakening is taking place. From all sections of the country, from all groups—Protestant, Jew, and those affiliated with no organized religion, and from countless Catholics—comes the word that the movement against the immoral cinema was too long delayed. It has not been possible to acknowledge all the communications expressing this thought which were sent to the members of the Episcopal Committee. . . .

Non-Catholic groups in every section, men of every profession have spoken words of encouragement and have expressed their wish to cooperate.<sup>10</sup>

Fr. Facey gives many details of non-Catholic cooperation not contained in the preceding episcopal statements. Having given these details, he continues:

. . . *The New York Times*, between June and November of the campaign year gave forty reports on Protestant activity, mentioning twenty-seven different groups or leaders of groups. An incomplete list compiled from the *Times*, *America*, and the diocesan reports to the Episcopal Committee, contains the names of fifty-four organizations of Protestant or Jewish churches, ministers and rabbis who cooperated in securing pledges, or publicly announced their support of the Legion campaign. The organizations range from local ministerial groups, through city, state, and regional councils or federations of churches, to the Federal Council of the Churches of Christ in America.

It is altogether impossible to give a numerical estimate of the effect of this activity upon the enrollment of the members in the Legion of Decency. Doctor Tippy, as head of the Department of Church and Social Service of the Federal Council of the Churches of Christ in America, announced at one stage of the campaign that Protestants were signing pledges sent out by his organization “by hundreds of thousands.”<sup>11</sup>

Also included in Fr. Facey's survey is the following impressive quotation from the *Christian Century*, a magazine that is certainly not

<sup>9</sup> *American Ecclesiastical Review* 90 (1934) 367–68.

<sup>10</sup> *Le cinéma*, pp. 251, 254; *American Ecclesiastical Review* 91 (1934) 114, 117.

<sup>11</sup> Facey, *op. cit.*, p. 61.

noted for its favorable attitude toward Catholics and Catholic activities:

It has been heartening to see the Protestant reaction to the launching of this Catholic crusade. Seldom has there been as clear an illustration of the essential unity of purpose of the religious bodies in the realm of social and moral action. . . . Thousands of Protestant ministers and laity . . . say: "Thank God that the Catholics are at last opening up on this foul thing as it deserves! What can we do to help?"<sup>12</sup>

Fr. Facey's conclusion regarding non-Catholics and the Legion pledge is: "There seems to be no reason to doubt the statement that Protestants signed by the hundreds of thousands. Whatever be their exact number, they represented a substantial contribution to the pressure exerted by the Legion of Decency."<sup>13</sup> Later he observes that

. . . the non-Catholic followers and their leaders encouraged the Catholic leaders and followers of the Legion to be vigorous and unyielding in the pursuit of their objectives, by demonstrating to this minority group that many others shared their aims. Furthermore, the non-Catholic support made it impossible for the industry to defy the Catholic demands, or to turn them aside with the expectation that the non-Catholic majority would refuse to support the Catholic minority.<sup>14</sup>

This last observation is of special pertinence. The extent of the non-Catholic cooperation and encouragement supplied clear evidence that the campaign to clean up the movies was not a matter of "Catholics against the world." It was a crusade—that is the word used by the *Christian Century* and later by Pius XI—of decent people, whatever be their religious affiliations, to have decent motion-picture entertainment. And it may be said to the credit of non-Catholics that their own efforts toward this goal antedated the efforts of organized Catholic bodies. The Catholic contribution was that in the very structure of the Church there existed a power of mobilizing public opinion that no other religious or social group possessed.

#### FUNCTIONING OF LEGION

##### *The Pledge*

"The sole purpose of the Legion," said Archbishop McNicholas, "is to arouse millions of Americans to a consciousness of the dangers of salacious and immoral pictures and to take action against them." To

<sup>12</sup> *Christian Century*, June 20, 1934, pp. 822 f.; quoted by Facey, *op. cit.*, p. 61.

<sup>13</sup> *Ibid.*, p. 62.

<sup>14</sup> *Ibid.*, p. 63.



accomplish this purpose, members were asked "to pledge themselves to stay away from all motion pictures that offend decency and the principles of Christian morality."<sup>16</sup> We have already noted how willingly and successfully non-Catholics cooperated in the initial drive for pledges. As regards Catholics, Fr. Facey's estimate is: "With 95% probability, the number of Catholic pledges obtained lies somewhere within the fiducial limits of 7,000,000 and 9,000,000. Considering the nature of the data, it would be unsound procedure to be more precise than this."<sup>16</sup>

The first pledge formula, which was issued in April, 1934, and which was used unchanged in almost all dioceses, was rather lengthy. Since it expresses some points that were later taken for granted, it may be of value to quote it here:

I wish to join the Legion of Decency, which condemns vile and unwholesome moving pictures. I unite with all who protest against them as a grave menace to youth, to home life, to country and to religion.

I condemn absolutely those salacious motion pictures which, with other degrading agencies, are corrupting public morals and promoting a sex mania in our land.

I shall do all that I can to arouse public opinion against the portrayal of vice as a normal condition of affairs, and against depicting criminals of any class as heroes and heroines, presenting their filthy philosophy of life as something acceptable to decent men and women.

I unite with all who condemn the display of suggestive advertisements on billboards, at theatre entrances, and the favorable notices given to immoral motion pictures.

Considering these evils, I hereby promise to remain away from all motion pictures except those which do not offend decency and Christian morality. I promise further to secure as many members as possible for the Legion of Decency.

I make this protest in a spirit of self-respect and with the conviction that the American public does not demand filthy pictures, but clean entertainment and educational features.<sup>17</sup>

A shorter formula, which is in general use even at the present time, was adopted at the bishops' meeting in November, 1934. The text is as follows:

I condemn indecent and immoral pictures, and those which glorify crime and criminals.

<sup>16</sup> *Le cinéma*, p. 250; *American Ecclesiastical Review* 91 (1934) 113.

<sup>16</sup> Facey, *op. cit.*, p. 58. <sup>17</sup> *Ibid.*, p. 144.

I promise to do all that I can to strengthen public opinion against the production of indecent and immoral films, and to unite with all who protest them.

I acknowledge my obligation to form a right conscience about pictures that are dangerous to my moral life. As a member of the Legion of Decency, I pledge myself to remain away from them. I promise, further, to stay away altogether from places of amusement which show them as a matter of policy.<sup>18</sup>

There are, as we shall see later, obligations deriving from natural law itself concerning attendance at indecent motion pictures. But it seems appropriate even at this point to ask whether the taking of the pledge of the Legion adds any new obligation. We have seen private explanations to the effect that the pledge itself is a promise binding in conscience—in fact that it is a promise made to God and, in effect, a vow. This can hardly be squared with interpretations given by bishops when the Legion was inaugurated. For instance, Archbishop John Gregory Murray stated: “Everything contained in the pledge is a duty of conscience independently of the pledge and independently of membership in the Legion of Decency.” And Archbishop Francis J. L. Beckman was even more explicit. “In the matter of the obligatory force of the pledge,” he said, “it may be stated in the instruction and to those who make inquiries, that it . . . does not itself bind in conscience.”<sup>19</sup>

It seems, therefore, that the pledge does not per se add any new obligation on those who take it. We say “per se” because, obviously, an individual who wishes to bind himself under pain of sin may do so. But this added obligation is not to be presumed.

### *The Classifications*

When the Legion campaign was inaugurated and pledges were first obtained, there were no ratings of films such as we have now. Moreover, the bishops themselves had serious doubts as to the advisability of sponsoring or encouraging such a measure. As Archbishop McNicholas put it:

The question most frequently asked is: What is to be done about Lists of Pictures? Shall we have Recommended, Non-Recommended, and Border-line Lists? If they are to be published, how much in advance of the showing of pictures can we have such lists? Bishops, priests, and laymen who have given much thought to this

<sup>18</sup> *Ibid.*, p. 145.

<sup>19</sup> For the quotations, cf. *ibid.*, p. 147.

question are convinced that lists should not be published with the approval either of bishops or priests, for the simple reason that approbation would have to be given to them on the authority of others. It is a matter for the general conference of Bishops meeting in Washington, November, 1934, to recommend whether or not lists are to be published; and whether they are to provide for their publication or not. All are not in agreement, especially considering the question from a practical standpoint about the advisability of publishing black lists. There is no doubt that the great anxiety of bishops and priests is to keep their people away from evil pictures. They have the obligation of instructing them to avoid the proximate occasion of sin. There is no difficulty from the standpoint of moral principles of publishing black lists. There is, however, the practical question: Does the black-listing of pictures bring people to see them in greater numbers, thereby making them more successful financially? The answer must be sought in the study of black-listed pictures and in the box office receipts.<sup>20</sup>

This is a clear, forthright statement of a delicate problem that was actually solved in a very informal manner. For some years the International Federation of Catholic Alumnae had been publishing reviews of "recommended" pictures, lists which simply ignored objectionable pictures. Early in the Legion campaign a Detroit group began to publish a list of "condemned" films. And the *Queen's Work* began listing five "condemned" pictures each month. Meanwhile the Chicago diocesan group that was functioning under the supervision of Fr. Fitz-George Dinneen, S.J., began to publish more or less complete classifications of all the feature films in circulation at the time. Soon both the *Queen's Work* and the Detroit group, as well as many diocesan papers, began to use the Chicago list. At their November, 1934 meeting, the bishops recommended this list, but kept their recommendation on the level of "informal" and "unofficial."

Within two years the Chicago group had ceased to function and the reviewers of the International Federation of Catholic Alumnae had begun to publish not only lists of endorsed pictures but also lists of objectionable films. This latter group became the "official" reviewers for the Legion, under the direction of a permanent executive secretary from the Archdiocese of New York, who was directly responsible to the Episcopal Committee.

At the time when Fr. Facey made his exhaustive study of the Legion, there were between sixty and one hundred reviewers, some

<sup>20</sup> *Le cinéma*, p. 255; *American Ecclesiastical Review* 91 (1934) 117-18.

veterans, some recruits. To help in making their estimates, they used Martin Quigley's book, *Decency in Motion Pictures* (which, as we have said, contains the Production Code), and two publications of the National Catholic Welfare Conference: *How to Judge the Morality of Motion Pictures* and *The Morals of the Screen*.<sup>21</sup> Besides the reviewers, there was a committee of consultors, made up of sixteen priests and thirteen laymen. When the reviewers had doubts about the proper classification of a picture, the matter was referred to the consultors, who would then review the film themselves. The final decision on the rating was left to the executive secretary. The utmost care was taken whenever there was question of condemning a picture.

The foregoing is but a brief sketch of the history of reviewing boards and the method of making classifications. That this method is essentially unchanged today is apparent from the following account given in a recent Legion publication:

The Legion of Decency reviews and classifies entertainment motion pictures solely from the viewpoint of morality and decency. The review work is in the hands of the Motion Picture Department of the International Federation of Catholic Alumnae which was selected by the Bishops as the official reviewing group for the Legion. These graduates of Catholic high schools and colleges, trained in the work of reviewing motion pictures, are complemented in certain cases by a Board of Consultors composed of priests and laymen. The reviewers, through the cooperation of the motion picture companies, see films before they are released. Reports on the moral content of the pictures are made on printed ballots which are processed by the executive staff of the Legion. Classification of films is then made into one of the following categories:

A-I—Morally Unobjectionable for General Patronage. These films are considered to contain no material which would be morally dangerous to the average motion picture audience, adults and children alike.

A-II—Morally Unobjectionable for Adults. These are films which in themselves are morally harmless but which, because of subject matter or treatment, require maturity and experience if one is to witness them without danger of moral harm. While no definite age limit can be established for this group, the judgment of parents, pastors and teacher would be helpful in determining the decision in individual cases.

B—Morally Objectionable in Part for All. Films in this category are considered to contain elements dangerous to Christian and traditional moral standards.

<sup>21</sup> *The Morals of the Screen*, by Richard Dana Skinner, was first published as an article in the *Catholic Educational Review*, Oct., 1935. Fr. Facey gives a thorough analysis of this, as well as of *How to Judge the Morality of Motion Pictures*; cf. Facey, *op. cit.*, pp. 86-90.

C—Condemned. Condemned films are considered to be those which because of theme or treatment are what has been described as “positively bad,” by Pope Pius XI in the Encyclical “*Vigilanti Cura*.”

A Separate Classification is given to some films which, while not morally offensive, require some analysis and explanation as a protection to the uninformed against wrong interpretations and false conclusions.

It is to be noted that in deciding the ratings of the films no consideration is given to artistic, technical or dramatic values. Only moral content is weighed.<sup>22</sup>

### *Meaning of the Classifications*

The statement concerning the meaning of the various classifications is of somewhat recent origin. It seems that from the beginning the concept of the C film presented very little difficulty, although, of course, there have been problems in judging some of the films because the designation of completely condemned has usually depended not on a single reason but on a complexus of reasons.

The case is different with B films. It has never been easy even to define them, as is apparent from Fr. Facey's careful study of the question. He shows that from the beginning B represented a residual category, including films that did not certainly belong in either the “condemned” or the “unobjectionable” classes and that ranged all the way from very slightly objectionable to almost condemned.

This difficulty of defining B films is further illustrated by the changing captions and descriptions that appeared on the early listings. For instance, the original Chicago listing announced: “Pictures in this group are considered more or less objectionable in spots because of their possible suggestiveness or vulgarity or sophistication or lack of modesty. Neither approved nor forbidden, but for adults only.” Then followed a series of changes: “Accepted with reservation.” “Not recommended. Pictures in this classification are neither recommended nor are they condemned because partly unsatisfactory either in subject matter or treatment.” “Not recommended. Pictures in this classification are adjudged to be unsatisfactory in part either because of the subject matter or the treatment.” “Disapproved for youth with a word

<sup>22</sup> *Motion Pictures Classified by National Legion of Decency, February, 1936—November, 1955* (New York, 1955) pp. ix-x. The explanation quoted in our text is also published regularly in *Catholic Preview of Entertainment*. This magazine, which began in November, 1956, deserves high commendation, especially because its reviews stress recommended pictures.

of caution even for adults." And finally, in early 1936, and from then till the present time: "Objectionable in part."<sup>23</sup>

We have presented the foregoing material about the difficulties of classifying and describing B pictures not only because it is interesting history but also and especially because we think it should make one very cautious about formulating any general statement concerning the morality of attending B pictures. Because of the wide range of the objectionableness, a moral estimate can hardly be made without considering the individual picture and the individual person who attends the picture. And we might add here that the very circumspect way in which the Legion itself describes the A-II pictures suggests the same caution when one is speaking of the morality of attendance at such pictures by young people. The individual case must be decided, as the Legion statement very wisely has it.

### *Success of the Legion*

In the statement issued at the June 21, 1934 meeting of the Episcopal Committee on Motion Pictures, the bishops announced that, as a result of the cooperation of Catholics and non-Catholics in the Legion movement, the motion-picture theaters had suffered a severe curtailment of patronage. Because of this curtailment, the producers were willing to take some new measure to make the Production Code work. It was Martin Quigley's conviction that effective administration of the Code would bring about the desired result of elevating the moral standards of the pictures; and the bishops evidently concurred in this. In their statement they said: "The committee believes that the production code, if given adequate enforcement, will materially and constructively influence the character of screen entertainment. Hence it is disposed to render encouragement and co-operation to these efforts, which it hopes will achieve the desired results."<sup>24</sup>

Two years later, in his Encyclical *Vigilanti cura*, Pope Pius XI

<sup>23</sup> Cf. Facey, *op. cit.*, p. 162. It might also be observed that many countries have more detailed classifications than ours—e.g., "adults" are distinguished from "adults with fully formed judgment"; and pictures are approved for adults "with reservations," "with serious reservations," and so forth. It would be interesting to know how some of these subdivisions would be classified in the United States. For the various classifications according to countries, see *Le cinéma*, pp. 494 ff.

<sup>24</sup> Cf. *Our Bishops Speak* (Milwaukee, 1952) p. 204.

praised the Legion of Decency and all who had cooperated in its inauguration. He then added:

It is an exceedingly great comfort to Us to note the outstanding success of the crusade. Because of your vigilance and because of the pressure which has been brought to bear by public opinion, the motion picture has shown improvement from the moral standpoint: crime and vice are portrayed less frequently; sin no longer is so openly approved or acclaimed; false ideals of life no longer are presented in so flagrant a manner to the impressionable minds of youth.

Although in certain quarters it was predicted that artistic values in the motion picture would be impaired seriously by the reform insisted upon by the "Legion of Decency," it appears quite the contrary happened and the "Legion of Decency" has given no little impetus to efforts to advance the cinema on the road to noble artistic significance by directing it towards the production of classic masterpieces as well as of original creations of uncommon worth.

Nor have financial investments in the industry suffered, as was foretold gratuitously by many. Those who stayed away from the motion picture theatre because it outraged morality are patronizing it now that they are able to enjoy clean films which are not offensive to good morals or dangerous to Christian virtue.<sup>25</sup>

Mr. Quigley stressed the same ideas. The work of Joseph I. Breen and his assistants in Code Administration soon brought about better pictures, both morally and artistically, as well as greater attendance at the movies. Similar judgments were expressed by many film critics cited by Fr. Facey. Since his references may not be readily available, it seems advisable to cite some of them here.<sup>26</sup> For instance, in the *New York Times*, December 16, 1934, a critic wrote:

The Legion of Decency has exerted a profound influence upon the activities of the film city, and it has performed a service to filmgoers everywhere by crippling

<sup>25</sup> *Le cinéma*, p. 445. This translation, which seems to be in some sense "official," is certainly not literal; cf. *AAS* 28 (1936) 253.

<sup>26</sup> The quotations are taken from Facey, *op. cit.*, pp. 176-77. Lest we give the impression that there was only one side to this picture, we might add that, even though the reactions to the Legion were generally favorable, there were not a few who looked with apprehension on the work of the Legion and with dissatisfaction on the Production Code, which the Legion was supporting. The main difficulties were fear of a growing intolerance with the films and dissatisfaction with the provisions of the Code that prevented the treatment of various social themes. As we know now (1957), hostility has increased in recent years and there is danger of losing much of the non-Catholic cooperation that was so important in making the Legion a success. But there are still strong supporters among secular critics. When the Code revision was announced, Raymond Moley took occasion to defend both the Church and the Production Code. "The Catholic Church," he wrote, "has had a vital part

the manufacture of such feeble-minded delicatessen as "All of Me," "Born to be Bad," "Enlighten Thy Daughter," "The Life of Vergie Winters," "Limehouse Blues," and a number of others which will hurt nobody by their presence on the Legion's blacklist. Since Joseph Breen's board of control began to operate last summer there has been an obvious improvement in themes and a noticeable diminution in the kind of appalling cheapness and unintelligence which filmgoers deplore without regard to private allegiance of faith or creed.

A short time later, a report from Hollywood acknowledged that "better pictures, morally and artistically, have been made since regulation began than in many years before." And ten years after the Legion had begun to function, film critic Hedda Hopper observed that the Legion had "saved our industry," and another critic, Jimmie Fidler, wrote: "I am neither a Catholic nor an advocate for the censorship of motion pictures, but I doff my bonnet to the Legion of Decency and give it credit for a good job, well done. Not only has it imposed an effective check rein on salacious pictures, it has also done much to raise the artistic level of all films."

In terms of the pictures themselves, a good indication of the success of the Legion has been the almost negligible number of C films made by the major producers in the United States. On the other hand, the percentage of B films has consistently increased. After studying this trend toward more B pictures, Fr. Facey wrote: "It is impossible to discover whether the increase in the proportion of 'B' pictures in recent years reflects a drop in the intensity of Legion pressure, or a relaxation in the efficiency of the Production Code Administration, or a change toward greater severity in the judgments of the Legion reviewers."<sup>27</sup>

Fr. Facey's appraisal concerned the trend up to 1944. Since then, the percentage of B films has very significantly increased.<sup>28</sup> Perhaps,

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in the 35 years' revolution which transformed a rowdy and tasteless film world into an orderly, self-regulated industry. . . . The limitations of the code have in countless instances brought out the best in producers, directors, and actors" ("The Code and the Church," *Newsweek*, Jan. 7, 1957, p. 72).

<sup>27</sup> Facey, *op. cit.*, p. 164.

<sup>28</sup> The period of first published percentages of the Legion ratings covered Feb., 1936, to Nov., 1937. Since then, they have been published annually; hence, we can now see at a glance the percentages from 1937 to 1956. The percentages (without fractions) of B films over this twenty-year period are: 8, 6, 9, 9, 9, 9, 12, 11, 11, 15, 15, 18, 20, 22, 19, 17, 23,



of the possible reasons he assigns for the increase, the main one has been the growing inefficiency of the Production Code Administration; and this inefficiency might, in turn, have stemmed from a need of clarifying the Code itself. At any rate, the Production Code has been revised, and the revision was accepted by the board of directors of the Motion Picture Association of America in December, 1956.<sup>29</sup>

### *The Revised Code*

It would be impossible for us to give here all the differences between the old and the revised Codes; but a few examples may be useful. The old Code forbade the treatment of miscegenation; the revision has nothing explicit on this subject. On the other hand, the first Code had nothing explicit about blasphemy, whereas the new Code states: "Blasphemy is forbidden. Reference to the Deity, God, Lord, Jesus, Christ, shall not be irreverent." The old Code said nothing about mercy killing; the new Code provides: "Mercy killing shall never be made to seem right or permissible." The first Code forbade the treatment of white slavery; the revision is not so absolute. "The methods and techniques of prostitution and white slavery," says the revised Code, "shall never be presented in detail, nor shall the subjects be presented unless shown in contrast to right standards of behavior. Brothels in any clear identification as such may not be shown."

As regards the use of vulgar expressions, profanity, and words that would be offensive to people of certain nationalities or races, the new Code is much more detailed than the old and gives concrete examples of the kinds of words and expressions that are to be avoided. Also more specific is its prohibition of certain types of kisses.

One difference between the two editions of the Code that has been mentioned often in the press concerns the illicit drug traffic. The first

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22, 33, 24. Cf. *Legion of Decency Films Reviewed, October, 1955—October, 1956* (New York, 1956). During this same period, the Legion classified a total of approximately 9700 films. Of these, more than 8100 are A pictures, and only 144 are in the C class. By far the greater number of C films are foreign, and a fair percentage of the B films are also foreign.

<sup>29</sup> *The Motion Picture Production Code*, published in brochure form, December, 1956, by the Motion Picture Association of America, Inc., Washington, D.C., New York, and Los Angeles.

Code simply outlawed this topic. The revised Code modifies this provision as follows:

Drug addiction or the illicit traffic in addiction-producing drugs shall not be shown if the portrayal:

- (a) Tends in any manner to encourage, stimulate or justify the use of such drugs; or
- (b) Stresses, visually or by dialogue, their temporarily attractive effects; or
- (c) Suggests that the drug habit may be quickly or easily broken; or
- (d) Shows details of drug procurement or of the taking of drugs in any manner; or
- (e) Emphasizes the profits of the drug traffic; or
- (f) Involves children who are shown knowingly to use or traffic in drugs.

These few examples of the differences between the old and revised versions of the Code should help to understand an important distinction made by Martin Quigley.<sup>30</sup> He has pointed out that the original Code really consisted of two distinct kinds of subject matter: moral provisions and matters of policy. In his opinion, the basic moral principles and provisions of the original Code are not only retained in the revision but have been better defined and set forth in a more logical order. The changes have concerned the matters of policy. We have made a careful comparison of the old and the revised versions of the Code, and we agree with Mr. Quigley. It is true, as many writers have pointed out, that the changes in matters of policy allow a wider discretionary power to the producers and to the Code Administration concerning the treatment of certain subjects, and that this power might be abused. Nevertheless, in themselves the changes seem to be an improvement. Whether they will lead to abuses is to be seen.

#### STATEMENTS OF THE HOLY SEE AND AMERICAN BISHOPS

In the preceding sections of this article we have referred frequently to official ecclesiastical statements relative to the motion pictures. It remains for us to supplement these by further references to pertinent ecclesiastical documents. Obviously, we cannot do this with any degree of completeness; we must, of necessity, be selective. In making the

<sup>30</sup> See his excellent editorial, "The Code Revision," in *Motion Picture Herald*, Dec. 22, 1956, p. 7. According to an NCWC news report, Bishop William A. Scully, Chairman of the Episcopal Committee on Motion Pictures, also stated that the Code was not changed radically, and he expressed pleasure over this (cf. *Eastern Kansas Register*, Dec. 21, 1956).

selection, we shall confine ourselves for the most part to the book published under the sponsorship of the Pontifical Commission for the Cinema, the Radio, and Television, *Le cinéma dans l'enseignement de l'église*.<sup>31</sup> And even in using this valuable book, we must be carefully selective. Our purpose is to survey, and in some instances to quote from, those documents which seem to be most helpful in formulating a concluding statement concerning the proper attitude toward attendance at motion pictures, and in particular the proper conduct relative to our National Legion of Decency.

### *Vigilanti cura*

Both Pius XI and Pius XII made many brief statements concerning motion pictures. Undoubtedly, however, the document of supreme importance in the reign of Pius XI is the Encyclical *Vigilanti cura*,<sup>32</sup> which is a sort of magna carta of the Church's position relative to morality in motion pictures. And with equal certainty one can say that the complete teaching of Pius XII is contained in the two allocutions delivered in 1955, the general topic of which is "The Ideal Film."<sup>33</sup> In fact, the Pontifical Commission itself has said that these two allocutions are "an illuminating synthesis of the vast and providential teaching of the Church" relative to the motion pictures.<sup>34</sup> One who is familiar with these documents will have a complete and profound knowledge of the teaching of the two most recent popes on the subject of motion pictures.

The *Vigilanti cura* is addressed to the local ordinaries of the whole world, and particularly to the hierarchy of the United States. It begins by expressing appreciation of the crusade launched against the abuses of motion pictures in the United States and entrusted in a special manner to the Legion of Decency. The early part of the Encyclical refers

<sup>31</sup> Cf. *supra*, n. 3.

<sup>32</sup> June 29, 1936; *AAS* 28 (1936) 249-63. *Le cinéma* contains the Latin text (pp. 23-42) and translations in German, English, Spanish, French, and Italian (pp. 433-81). As we have previously indicated, the translations are not always literal.

<sup>33</sup> June 21, 1955, and Oct. 28, 1955; *AAS* 47 (1955) 501-12, 816-29. Both allocutions were given in Italian. *Le cinéma* (pp. vi-lxxxvii) gives both Italian and French. English versions in *The Pope Speaks* 2 (1955) 101-12; 351-63. *The Pope Speaks* has also reprinted the talks in pamphlet form. Unless otherwise indicated, our English quotations from the allocutions will be taken from this reprint.

<sup>34</sup> *Le cinéma*, p. iv.

to previous papal statements that exemplify two aspects of motion pictures: first, the evil that they have actually done, and secondly, their power for good. These two elements, the negative and positive potentialities of motion pictures, should be carefully noted, because reference to them occurs again and again in the statements of the Holy See. As the *Vigilanti cura* later puts it:

Everyone knows what damage is done to the soul by bad motion pictures. They are occasions of sin; they seduce young people along the ways of evil by glorifying the passions; they show life under a false light; they cloud ideals; they destroy pure love, respect for marriage and affection for the family. They are capable also of creating prejudices among individuals, misunderstandings among nations, among social classes, and among entire races.

On the other hand, good motion pictures are capable of exercising a profoundly moral influence upon those who see them. In addition to affording recreation, they are able to arouse noble ideals of life, to communicate valuable conceptions, to impart better knowledge of the history and beauties of the fatherland and other countries, to present truth and virtue under attractive forms, to create at least the flavor of understanding among nations, social classes and races, to champion the cause of justice, to give new life to the claims of virtue, to contribute positively to the genesis of a just social order in the world.<sup>35</sup>

A practical conclusion drawn from his analysis of the twofold power of the movies is expressed by Pius XI in this exhortation to the bishops:

The bishops of the whole world will take care to make clear to leaders of the motion picture industry that the force of a power of such universality as the cinema can be directed with great utility to the highest ends of individual and social improvement. Why, indeed, should there be a question of merely avoiding evil? Why should the motion picture simply be a means of diversion and light relaxation to occupy an idle hour? With its magnificent power, it can and must be a light and a positive guide to what is good.<sup>36</sup>

This passage, together with many other statements in the Encyclical, might be said to furnish the core of the celebrated allocutions to be given almost twenty years later by Pius XII. It points up the fact that the Church's objective as regards films is twofold: to promote the good and to eliminate the bad. It is true that isolated parts of the *Vigilanti*

<sup>35</sup> *Ibid.*, p. 447; AAS 28 (1936) 255-56. In the subsequent references to the *Vigilanti cura*, we shall give only the page numbers of AAS.

<sup>36</sup> *Le cinéma*, p. 449; AAS, p. 260.

*cura* might be so quoted as to leave the impression that our goal is completely negative: to avoid evil; but even in these parts an examination of the complete context shows that this is only one aspect of the matter. Thus, when Pius XI, in the concluding section of the Encyclical, gives practical directives to the bishops of the world, he recommends that they get their people to make a pledge similar to that of the Legion of Decency, that is, a promise "to stay away from motion pictures that are offensive to truth and Christian morality."<sup>37</sup> Here the negative objective is stressed; yet when the Pope directs that there should be a national office for classifying films, he says that this office should "*promote good motion pictures*, classify others and bring this judgment to the knowledge of the priests and the faithful."<sup>38</sup>

The general tenor of the *Vigilanti cura*, of course, is that something must be done to attain the twofold objective, and particularly that the faith and morals of the people must be protected. It seems advisable to specify here, however, the passages in which the Pope explicitly refers to obligations. In one place he mentions that bishops are "under obligation to interest themselves in every form of decent and healthy recreation because they are responsible before God for the moral welfare of their people, even during their leisure."<sup>39</sup> In another place he states that it is

the duty of the bishops of the entire world to unite in vigilance over this universal and potent form of entertainment and instruction, to the end that they may be able to place a ban on bad motion pictures because they are an offense to moral and religious sentiment and because they are in opposition to the Christian spirit and to its ethical principles. . . . This is an obligation which binds not only bishops, but also the faithful, and all decent men who are solicitous for the decorum and moral health of the family, the nation and human society in general.<sup>40</sup>

And parents have a special duty in this matter.<sup>41</sup>

<sup>37</sup> *Le cinéma*, p. 449; *AAS*, p. 260.

<sup>38</sup> *Le cinéma*, p. 450; *AAS*, p. 261 (italics in text are ours).

<sup>39</sup> *Le cinéma*, p. 449; *AAS*, p. 259.

<sup>40</sup> *Le cinéma*, p. 448; *AAS*, p. 258.

<sup>41</sup> The Latin text (*AAS*, p. 260) reads: "patrum matrumque familias, qui peculiari hac in causa obstringuntur officio." The English version in *Le cinéma*, p. 449, is: "fathers and mothers of families who are conscious of their grave responsibility." Of all the translations, only the French is an accurate rendition of the Latin.

*The Ideal Film*

Similar ideas of private and public responsibility were enunciated by Pius XII in his allocutions on the ideal film, but in a somewhat different manner. "It would certainly be desirable," he said, "to have all men of good will join together to fight against corrupting films, wherever they are shown, with all the legal and moral means in their power."<sup>42</sup> Yet, since private initiative is not enough in this matter, he added: "If the civil and moral heritage of the nation and of the family is to be effectively protected in the face of this attack, then public authority is only doing its duty when it steps in, in the proper way, to ban completely, or control influences that are really dangerous."<sup>43</sup>

The foregoing remarks were in the first of the two allocutions. In the introduction to the second address the Pope said:

To some, faced with the grave problems which harass the present age, and which certainly invite Our most earnest solicitude, this question of the cinema might appear a subject of minor importance, and one not deserving the special attention which We pay to it.

Certainly it seems that the cinema, being by nature an art and a diversion, ought to remain confined, as it were, to the fringes of life, governed, of course, by the common laws which regulate ordinary human activities.

But since, in fact, it has become for the present generation a spiritual and moral problem of enormous importance, it cannot be passed over by those who have at heart the fate of the greater part of mankind and of its future. Above all, then, it cannot be neglected by the Church. . . .<sup>44</sup>

Like the *Vigilanti cura*, the allocutions on the ideal film bring out both the negative and the positive potentialities of the motion picture. But the stress is almost entirely on the positive—so much so that it might be called a very complete and detailed portrait of what films would be, should producers not merely avoid the faults specified by the Production Code but concentrate on exemplifying its positive provisions. Thus, says the Pope, the ideal film should show respect for the dignity of man, should manifest an understanding of man's trials and problems, should portray the family and the state in such a way as

<sup>42</sup> *TPS* reprint, p. 6; *AAS* 47 (1955) 506. Subsequent references to the allocutions will give only the page numbers of this volume of *AAS*.

<sup>43</sup> *TPS* reprint, p. 6; *AAS*, p. 506.

<sup>44</sup> Quoted from the introduction to *Legion of Decency Films Reviewed, October 1955—October 1956*; *AAS*, pp. 816–17.

to preserve reverence and respect for these essential natural institutions. The portrayal of moral evil is not outside the scope of the ideal film; yet such evil should not be shown at all to those who have not the power to resist it; when showed to others, it should be seriously portrayed, without approval, and not in a manner that encourages imitation. Religious themes are also valid material, from both the artistic and the moral points of view—although there are many difficulties. One of these difficulties concerns the “portrayal side by side of different forms of religious belief.” On this point the Pope said significantly:

In every case, whether films of an instructive nature are handled, or the intention is to offer the spectators the drama of struggle between two lives religiously different in their orientation, there is need of considerable finesse and depth of religious sentiment and human tact, in order not to offend and profane what men hold sacred (even though they be motivated by objectively erroneous thoughts and feelings).<sup>45</sup>

Another difficulty—and the context here concerns the treatment of the Catholic Church in motion pictures—has to do with the portrayal of the faults of ecclesiastical persons. On this point, too, it will be best to give the exact words of the Holy Father:

It is not impossible that historical motives, demands of plot, or even sober realism make it necessary to present failures and defects of ecclesiastical persons, of their characters and perhaps also failures in the performance of their office. In such cases, however, let the distinction between institution and person, between person and office, be made clear to the spectator.<sup>46</sup>

### *Other Statements of Holy See*

The foregoing are the principal papal documents on motion pictures. Besides these the documents of greatest pertinence for our present study are the letters written periodically by the Papal Secretariate of State to the conventions of the International Catholic Office of Motion Pictures. In general, these letters repeatedly stress the following points: the need of having a national office for the classification of films; the purposes of such classifications are to promote films that are artistically and morally good and to keep people away from those that are morally dangerous; the authority of the classifications and the duty of the faithful to know them, follow them, and inform others about them; the

<sup>45</sup> *TPS* reprint, p. 21; *AAS*, p. 822.      <sup>46</sup> *TPS* reprint, p. 26; *AAS*, p. 829.

consequent need of care by the reviewers; and the desirability of educating people so that they will have the proper critical sense.

Of these various letters, perhaps the most interesting to theologians is the letter written by His Excellency Msgr. J. B. Montini, Pro-Secretary of State, to Msgr. Albin Galletto. Here are some especially pertinent excerpts from the letter:

It is indeed a fact that too many Christians in these days are frequenting motion picture theatres without being sufficiently informed as to the religious and moral quality of the films being shown; and there are even some who do not seem to have any consciousness of their duty in this matter. The young people, above all, are not, as a general rule, sufficiently protected against the seductive attraction of the films. This is a situation which justly gives cause for concern to responsible pastors, and normally the national office is the technical organ through whose means the bishops will be able to exercise the vigilance incumbent upon them in a particularly delicate section of their pastoral charge. Consequently, in so far as the national offices have received an explicit mandate from the hierarchy, there is no doubt as to the normative character of the moral judgments that they make in regard to films. The faithful, in consequence, have the duty to learn what these judgments are and to make their conduct conform with them.

This shows what great prudence and what careful rectitude ought to govern the action of the Commissions charged with the moral classification of films for an entire country. . . .

This classification is at once a work of preservation and of education of the faithful; its primary aim is to give an objective judgment on the moral value of the film itself. Just as it is desirable that a product morally recommendable should be of real value technically, so too, on the other hand, must one in equal measure guard against all weakness towards a film which might be recommended by its technical value or the interest of its subject-matter, but which would call for grave reservations from the moral or the religious viewpoint. Possibly the judging Commissions should sometimes be warned against that temptation.

In order to give this classification the required gradations, one must undoubtedly take into account also the different categories of spectators. But there again one must be very careful to remember that it is not a question of giving a judgment for a restricted group of forewarned faithful; the motion picture theatres are open to all, and what might be beneficial for a well-instructed Christian or generally speaking for a mind accustomed to healthy criticism, might on the contrary be in danger of doing harm to the general public which throngs the theatres each evening. The point of view of the common good prevails therefore over every particular viewpoint; and that is all the more true when one bears in mind the persevering action that is required in order to influence public opinion and production itself.

Finally one must not lose sight of the fact that normally this moral classification of films ought to contribute towards educating the judgment of Christians. This,



like any other education, implies a progressive refining of the moral sense, a positive search for the higher values and a growing delicacy of appreciation.<sup>47</sup>

[In the preceding letter the point of greatest interest to theologians—and already much discussed by them—is the statement about the “normative character” of the classifications and the consequent duty of the faithful to know them and to conform to them. Because of its interest and importance it seems advisable to indicate here some similar statements. A year before Msgr. Montini’s letter, an instruction of the Congregation of Religious declared that the judgments of the national offices for classifying films are the norms that hold for everyone, “and the faithful ought to conform to them, not only to avoid occasions of sin, but also to take a position against immoral films and to induce the motion picture industry to improve its productions.”<sup>48</sup> Almost identical words were used a short time later by the President of the Pontifical Commission for the Cinema.<sup>49</sup> Finally, a year after Msgr. Montini’s letter, the new Substitute Secretary of State, Msgr. A. Dell’Acqua, reaffirmed what Msgr. Montini had said and added that, besides this personal obligation, Christians have the unquestionable duty of doing what they can to see that these moral classifications are known by others.<sup>50</sup>

The mention of Msgr. Dell’Acqua affords us the opportunity of concluding this section on a note that is as important as it is positive. In a recent letter to the President of the International Film Office he was even more explicit than his predecessor had been in pointing to the educational purpose and value of the classifications. To this end he encouraged the founding of groups in schools as well as in adult circles which would concern themselves with a proper evaluation of the moral tone of movies. Thus, there would be a needed and important development of critical ability among the people and a more profound understanding of the classifications themselves.<sup>51</sup>

<sup>47</sup> Cf. *Le cinéma*, pp. 108–9.    <sup>48</sup> *Ibid.*, p. 97.    <sup>49</sup> *Ibid.*, p. 105.

<sup>50</sup> *Ibid.*, p. 112. It may be well to note here that the question of duty will be treated in a later section of this article.

<sup>51</sup> NCWC news despatch, Jan. 13, 1957. This letter was to those who attended the eighth series of International Study Days of the International Catholic Film Office. The meeting was held in Havana, January 4–7. The general theme of the meeting was the formation of educational groups among the laity and in seminaries. One result of the meeting was a

*The American Hierarchy*

*Le cinéma dans l'enseignement de l'église* contains documents from hierarchies in almost all parts of the world. We restrict ourselves here to the twenty-two statements of the hierarchy of the United States. Of these statements, the first eleven were made prior to, or at the time of, the organization of the Legion of Decency. It seems that we have already given a sufficient sampling of these episcopal declarations; but we should like to make a few pertinent observations. The general tenor of the statements was that the moral tone of the movies was very low, a source of very serious danger to souls, especially to the young. It would be a mistake, however, to use these early documents as a basis for a factual judgment of the movies today, because the bishops themselves in subsequent statements have concurred with the judgment of secular critics previously cited that the moral tone of the movies has vastly improved. It is true that they have made this declaration with occasional reservations and that they have several times denounced the industry for trends back to the objectionable. Despite this, however, there seems to be no doubt about their agreement on the general thesis that the moral character of the movies has very noticeably improved since the Legion crusade got under way.<sup>52</sup>

Another point to be kept in mind in reading both the early and subsequent documents is that many of them were cast in an oratorical setting. Their purpose was not to teach in the quiet, clear method of the catechism, but to arouse the people to take an active part in the Legion crusade. Because of this setting, the documents occasionally

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practical and inspirational article by Bishop William A. Scully, "The Movies: A Positive Plan," *America*, March 30, 1957, pp. 726-27. More will be said about Bishop Scully's plan in the concluding section of this article.

<sup>52</sup> Archbishop Edward D. Howard wrote in 1947: "During recent years, the Legion of Decency has accomplished most gratifying results; lately, however, there have been increased evidences of reprehensible tendencies on the part of some producers to defy the norms of public morality and to return to former methods of increasing attendance at moving pictures—irrespective of the effects which debasing films produce." In 1952, Bishop Michael J. Ready, then episcopal chairman, wrote: "There is no longer a question in the minds of our fellow citizens that the moral tone of motion pictures has been greatly improved since the National Legion of Decency was established by the Bishops of the United States." But he added later: "So long as responsible leaders of the film industry will not manifest a constant and willing spirit to produce pictures which follow the norms of Christian morality, the work of the National Legion of Decency must continue." Cf. *Le cinéma*, pp. 300, 306, 307. Other examples of the bishops' commendations and qualifications are given in various parts of our text.

contain what may be called "oratorical exaggeration." However, we mention this not to criticise these documents; rather, we criticise those writers, counselors, and preachers who tend to ignore this oratorical quality when speaking of obligations under pain of sin. To illustrate what we mean by oratorical exaggeration, we might recall that in the early days of the Legion campaign the statement was made more than once that one hour in the darkness of a movie theater was sufficient to destroy the good effects of many years of Catholic education. This statement, if taken literally, seems to be just as much a reflection on Catholic education as it is a condemnation of movie immorality. Another example is a pastoral letter issued thirteen years after the Legion campaign was launched. This letter portrays Hollywood in just as strong words as any of the early documents; yet the interesting fact is that the four years previous to the issuance of the letter present a rather encouraging picture of the movie situation. As regards C pictures, these were the four best years listed in the Legion record of classifications; in two of the years there were no C pictures, in each of the other two there were only three C films—a total percentage of approximately .35. Moreover, slightly more than 85% of the pictures classified during these four years were rated A. If we consider that these figures represent not only Hollywood productions but foreign films as well (which have been consistently worse than American films), it seems that one is justified in considering the episcopal exhortation of Hollywood as partly oratorical exaggeration.

*Le cinéma*, as we have previously mentioned, contains eleven episcopal documents which were issued subsequent to the launching of the Legion campaign. One of these, a Communion-breakfast address, deals with a number of points which, though very practical, have no special pertinence here. Four of the documents are statements by the Episcopal Committee. The first of these was issued on November 13, 1940, and was occasioned, no doubt, by the first signs of a new trend toward objectionable pictures.<sup>58</sup> The complete statement reads:

While in the recent past it has been our pleasure to note the efforts which cinema producers have made to improve the moral character of motion picture entertain-

<sup>58</sup> During the year ending with Nov., 1939, the films classified by the Legion included 9% B pictures and 1.67% C pictures. In the following year, B pictures were again 9%, and C films were 2%. Although in themselves apparently small, these percentages were a relatively substantial increase over B and C films previously classified.

ment, and to express our appreciation of results obtained, it now becomes our duty to warn our people that some of the good ground gained has been lost. Evidence is accumulating that there is a partial return to practices against which the voice and authority of the Catholic Church in the United States vigorously protested in 1934.

In this protest concurred multitudes not of the Catholic Faith who also were deeply concerned about films which threatened the morals of the young, the family and the nation.

Our responsibility for the welfare of souls makes it incumbent upon us to do everything in our power to prevent the exposure of our people to the incalculable evil of the immoral cinema. We therefore register our strong protest against the increasing objectionable tendencies which lately have become manifest in films.

We urge our Catholic people, especially parents, to renew their vigilance against the pernicious influence of films which disregard the moral law and subvert the foundations of Christian society.

We call upon priests and people to maintain and strengthen the diocesan organization of the Legion of Decency in each diocese, and to co-ordinate efforts with the National Office of the Legion in New York, so that a united front may stand firmly against films morally objectionable.<sup>54</sup>

In 1941, the movie "No Greater Sin" was classified as C. The reason for the condemnation was stated as follows: "The Legion of Decency deems this film, which deals with social disease, screen material unsuitable for exhibition in motion picture theaters. The film, moreover, evidences no concern with the moral aspects of the problem."<sup>55</sup> Archbishop McNicholas, chairman of the Episcopal Committee, took this occasion to explain the Church's position on sex instruction, and consequently to protest that all such films are unsuitable as motion picture fare.<sup>56</sup> The protest, however, concluded with a tribute to the motion picture industry "which, aware of its great social responsibility, has in the past exercised a prudent vigilance in fostering programs proper for the entertainment motion picture theater. . . ."

Of the six pastoral letters printed in *Le cinéma*, one is concerned solely with a particular C picture. "Since this picture is an occasion of sin," says the letter, "I remind our Catholic people of their obligation

<sup>54</sup> *Le cinéma*, p. 286.

<sup>55</sup> Cf. *Motion Pictures Classified by National Legion of Decency, February 1936—November 1955*, p. 141.

<sup>56</sup> *Le cinéma*, pp. 287-89.

to avoid it."<sup>57</sup> Of the other pastorals, a typical statement runs as follows:

As members of the Legion of Decency it is our duty to protest against violations of the principles and laws of morality primarily in film productions. A most effective means of protest is to abstain from film productions and theatrical performances which are classified under the Legion of Decency as "Condemned" or "Objectionable in Part." Certainly attendance at such performances is dangerous for children and adolescents, but even adults can ill afford to risk the moral dangers present in pictures classified as "Objectionable in Part." You are urged to consult the listings posted in the vestibule of your church regarding the pictures which are advertised for showing in your neighborhood theatre and in the larger theatres of your city. When producers and exhibitors know that you observe the guidance of the Legion of Decency, they will naturally consider it to their interest not to present showings which you cannot with good conscience attend.<sup>58</sup>

The foregoing are the main points contained in the episcopal statements published in *Le cinéma*. Obviously, there have been scores, even hundreds, of other pastoral letters and episcopal declarations. We are conversant with only a very small percentage of these. References to some of them will be made in the next section of this article.

<sup>57</sup> *Ibid.*, p. 309: letter of Cardinal Spellman on the C film, "The Moon Is Blue."

<sup>58</sup> From a pastoral letter of Archbishop Joseph F. Rummel, Nov. 27, 1946 (cf. *ibid.*, pp. 292-94; quotation on p. 293). The only rather detailed appraisal of the various Legion classifications is a pastoral letter by Bishop James L. Griffin (*ibid.*, pp. 295-98), which contains the following interesting statements:

"It is common knowledge that no Catholic may, with a safe conscience, attend motion picture screenings which have been classified by the Legion of Decency as 'C' or Condemned. . . .

"There is another Legion of Decency classification, however, which hasn't received the attention and support it deserves. This is the 'B' or objectionable in part classification. *I am calling upon the Catholics of the Diocese of Springfield-in-Illinois to refuse to patronize films which are classified as 'B' or objectionable in part.* A downward spiral in the theatre box office receipts is the most efficacious manifestation of the will of the people in this regard. Objectionable in part means just what it says. No one wants to buy a new automobile which is objectionable in part. No one likes to sit down to a T-bone steak which is objectionable in part. No one should subject himself and his family to a motion picture which is likewise objectionable in part. This is the 'B' classification, and 'B' means 'Bad.'

"The remaining two Legion of Decency classifications speak for themselves: 'A2'—Unobjectionable for adults, and 'A1'—Unobjectionable for general patronage. High school and grade school children, despite their long pants and high heels, are not adults. It is the serious—I repeat, *serious*—obligation of parents to supervise the movie attendance of their children, seeing to it that they patronize only those films classified as 'A1' or unobjectionable for general patronage."

## THE LEGION AND CHRISTIAN MORALITY

The fulness of Christian living includes the observance of precepts and counsels. It is true that the moral theologian specializes, as it were, in explaining and defining precepts; yet his function is not limited to this. While making clear the distinction between precepts and counsels, he should do his part in explaining the latter and encouraging their observance. It seems to us that this function of the moralist is of particular importance in the topic we are discussing. To limit our considerations of the moral aspects of attendance at motion pictures merely to obligations under pain of sin would actually be an injustice to the Legion of Decency, which from the beginning has appealed not only to a sense of duty but also and especially to a spirit of generosity, of self-sacrifice, and of devotion to a great cause. With this in mind, our plan is first to consider and to stress what should be the attitude and conduct of the good Catholic, and the good public-spirited citizen, relative to the Legion of Decency, independently of any question of sin, either venial or mortal. Only after having outlined this ideal attitude shall we take up some of the problems relative to sin. And we shall conclude by referring again to the positive program for promoting the better and the best in films.

*The Ideal Attitude*

Lest we cause the kind of confusion which we ourselves have more than once deplored, we should like to make clear now that words such as "ought," "must," "duty," "obligation," and so forth are used in two senses in ordinary parlance and in official documents. In the strict sense, all these words imply precepts, that is, duties or obligations that bind under pain of sin. In a wider sense, however, they can and do mean rather what is the better thing to do, the fitting thing, the appropriate thing, and so forth. Thus, it is often said that the good Catholic ought to go to Mass and receive Communion frequently, even daily; that he should use a missal at Mass; that he should read Catholic papers; that the good citizen should support movements for social betterment, should be active in civic enterprises; and so forth. In these and in countless similar statements there is obviously no question of merely enunciating obligations under pain of sin; rather there is an attempt to express what is especially fitting, what is best conducive to

the fulness of Christian living. Under the present heading, we are using such words as should, must, duty, and obligation in this wide sense. It may be that in some sense, or to some degree, a few of the matters we discuss here might also be obligations in the strict sense, binding under pain of sin; but, for the time being at least, we prescind from this.

If we were asked by any wholesome-minded person what should be his attitude and conduct relative to the Legion of Decency, we would tell him that he should first learn something about the Legion: how it started, what are its objectives, how it functions, what it has achieved, and so forth. A sufficient knowledge of these points would lead him logically to the conclusion that his general policy ought to be to confine his movie attendance to pictures classified as A-I and A-II; and that, if he is a parent, he should limit his children (i.e., those without the requisite "maturity and experience") to attendance at A-I pictures.

This general program is both reasonable and, as Catholics should note, in conformity with the wishes and directives of the Holy See and the bishops. It should be observed, however, that we have deliberately spoken of a "general" policy and not in terms of absolutes, because we think that even when one is speaking of the better thing to do, one can hardly rule out all attendance at B or C films. For example, a serious student of a foreign language or of foreign dramatics might have a very good reason for attending some C film and might be able to do so without any danger to himself or any danger of scandalizing others. Or a prudent parishioner might, at the request of his parish priest, attend a C picture in order to decide what local action should be taken regarding it. There is also the case of the reputable film critic: the proper fulfillment of his office might at times require his viewing a C picture. In cases such as these it would be not merely a matter of the more perfect thing but in some sense a duty to go to a C picture. Admittedly such cases are extremely rare. We have mentioned them merely to point out that even an ascetical rule—that is, a rule that looks to the better thing—is not an absolute. And lest we be misunderstood, we might add that we have been considering cases in which there is no diocesan precept against attending the films in question. We shall speak of these precepts later.

What we have said about exceptions to the general rule of not attending C films holds also, and with somewhat more leniency, for

attendance at B pictures. There can be good reasons for occasional attendance at such pictures; and the one clear ascetical rule is that such attendance should be rare.<sup>59</sup> It is certainly not asking too much of our people to encourage them to practice a type of self-sacrifice, of loyalty to the ideals of the Legion of Decency, which limits their attendance at B pictures to those cases in which there are special reasons for going. And a similar rule should be followed by parents in permitting the attendance of children at A-II pictures. Only rarely should they permit the children to see such pictures; and then they should take the precaution either of seeing the film ahead of time or, perhaps better, of attending with the child, and thus being able to prevent or counteract any harmful effects the picture might have. At all events, they should have some positive assurance that such attendance will not be harmful to the children.

A final rule we would suggest to both Catholics and non-Catholics is that they should take an active part in any good educational programs inaugurated in order to help adults to make proper judgments concerning films. Since we intend to conclude this article with a discussion of these programs, we shall not develop the topic here.

### *Strict Obligations*

By a strict obligation we mean a duty under pain of sin. In this regard the moral theologian must of necessity try to distinguish between mortal and venial sin, between cases in which there is *some* obligation and cases in which the obligation is *sub gravi*. But it is often difficult to make this distinction without reference to concrete, individuating factors. For instance, it seems clear enough that *some* obligation exists in the following cases: (a) prudence requires that everyone protect himself from moral danger by being sufficiently informed about the movies he wishes to see; (b) charity and the common good require everyone to avoid frequenting pictures classified as objectionable; and (c) parents, by reason of their special office, are obliged to protect their children by supervising their entertainment and thus not allowing

<sup>59</sup> We realize that, on the occasion of their meeting in 1956, the American bishops urged Catholics to remain away from all B pictures; but we think that the interpretation given in our text is compatible with this exhortation, especially since we are considering the proper conduct for all public-spirited citizens.



them to go to pictures that would do them either moral or psychological harm.

When do these various duties bind *sub gravi*? Some people might expect moral theologians to give them precise rules of thumb for determining this. And some moral theologians might be willing to attempt it. We are not so inclined. We are convinced that such general rules can hardly be given without defeating their own purpose: all too often they confuse consciences instead of clarifying them.

To show that our unwillingness to generalize on the question of mortal sin in these three cases is reasonable, we offer the following considerations, which we believe most theologians will thoroughly appreciate. In the first case—the need of proper information to protect oneself from danger—there could be a serious obligation only if there existed a presumption, based on one's own experience or on the moral status of the movies, that one would be unjustifiably exposing oneself to the proximate danger of serious sin; or if one had well-founded reasons for thinking the bishop had forbidden attendance at a certain movie under pain of mortal sin. The presumption based on personal experience is purely relative and is therefore a matter for each individual to decide. For making the decision, the advice of a prudent spiritual counselor would often be helpful. The presumption against the movies is simply not realized today, because the majority of films are classified as A; and of the remainder (B and C films) only a relatively small number can be reasonably considered as proximate occasions of mortal sin for the generality of men. The last presumption—ecclesiastical prohibition *sub gravi*—would be rarely verified.

As for the second case—the duty of charity to neighbors (i.e., duty of avoiding unjustifiable scandal) and duty to the common good—every theologian surely realizes how difficult it is to formulate exact practical rules about serious and unjustifiable scandal and how it is even more difficult to estimate the gravity of social obligations: e.g., the duty of voting, the duty of working towards a just social order, etc.

Finally, as regards parental duty, it might be easy enough to recognize in particular cases when parental negligence is serious; but the difficulty of giving general aprioristic rules about this is certainly not limited to the problem of movie attendance. Note, for instance, how hard it is for us to determine the precise line between light and serious

parental obligations in such fundamental things as the physical care of children, the duty of sending them to Catholic schools in certain circumstances, and so forth. Regarding these and many other obligations, moralists can readily decide in a specific case that negligence is gross (and therefore seriously sinful) or that it is only slight; but the drawing of a precise line is very difficult indeed and often defies generalizations.

Considering the difficulties of determining when grave sin is committed in these matters, it behooves the moralist to keep in mind the theological maxim, *non est imponenda obligatio nisi certo constet*. This holds particularly as regards obligations *sub gravi*, as is thoroughly explained by St. Alphonsus at the beginning of his treatise on restitution. He first states that it is a recognized principle that obligations are not to be imposed *sub gravi* unless the gravity is evident. He then cites St. Antoninus to the effect that no one is to be accused of mortal sin unless this is backed by the express authority of Holy Scripture or of the Church, or by a convincing reason. Near the end of this discussion St. Alphonsus quotes the following words of Gerson, who is speaking of the evil consequences of excessively rigid opinions: "The result of such public statements which are too severe, too general, and too strict, especially in matters not completely certain, is that men are in no wise drawn from the mire of sin but are plunged into it all the deeper because all the more despairingly."<sup>60</sup>

### *Mortal Sin*

The foregoing considerations should make it clear why one should be cautious in speaking about mortal sin in movie attendance. Nevertheless, the question has to be faced, because there can be mortal sin in such attendance.

One source of mortal sin is ecclesiastical prohibition. There have been, it seems, precepts given by individual bishops which made it clear that they were forbidding attendance at certain C films, and that this prohibition was *sub gravi*. Granted such a diocesan precept, it would be objectively a mortal sin to attend the forbidden film without a legitimate excusing cause; and in such a case the excusing cause would have to be measured in the light of canon 21, because such a prohibition would obviously be a law made to avert a common danger.

<sup>60</sup> *Theologia moralis* (Gaudé ed.) I. 3, §547.

Aside from these prohibitions issued by individual bishops, there are no ecclesiastical laws forbidding attendance at any class of movies. The statement of Msgr. Montini that the classifications of the national offices must be taken as normative is not a law. It would be contrary to all precedents of ecclesiastical jurisprudence for the Holy See to make general laws through letters issued by a secretary of state, even when these letters are sent in the pope's name. Since this is contrary to canonical precedent, it would have to be very clear that that pope, in delegating the secretary of state to write the letter, wished its contents to be taken as a law of the universal Church. This is not the case in Msgr. Montini's letter. Moreover, even if the letter enunciated a precept, it would not clarify the problem of mortal sin.

Nor does the official approval of the Legion office by the Bishops' Committee or by the annual meeting of bishops constitute the Legion a lawmaking body, or its classifications ecclesiastical laws; for neither the committee nor the bishops as a group is a lawmaking body. In the words of an eminent canonist, our present Apostolic Delegate: "Rightly must Plenary and Provincial Councils be distinguished from the meetings of the various bishops of a certain nation, or of a particular territory. . . . Such assemblies of bishops are vested with no legislative power."<sup>61</sup>

It seems clear from the foregoing that only rarely in the United States does ecclesiastical law impose an obligation *sub gravi* of abstaining from any kind of movie. The only other source of such an obligation (in so far as publicly exhibited films are concerned) would be natural law. On this subject Francis Ter Haar, C.S.S.R., speaking of both stage and screen, has the following summary:

Those, then, who visit theatrical exhibitions can sin gravely on three counts: (1) because of their evil purpose, namely, to satisfy lust, which is always mortal; (2) because of grave scandal; (3) because of the proximate occasion of sin. The first is not infrequently the case with youths; the second, for older people, parents or superiors; and the third, for everyone, but again especially for the younger people.<sup>62</sup>

Of these three possible sources of mortal sin, the first is so clear that it needs no comment here. The gravity of scandal is, as we said before,

<sup>61</sup> Amleto G. Cicognani, *Canon Law* (Philadelphia, 1935) p. 97, note 82.

<sup>62</sup> *Casus conscientiae de praecipuis hujus aetatis peccandi occasionibus* (2nd ed.; Turin, Rome, 1939) §119. All words italicized in our quotations are italicized in the original.

difficult to measure in generalities; and we have already said all that we feel justified in saying on the subject. The last source, proximate occasion of sin, is rather fully developed by Fr. Ter Haar; and we believe his analysis is worth quoting. Before quoting him, however, we should like to make three observations. First, his text is not written with a view to the Legion classifications, and we must, therefore, add our own interpretations. Secondly, he is talking about the European stage and screen; and he paints an extremely black picture of both.<sup>63</sup> Whatever may be said of his appraisal of the stage, it is clear that his description of the screen is not at all true of our American screen today. Finally, it must be noted that he is the principal modern exponent of the opinion that a probable danger is sufficient to constitute a proximate occasion of sin and that one commits a mortal sin each time one exposes oneself to the probable danger of mortal sin, even though it is equiprobable that one will not sin. This opinion, though more com-

<sup>63</sup> His complete description of the European stage and screen (cf. *op. cit.*, §§118-19) runs as follows: "In our day the public theaters—and one can say almost the same thing of public motion picture halls—are rarely good in themselves or entirely harmless, because they are generally at least slightly immoral ('leviter inhonesta'); very frequently they are quite indecent ('notabiliter turpia'); sometimes, in fact not rarely in certain cities and places, they are in themselves completely indecent ('prorsus turpia') as to morality, and impious and very pernicious as regards the Catholic religion. The dangers, therefore, of the theater have to do both with morality and with faith and religion.

"As to what concerns *morality*, especially in the matter of chastity, most theaters certainly are indecent and immoral nowadays. Generally love affairs are presented; very frequently the actors and actresses, improperly ('indecenter') clothed, portray their lustful love for one another by words, gestures, and lascivious actions, whence it is inevitable that the spectators, especially youths, are provoked to intense sexual excitement and to impure thoughts and desires to which, also, they frequently give their consent, either at the time of the performance or even afterwards. In addition there are frequently obscene dances during the intermissions ('entr'actes'). Furthermore, gravely injurious to *religion* are those plays whose spirit, purpose, and, as they say, theme is to imbue the mind with the errors of independent morality, excusing and even proclaiming and exalting free love, adultery, divorce, birth control, hate, revenge, suicide, and other crimes; ridiculing, too, Christian morality as being too harsh, hypocritical, etc. Not infrequently also, the Catholic Church, its ministers, doctrine and practice, historical facts (like the Inquisition) are falsely portrayed and made a laughing stock. All this, naturally enough, may easily be a serious shock to the spectators' religion and faith in Christian doctrine and may spontaneously plant doubt or indifference in their minds.

"What we have said of theaters is true also of public *motion picture halls* ('biscopis'). In fact, these are frequently still more dangerous and more harmful to the common good than the theaters, because of the external sins more easily committed, on account of the darkness in the hall itself, and particularly because they are frequented by many more

monly held today, is not certain.<sup>64</sup> St. Alphonsus and de Lugo were on opposite sides of the dispute. It still belongs to the sphere of legitimate controversy and, since it affects the whole Church, it can be authoritatively settled only by the Holy See.<sup>65</sup> In the absence of such an authoritative decision, no prelate, no preacher, no spiritual adviser or confessor is justified in imposing the stricter opinion on others. We have already quoted the strong words of St. Alphonsus, who held this opinion, on the subject of imposing grave obligations.

Our observation concerning the uncertainty of Fr. Ter Haar's opinion about the proximate occasion of sin is made merely for the record. As a matter of fact, it seems to us that, despite his dark picture of the screen and his strict opinion about the meaning of a proximate occasion, his appraisals of attendance at stage shows and movies, in terms of occasion of sin, are in general very moderate. For instance, he says:

Theatrical exhibitions ("spectacula") which are *ex professo* contrary to religion, are *per se* and *absolutely* a proximate occasion for persons only moderately instructed in the Catholic faith—as most laymen are—because they commonly cause a serious, probable danger to faith. An exception is made only if one is so well instructed and firm in the faith that he immediately sees through the falsity and repudiates it. . . .

Theatrical exhibitions which are in themselves *very indecent* and *obscene* are likewise *per se* and *absolutely* a proximate occasion, because at these sin is regularly committed by the majority of people.

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people, and often by younger boys and girls, by reason of the low price. On the other hand, however, the danger may be less at these shows because what is immoral or improper ('inhonestum vel indecens') is presented only by pictures, and not, as in the theaters, by living persons who proclaim error and provoke the passions by their voices, their eyes, their gestures.

"In large cities the popular shows, which are patronized mostly by the crowd, are generally more dangerous than those intended especially for the cultivated class. Excepted, however, are the great metropolitan centers, like Paris, where even the wealthy, especially foreigners who flock there from all sides, frequent the most indecent theaters ('turpissima theatra'). Theaters which present classical works in whatever language are generally not indecent.—In recent times motion picture halls are also frequently making use of films. . . whose purpose is instruction in various sciences and arts and even moral education. These can be very useful if they are under the direction of upright Christian men."

<sup>64</sup> An explanation of this controversy, with pertinent modern references, is given in THEOLOGICAL STUDIES 11 (1950) 64–65.

<sup>65</sup> Cf., e.g., P. Lambertini (later Benedict XIV), *De synodo dioecessana*, l. 7, *passim*; G. Van Noort, *Tractatus de ecclesia Christi* (4th ed.; Bussum, Holland, 1920) §198; A. Van Hove, "Bishop," *Catholic Encyclopedia*, s.v.; Gerald A. Ryan, *Principles of Episcopal Jurisdiction* (Washington, D.C., 1939) pp. 125 ff.

Theatrical exhibitions which are indeed *quite* indecent and obscene but not outrageously so (“*notabiliter* quidem, sed non ita enormiter turpia et obscena”), are *relatively* a proximate occasion: that is to say, they generally bring about a grave danger of sin for youths and single persons; not so often for married people. Hence, the judgment must be made in individual cases, either *a priori* according to the known subjective make-up, character, and other factors, or *a posteriori*, that is, on the basis of lapses already experienced.<sup>66</sup>

The second of the foregoing paragraphs does not seem to describe major films in the United States; rather it depicts the burlesque show. The other two paragraphs, in our opinion, at least roughly approximate films the Legion is accustomed to put in the C class. Regarding these two numbers, even theologians who disagree with Fr. Ter Haar’s opinion about the meaning of proximate occasion of sin would, we think, commend him for allowing for a certain relativity in his estimates. That is the point we consider most important when one is speaking in terms of mortal sin: a final judgment on the matter can be made only in terms of the individual film and the individual persons who might see it. Thus, even as regards pictures that are professedly anti-religious (a genuine rarity among American films), Ter Haar distinguishes between ordinary persons and those who are sufficiently well instructed and firm in the faith to see the falsity and avoid the danger. An even greater emphasis on relativity may be noted in his estimate of indecent shows.

To sum up: a general statement that C films are always or almost always proximate occasions of mortal sin is too strong. It would be much more in keeping with sound theology to say that they would involve the proximate danger of serious sin for many people, especially young people, and that any more specific statement would require a knowledge of the film itself and of its prospective audience.

Two other short paragraphs by Ter Haar run as follows:

When something against religion or its ministers is said only *in passing* (“*obiter*”), theaters are not *per se* a proximate occasion; but they can be a relative occasion, especially if they are frequently visited by those weak in the faith. . . .

Theatrical exhibitions which are only slightly indecent, that is, *bordering on the obscene* (“*leviter tantum turpia seu subobscena*”), are not regularly a proximate

<sup>66</sup> Ter Haar, *op. cit.*, §120: 1°, 3°, 4°.

occasion for people; but they can be such for one who has experienced at them his own frailty.<sup>67</sup>

Movies that would fit the descriptions given in these paragraphs would, we believe, be classified as B by the Legion—that is, “objectionable in part.” This does not mean that Ter Haar’s words can be taken as a complete and adequate description of B films. We doubt that anyone could give such a description, because, as we have previously pointed out, B is a residual category which includes pictures ranging from almost approved to almost condemned. But, in so far as one can make a general appraisal of B films in terms of proximate occasion of serious sin, it seems that what Ter Haar has here would apply: namely, they are not per se or regularly proximate occasions of sin, but they may be for some people. Also, with special reference to films classified as B because of their theme, his observation about frequency is worth noting. The damage done by these films comes much more from frequent exposure to the objectionable themes than from merely occasional attendance.

Before we leave the question of strict obligation, that is, of duties under pain of sin, one further aspect of the official ecclesiastical documents should be considered. As every theologian knows, such documents may enunciate obligations either by way of legislation or by way of authentic teaching. We have already discussed the matter of legislation; but the further question must be at least briefly examined: are the opinions we have expressed consonant with the authentic teaching of the magisterium? It is our conviction, after careful examination of all available documents, that our views are in accord with this teaching.

It is true that in many of the documents there are expressions so strong as to imply that proximate occasions of serious sin are very common in the movies. Yet, as we have observed, most of these stronger statements were made at the beginning of the Legion campaign and before the moral tone of the movies was improved. As for the subsequent statements, we have found none that clearly teaches a general obligation beyond what we ourselves have admitted. Even the strongest pastoral letters we have seen have not been so clear in their teaching

<sup>67</sup> *Ibid.*, 2°, 5°.

that a theologian could reasonably use them as arguments that, according to episcopal teaching, a particular class of movies constitutes a proximate occasion of mortal sin for everyone, or even for the majority of adults. If we wished to be sticklers for theological accuracy, we might also point out, with reference to these pastoral letters, that only the Holy See can teach authentically for the whole Church, that individual bishops are authentic teachers only for their own dioceses, and that groups of bishops teach authentically for a whole country only when they meet in a plenary council.<sup>68</sup> However, we do not think it necessary to insist on this point if it is kept in mind that authentic teaching, like legislation, must make it evident that an obligation under pain of mortal sin exists.<sup>69</sup> The official documents have avoided (and, we might suggest, deliberately avoided) clear statements that attendance at any class or category of motion pictures is mortally sinful.

### *Inspiration and Education*

The more casuistic-minded might expect us to say more on the subject of sin. But it seems to us we have said enough; and we might add that even this much has been said with reluctance. Our reluctance stems first from a conviction, which is the result of long deliberation and discussion, that much of the good accomplished by the Legion of Decency can be lost by stressing the notion of sin and of degrees of sinfulness. From its beginning the Legion was a crusade—in the best sense of this word—and its remarkable appeal to Catholics and non-Catholics alike came from the fact that it aroused a spirit of generosity and of devotion to a great cause. It is true that many of the initial statements of ethical leaders contained references to “duty,” to “indecent in the motion pictures,” and to the fact that the pictures contained “occasions of

<sup>68</sup> Cf. canon 1326.

<sup>69</sup> For instance, statements like the following do not clearly enunciate general obligations *sub gravi*: “It is common knowledge that no Catholic may, with a safe conscience, attend motion picture screenings which have been classified by the Legion of Decency as ‘C’ or condemned.” “Will you kindly instruct your people that they may not view these films [B pictures], because there are occasions of grave sin in them?” “Both ‘B’ and ‘C’ pictures, as evaluated by the Legion of Decency, are enemies of man’s supernatural life.” It is true that one bishop (see *supra*, n. 58) stated emphatically that parents have a *serious* obligation to see that their children patronize only A-I films. This statement, of course, would be valid only for his own diocese, and we respectfully leave it to the authorities and theologians of that diocese to interpret it.



sin." It is also true that the principal reason for the Legion classifications has been to warn against morally dangerous pictures. But in the first years of the Legion's history, years when it was most successful, there was no attempt on the part of ethical leaders or theologians to catalogue the pictures according to degrees of sin. We believe that such cataloguing can do more harm than good. Stressing the notion of sin not only fails to evoke the spirit of generosity among Catholics, but it tends to deaden the interest of non-Catholics and even to create hostility. Our study of Fr. Facey's work has convinced us that the ultimate success of elevating the moral tone of the movies and of keeping it elevated depends on the cooperation of all good men and public-minded citizens. We believe that the best way to keep and increase this cooperation is by continuing to appeal to their devotion to a great cause.

It should be noted, too, that even the most careful appraisal of the Legion classifications in terms of sin leaves absolutely untouched one of the gravest moral dangers connected with the motion pictures—the scandalous lives of so many prominent actors and actresses. Even A-I pictures tend to make these people the idols of the audience, especially of the young. Similar dangers, though perhaps not so great as this hero-worship, arise from the fact that the movies often portray false standards of life, with great emphasis on material possessions, on physical beauty and charm, on the love-at-first-sight romances, and so forth. Such false standards are not, of course, limited to movies; they are presented in even the most respectable magazines and books.

The Legion classifications do not and could not protect our people against dangers like these. The one way of counteracting such dangers seems to be proper education, the development of a set of wholesome, Christian values that will counteract the influence of false standards and unwholesome hero-worship. And the same is true, we believe, about some of the themes that often bring about a B rating for a picture, especially the one styled "approval of divorce." Themes that "reflect the acceptability of divorce" are merely part of a total picture in our country today, a picture in which divorce is taken for granted. It is quite right, of course, for the Legion to register its disapproval of it. Nevertheless, the mere staying away from such pictures is not going to protect our people from this modern heresy. If American Catholics were to stay away from everything that approves of divorce, they

would have to quit reading newspapers, many magazines, and so forth—in fact, they would have to do just what St. Paul said we cannot do: go out of this world.

But in addition to the more general and fundamental education in true Christian values, the time is now ripe for a concerted attempt at a more specific kind of education with regard to the movies. This kind of educational movement has already been flourishing abroad, while the United States has lagged behind.<sup>70</sup>

In an excellent article, "The Movies: A Positive Plan," Most Reverend William A. Scully, D.D., Bishop of Albany and chairman of the Episcopal Committee on Motion Pictures, answers the objection that the work of the Legion is condemnatory and negative, and outlines a splendid plan of affirmative action, chiefly through study clubs. His article is a challenging summons to action.

The Legion's appraisal of the majority of films is affirmative. It is luminously clear to me, however, that further affirmative work badly needs to be done. In fact, until it is done, one large and most fertile field will remain untilled. I refer to the great good which can be accomplished by stimulating an enlightened and critical public to develop their critical judgments and sharpen their artistic tastes with respect to motion pictures. The task of encouraging such a ground swell of public criticism and precise moral appraisal is no easy one. . . . It must first be looked upon as the product of a nation-wide program of adult education in the criticism, artistic appreciation and moral evaluation of films.

Obviously, the Legion of Decency cannot carry out so extensive and specialized a program. . . . Study groups, dedicated to the analysis and criticism of motion pictures, should be inaugurated all over the United States. These groups ought to be founded among students in Catholic high schools and colleges and among adults who band together in their own parishes for intensive study of the artistic and moral values embodied in the films which they and their children are asked to patronize at neighborhood movie houses. . . . It would appear to me that we might confidently expect, under the auspices of the National Council of Catholic Men and the National Council of Catholic Women, an immense expansion of such movie clubs all over our country. . . . Here surely is an area of the cultural and intellectual apostolate admirably suited to the specific talents and experience of the laity.<sup>71</sup>

<sup>70</sup> There is a growing literature in France on film education used by the film study clubs. For example: Robert Claude, S.J., *Education cinématographique* (2nd ed.; Liège, 1951), with a bibliography on this topic at p. 77; René Ludmann, C.S.S.R., *Cinéma, foi et morale* (Paris, 1956), with bibliographical notes at p. 14 and p. 53. See also *Répertoire général des films 1956-1957* (Editions "Pensée Vraie," 1957); this work not only lists and classifies but synthesizes and analyzes the current films, including all the major American productions.

<sup>71</sup> *America* 96 (March 30, 1957) 726-27.

The need of deeper education has been a central theme in the documents recently emanating from high ecclesiastical authority. For example, the letter of Msgr. J. B. Montini already quoted stresses this aspect: "Normally this moral classification of films ought to contribute towards educating the judgment of Christians. This, like any other kind of education, implies a progressive refining of the moral sense, a positive search for the higher values, and a growing delicacy of appreciation."<sup>72</sup>

The same theme is reiterated by Msgr. Angelo Dell'Acqua, the present Substitute Papal Secretary of State. Writing on the occasion of the eighth series of International Study Days held in Havana, Jan. 4-7, 1957, he said: "By her normative judgments, [the Church] forms the conscience of the faithful, directs their selections, and aids in the success of good films. *Nevertheless, it is true that this necessary action must be accompanied by an educational endeavor in the strict sense.*"<sup>73</sup>

The educational endeavor referred to is precisely the movie-club program outlined by Bishop Scully, who tells us: "The delegates to the International Study Days in Havana spent the greater part of the time of their meetings in discussing these clubs, the success they have enjoyed in many countries, the qualifications of those who direct them and the fruits to be expected from their growth and expansion in still other lands."<sup>74</sup>

In our own country the strengthening of the Legion through enlightened Christian opinion is in some respects even more necessary now than before. For instance, the self-enforcement machinery of the Production Code Administration is less effective now than it was in the early years of its existence. In the early years the big companies not only produced and distributed their own pictures but they owned large chains of theaters in which to exhibit them. Their refusal to exhibit a picture

<sup>72</sup> *Supra*, n. 47.

<sup>73</sup> Quoted by Bishop Scully in *America*, *art. cit.* (italics added).

<sup>74</sup> *America*, *art. cit.* This article also gives us an excerpt from the resolutions of the eighth series of Study Days of the International Catholic Film Office, at Havana, Cuba, Jan. 4-7, 1957: "This true appreciation [of the cinema] should not be just the privilege of a minority, but should be spread by the schools, by circles of young people and adults, in ways adapted to different countries and different social conditions, so that all may acquire and develop a critical sense, through the refinement of their own taste and the raising of the general cultural level. On this occasion the delegates recall the importance of education in the art of the moving picture not only in schools but also in seminaries, as suggested in the resolutions of the Study Days at Madrid (1952) and Dublin (1955)."

without a Code seal meant certain financial failure for that picture. Now, since the government has insisted on divorcing the exhibition from the producing and distributing of pictures, the companies no longer have this type of control over the exhibition. A result has doubtless been that the Production Code Administration is more reluctant to deny its seal, lest the flouting of its authority succeed too often. In any case, it makes the work of the Legion of Decency even more necessary than before.

Then, too, under the old arrangement a localized action against an individual film was immediately felt in the pocketbook of the parent company which owned the exhibition house. Today the local exhibitor takes the loss and the producing company does not feel it so immediately and sharply. Therefore there is greater need for coordinated action along a nation-wide front.

Finally, the Supreme Court decisions of recent years have greatly weakened the few state and municipal censorship boards which are still in existence.<sup>75</sup> But the stronger the Legion the less need there is to rely on governmental censorship. The Legion is not and has no intention of being a censorship body. But its system of appraisals has had the end result of protecting public morality and raising artistic standards. It is our belief that in this country the Legion's method of appraisals, when supported by well-informed public opinion, both Catholic and non-Catholic, is a more effective instrument than government censorship enforced by law.

But since the Legion itself cannot undertake the great task of public education, Bishop Scully calls for a broad cooperative effort, principally through the Catholic Action of laymen, to effect this result. Such clubs would not be restricted to those under parish auspices or under the auspices of the National Catholic Councils of Men and Women. They would be especially valuable in high schools, colleges, labor schools,

<sup>75</sup> See, e.g., *Burstyn v. Wilson*, 343 U.S. 495 (1952); *Gelling v. Texas*, 343 U.S. 960 (1952); *Superior Films v. Dept. of Education, and Commercial Pictures Corp. v. Board of Regents*, 346 U.S. 587 (1954). But on June 27, 1957, the Supreme Court of the United States decided the so-called obscenity cases of *Roth v. United States*, *Alberts v. California*, *Kingsley Books v. Brown*, and *Adams Newark Theatre Co. v. City of Newark*. These decisions indicate that by a close vote the present Court would uphold a carefully drawn statute contemplating prior censorship of obscene moving pictures, providing the procedure for censorship gave the defendant a swift and adequate hearing.

adult education schools, and in every other center of Catholic cultural influence.

In all such clubs a fundamental object of study would be the two great documents on the films, the *Vigilanti cura* of Pius XI and *The Ideal Film* of Pius XII. The first has been called the magna carta of Catholic thought on the movies. The second well deserves its title, for it stresses the positive and artistic values of the films and establishes standards of criticism which embrace the whole work of art, looked at integrally, and not merely its moral aspects.

One of the fruits of the more advanced discussion clubs of college and adult groups might well be a better understanding of the Legion's policy that in its ratings no consideration is given to the artistic, technical, or dramatic content of the films.<sup>76</sup> The reason why the Legion must restrict itself as far as possible to moral content is clear. If it once allowed itself to be drawn into the field of critical and artistic evaluation, the complications and confusions would be endless.

And yet this exclusively, or almost exclusively, moral viewpoint has caused some of our sincere dramatic critics real concern. They fear that a habit of mind which is directed too exclusively to the moral dangers in a work of art tends to become one-sided and censorious and fails to appreciate the work of art as a whole. And it is only when seen as a whole that the moral dangers or defects can be estimated at their true importance.

On the other hand, everyone admits, including these critics, that

<sup>76</sup> While it is possible to prescind from technical values (photography, color, etc.) in making practical moral classifications, it would seem to be impossible to prescind entirely from artistic and dramatic values. For the moral significance and impact of a scene or incident or speech will depend largely on its artistic and dramatic setting, as well as on the cultural capabilities of the audience which views it. Furthermore, despite technical excellence, can there be true artistic excellence, can the work be considered good *as art*, if its portrayal of evil tends to make men evil? And can there be true dramatic excellence if a work of dramatic art cannot be appreciated by the audience which is to see it? If the cultural level of the audience is such that its reaction to the sordid or the degrading is a snicker or a leer, if it cannot rise to the total dramatic meaning of the artist, then we have failure *as drama*. It is entirely unreal to ignore the fact that the motion picture in the United States is meant to be exhibited to our general public. This fact is just as inescapable as the fact that the audience will understand only the English language. Both facts put restrictions on the dramatic artist *as an artist*. The further practical implications of this state of affairs both for art and morality in the American films is one of those subjects that require investigation not merely at the study-club level but at the university level.

moral values and artistic values must be distinguished at least for purposes of discussion. Once the distinction is made, can there be any doubt as to which values are more important? The moralist may have all too eager an eye to the probabilities of moral danger. He is, almost by profession, a specialist in moral pathology. But the art critic, almost inevitably and by the mere force of the accustomed, will underrate the dangers, or practically deny the predictability of moral harm from works of art, and be apparently oblivious of the wounds inflicted on human nature by original sin.<sup>77</sup>

Questions like these are raised here not for solution but to indicate an important field of investigation and education which the Legion itself cannot undertake, but which the more advanced study clubs should begin to discuss. This would be a study topic of primary importance: the relation of art and morality in the films, and "the raising of the general cultural level" where both are concerned.<sup>78</sup>

But perhaps the very first fruit of the study-club program, and its most widespread effectiveness with the great mass of our people in the United States, would be a real understanding and appreciation of the work of the Legion itself, its splendid history, its extremely difficult task, its outstanding success in raising both the moral and artistic level of the American film. Such appreciation would be no bar to constructive criticism of the Legion by serious students of the films. The Legion office would be the last to claim infallibility for its reviews and reviewers. The fact that its own reviewers can hardly be unanimous themselves in passing judgments and making classifications shows that at times there is room for honest difference of opinion among competent critics. And the fact that there have been instances (comparatively rare ones, it is true) when capable Catholic critics have been embar-

<sup>77</sup> In *Criticism and Censorship* (Milwaukee, 1954-1957), Walter Kerr, dramatic critic of the New York *Herald Tribune*, while pointing out the exaggerated censoriousness of some Catholic circles, seems to us to exemplify these tendencies.

<sup>78</sup> Such clubs could also study other objections made against the Legion: for example, that it exerts an undemocratic pressure by a minority group, that it hampers artistic growth, that it gives added notoriety to the films it condemns, and that it unduly restricts the liberties of Catholics. In an excellent, comprehensive study, *The Legion of Decency* (a pamphlet published by America Press, 1956), Avery Dulles, S.J., answers these objections and explains the origins and workings of the Legion. On the question of censorship see also John Courtney Murray, S.J., "Literature and Censorship," *Catholic Mind* 54 (1956) 665-77, an article reprinted from *Books on Trial*, June-July, 1956.

rassed by a particular classification is merely another proof that this is an arduous and delicate task, involving complicated prudential judgments. We believe that the more the Legion is known and studied, the greater will be the honest and heartfelt support of the Catholic, and also of the non-Catholic, public for its objectives and achievements.

To know that a picture is classified as A or B or C, or even to know the brief reasons given for the unfavorable classifications, does not form the minds and train the perceptions of the great mass of viewers. It leaves them on the outside. When they are not educated to appreciate the reasons behind the classifications and when they do not understand the moral and artistic values which are at stake, they have the feeling, often enough, that rules and regulations which do not make sense are being imposed on them from without. They are no longer eager participants in a movement and a crusade for better things. Enthusiasm for a cause is replaced, unfortunately, by annoyance at "meaningless" restrictions of their liberty.

It would be utopian to expect that we can recapture the first great wave of enthusiasm which made the youthful Legion so signal a success. But now that the Legion has come of age, it is not at all utopian to look for renewed strength and more mature fervor. Thoughtful study and discussion enlightened by Christian principles will be the invigorating factors. It would be desirable, we think, to have non-Catholics as active participants in these discussions. They played an important role in the initial Legion movement, and they can, and should, play the same role in this new educational movement which will, with God's help, usher in the Legion's Second Spring.