

**A COMMENTARY
ON THE PRESENT
INDEX LEGISLATION**

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PRESENT INDEX .
LEGISLATION . .

By Rev. TIMOTHY HURLEY, D.D.

*Priest of the Diocese of Elphin; Past Student of
Maynooth College and of the Propaganda Schools, Rome*

WITH A PREFACE by the
MOST REV. DR. CLANCY
Bishop of Elphin

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PREFACE.

ON the 25th of January, 1897, the late Pope, Leo XIII., gave to the world an important letter, entitled "*Officiorum ac Munerum*," dealing with the Legislation of the Index, and its gravity and far-reaching influence entitle it to a more wide-spread knowledge than it has hitherto attained. Though intended primarily for the direction of Bishops and other ecclesiastical functionaries, occupying positions of responsibility, yet its import affects the public at large to so great an extent that its contents deserve to be placed within the reach of all. Hitherto little has been done in this country to secure this end. Commentaries have already appeared in most European languages; but until the issue of the present work, nothing had come before the public in an English dress to bring the people of these countries in touch with the most recent legislation on the Index.

The Pontifical letter referred to was intended, by its illustrious author, to form a preface to certain Rules which had been adopted and approved by the Congregation of the Index in reference to the Prohibition and Censorship of Books; and these two documents, together with the *Sollicita ac Provida* of Benedict XIV., which also finds a place in the present publication, bring the Church's legislation on the Index up to date. The scope of the entire Constitution, and, therefore, of the present work, which

purports to be a scientific commentary upon it, will be best understood from a brief analysis of the treatment followed in both.

The first part of the Pontifical Constitution goes *seriatim* into publications on Sacred Scripture, Ecclesiastical History, Philosophy, and Romance; and even descends to such apparently unimportant subjects as superstition, spiritualism, hypnotism, secret societies, and the socialistic literature of the Press. If doubts should arise as to whether such publications form suitable reading for the faithful, the present work fully explains the Rules for the "discernment of spirits" in such cases. Bishops and other Church functionaries are primarily responsible for the enforcement of these Rules.

The second part deals with the censorship of works which are about to be published. As required by previous legislation, all works dealing with Sacred Scripture, Theology, Ethics, Canon Law, or Church History, must be submitted to ecclesiastical censorship before publication; and the Rules for the guidance of Censors, appointed or selected, are clearly set forth in the following work. But, according to an opinion, which seems to meet with the practically unanimous approval of commentators on the subject, an important change has been introduced under Rule 35. Whereas, hitherto, the Bishops of the place in which the work was to be printed exercised the sole right of Censorship, now this duty may devolve upon the Bishop of any Diocese in which the work to be published will circulate.

At a time when the world is flooded with pernicious literature, and the poison not alone of immorality, but of unbelief, is being slowly but surely instilled into the public

mind, the importance of a book dealing with such a subject cannot be exaggerated. The evil is prevalent in Europe, America, and Australia, and, no doubt, much of the danger to Church and State, that is at present menacing most of our European countries, springs largely from the unbridled licence of the Press. Even here in Ireland, there are grave apprehensions entertained for the future from the same source. That the Bishops of the country are not unmindful of this danger is evidenced from the fact that in the Appendix to the *Acta et Decreta* of the Synod of Maynooth (1900), just published, the legislation dealt with in this work is given in full. Let us hope that the present book will prove helpful to both the Clergy and laity of the country who wish to place themselves in touch with the latest legislation on the Prohibition of Books, the Censorship of the Press, and the Rules of the Index.

✠ JOHN CLANCY, D.D.,
Bishop of Elphin.

AUTHOR'S PREFACE.

I wish to hereby acknowledge my indebtedness to the following sources in the composition of this commentary on the present Index legislation: 1°. A few papers contributed to the *Irish Ecclesiastical Record* on the old legislation, a short time before the promulgation of the present legislation by the Rev. Dr. McDonald, Prefect of the Dunboyne, Maynooth College. In those papers the distinguished writer, from a comparison of the provisions of the old legislation with the requirements of the present day, forecasted the prescriptions of not a few of the present Rules of the Index. 2°. *De libris Prohibitis Commentarii*, by the Rev. Augustine Arndt, S.J., of Berlin, Professor of Canon Law in the High College of Cracow. This work is also on the old legislation. It is an exhaustive work of 300 pages. A special feature of it is, that it illustrates many of the old regulations by indicating some of the works proscribed under them, and placed on the old Index of proscribed books. 3°. *De prohibitionibus et Censura Librorum*, by the Rev. P. Vermeersh, S.J. This has the honour of being, as far I am aware, the pioneer commentary on the present Index legislation. Its merit may be estimated from the fact that it has already gone into a second edition. 4°. *Il Monitor*. The work, which I shall cite under this title, is an Italian commentary on the present legislation,