

# marginalia

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## EDITORIAL:

### *The Lesion of Decency*



A prominent Hollywood movie director has suggested that American motion picture interests should sue the Catholic Church for acting in restraint of trade — in violation of Federal law. The primary target of this barb is the Legion of Decency, an agency of the American Catholic Church which regularly publishes lists of movies rated according to their "morality."

We think the director's proposal has considerable merit. It would certainly help to clear the air, not only on the larger American scene but, significantly, within the Catholic community itself, where considerable apprehension exists over the ambiguities of Legion policy and activity.

The crux of the movie director's argument is, of course, the boycott aspect of the Legion of Decency pledge, renewed annually by most practicing Catholics. The pledge, administered by parish priests, contains an express promise not to patronize theaters which exhibit movies condemned by the Legion.

The main hang-up is nudity. Legion officials do not condemn the presentation of nudity as being essentially evil. They agree with those directors who deplore the presentation of nudity when motivated by sheer sensationalism and who hold that, in the proper artistic setting, nudity has its place. What rubs the artistically sensitive director the wrong way is that, given these conditions, Legion officials attempt to dictate the terms of the artistry itself. (And, as a practical matter, they succeed, since a film condemned by the Legion, for whatever cause, is virtually doomed to economic failure.)

According to the Most Rev. James A. McNulty, Bishop of Buffalo and ex-Chairman of the Episcopal Committee for Motion Pictures, Radio and Television, the Legion's aim is to unite Catholics under its banner "so that the Catholic body in the United States may present a solid front and proclaim a concerted voice, as it were, that it will *not* be satisfied until the general moral tone of . . . films is worthy of the American people."

This is the kind of statement that puts the fear of the Catholic Church into the hearts of many Americans and fosters the absolutist approach to "separation of Church and State" issues. It lays bare the dedication of a Bishop McNulty to the proposition that our country will be best served only when it has been pressured into conformity with hierarchical interpretations of Catholic moral standards.

A detailed and candid report on the Legion, by Ramparts' staff writer Judy Stone, appears in this issue. (See p. 43.) That the American bishops — the Legion's sponsors — are themselves divided on the meaning of the Legion, especially for Catholics, is revealed.

In the Jesuit weekly, America (March 11, 1961), Bishop McNulty wrote: "All too many Catholics are under the impression that they are being 'pressured' when asked to subscribe to the promises the Legion proposes to them in its pledge."

Precisely. And the pressure applied is, for Catholics, the most compelling of all: mortal sin. But the system breaks down within the Catholic community in the diverse opinions of Church authorities concerning whether or not a Catholic *ipso facto* commits the "sin of the damned" by viewing a movie condemned as immoral by the Legion. In other words: Does the Catholic substitute the conscience of the Legion for his own?

A recent sampling of Catholic officialdom reveals a sharp divergence of opinion from chancery to chancery. (See p. 51.) Some of the chancery officials polled held, quite literally, that on the question of movie morality the individual Catholic could not make his own judgment in conscience. This is the call to blind obedience that has been thundering out of ecclesiastical chambers for centuries, and it always causes trouble.

Paradoxically, while Church authorities have been busy treating adults like children, they have been even busier treating children like adults.

It is one thing for the Church-rack pamphleteers, writing for adults, to state that if a bishop rules it is immoral to go dancing on Saturday night, all Catholics in the bishop's territory who go dancing on Saturday night commit a mortal sin. After all, only little old ladies in tennis shoes would take this kind of thing seriously today. It is quite another thing, however, to be a parent of a seven-year-old child who has it hammered home to him in the parochial school, that he has, in his own little hands, the power to alter the course of his God-willed eternal life

... "Tell the mortal sins first" ...

— not ultimately, but right now, at age seven or eight or nine.

While the University priest-theologian tells a group of wide-eyed students that he finds it almost impossible to believe that a mortal sin (by Catholic definition) has ever been concretized in any human life, the parochial school nun prepares her second graders for their "first confession" by teaching them to sort out their mortal sins from their venial sins. ("Tell the mortal sins first.")

The ambiguity of mortal sin — a thorny problem for contemporary Catholics — tends to bolster any argument against the continued existence of the Legion of Decency. Indeed, it might even tend to strengthen restraint of trade charges, as long as there are bishops' delegates who continue to apply the pressure of mortal sin on members of their Church — the only effective means they have of causing a given movie to fail.

We do not think it necessarily far-fetched to visualize a legal test of the Legion focusing on the Catholic theology of mortal sin. The chancery theologian might be asked to show his good faith in applying the pressure of mortal sin on Catholics, by proving his theology of mortal sin as official Catholic teaching. A circus would ensue.

For every theologian produced to support the thesis that a Catholic must abdicate his conscience in favor of the Legion, another could be produced to say that under no circumstances can a Catholic be subjected to the pressure of mortal sin in the exercise of a conscientious, prudential judgment pertaining to his movie-going habits.

We do not deny the right of the Catholic Hierarchy to plump for more decency, higher standards of morality, the common good, and all that. But before they do so in terms of specific issues, Church officials should be willing to accept the responsibility imposed by certain minimal requirements. We can suggest three: 1) that the issue is clear-cut (e.g., the immorality of racial segregation), 2) that the approach to the issue is at least tenable within their own house, so as not to burden the nation with Catholic intramural theological squabbles, and 3) that they make no false claims with respect to precisely whom they represent. (Who does the Legion of Decency represent?)

If some movie producer decides to resort to law on the restraint of trade issue, he might unwittingly be doing Catholics the favor of helping them to untangle the vagaries of at least one of the bishops' ad hoc agencies.

... Catholic intramural theological squabbles ...

... the call to blind obedience ...

# TRAVEL:

## *The Road to Jerusalem*

(Proctologist, author, poet, ventriloquist, San Francisco "citizen of the year" (1960), Dr. Feigen is a member of the firm of Feigen & Gossage, generalist consultants.)

by  
Gerald M.  
Feigen

On the afternoon before Yom Kippur, 1964, I was driving down from Caesaria along the main road to Jerusalem. I was worried about the tabu. No one in Israel drives a car on Yom Kippur, and Yom Kippur begins at sunset the evening before. My passenger, a resident of Jerusalem, assured me that we would arrive in time, yet I was aware of an increasing anxiety. I did not want to be compelled to violate the tradition. I began to wonder why this bothered me, an American tourist who had not observed Yom Kippur for forty years.

Drifting into recall, I remembered myself at age nine, in a New Jersey town. I was quite impressed with this Day of Atonement, the long hours in the Temple, and the fasting. The empty stomach seemed to ache for such a long time. The prayers were very solemn, and the old men, wrapped in prayer shawls, crying out the liturgy, looked like awesome sages to me. That afternoon I went home, and into the pantry. I asked myself, "For what do you have to atone?" Thinking over my young past, I decided my sins were too small for fasting. I looked up at the ceiling and called upon God to make himself known. I said I was going to break my fast, and eat a piece of upside-down cake, and if there was a God, let Him do something to me before I counted to ten. I counted slowly, to be fair, and took deep breaths between, but nothing happened; I lost my respect for Yom Kippur and never fasted again.

Now, decades later, I was frightened. I could not believe that guilt concerning my break with Judaism was a real factor. I have always felt that a man bound by any dogma loses his freedom of choice—he gives up his responsibility for his life by a commitment to ritual. I thought that I had utilized my cultural advantages as a Jew to enrich my life. It had to be something other than fear of the wrath of Jehovah. It had something to do with Israel and Israelis, and my sense of alienation, not from God but from this group of serious, aggressive people, covering a spectrum of blonde to brown, devoutness

... a pair of  
hitch-hiking  
soldiers ...

to atheism, left to right; I had hoped to find a strong feeling of identity, but I felt like a stranger and respected the special ominous day, as I would in any foreign country. Maybe it had something to do with manners, good taste and my own natural reserve among foreigners.

I didn't feel that I was getting anywhere in analyzing my reaction. We picked up a pair of hitch-hiking soldiers near the Arab village of Abu-Gosh. Since all public transportation would stop at sundown, they would have been left to hike 14 kilometers into the darkness. I didn't begrudge them the ride, but the time. "Toda-Rabah" they both said, rather tersely. It means, "Thank you very much." They talked in Hebrew, and my friend translated. They accepted the ride as a matter of course. Who wouldn't stop for a Jew on Yom Kippur Eve? Neither of them were going to the synagogue, but they were going to fast. They were against the orthodoxy; most of their friends were not religious, but they still respected Yom Kippur. It didn't imply that you were a true believer—merely that you were a Jew in Israel.

... The tabus  
of primitive  
tribes ...

I wondered if there was some kind of ominous myth in the collective unconscious of all people. The tabus of primitive tribes that have never made contact with one another were said to be similar. In many cultures, in different civilizations, there were ominous days—one day a year, perhaps for repentance, for sacrifice, for meditation—but always a

. The empty  
stomach  
seemed  
to ache ...



Gerald M. Feigen