



Pay to Pray: The Church's Simony Problem

 Jeffrey Tucker

The Catholic Church in the English-speaking world has a serious problem, and it is becoming ever more apparent in the digital age: It maintains a copyright on its ritual texts and charges royalties for printing and distributing them, while admitting only narrow exceptions.

The Catholic Church is alone among major denominations in using this pay-to-pray method of financing. The texts of Episcopal, Lutheran, and Orthodox Churches are in the public domain, and free for anyone to print under any conditions. This encourages publishers to disseminate the texts, composers to use them for setting music, and Web site builders and bloggers to quote them freely in any form.

I've contacted many leaders in these other denominations concerning this practice of maintaining public access to the texts, and, without exception, they found the inquiry to be an odd one. If the mission of the Church is to spread the gospel and evangelize for the faith, what possible rationale could there be for charging for the right to publish the ritual?

That's a question that might be asked of the International Commission on English in the Liturgy and the U.S. Conference of Catholic Bishops that authorizes them to hold the copyright to the Missal texts. After all, the Mass text isn't like the latest Harry Potter novel, the product of a single author

published by a profit-making book seller. It is a text to an indulged religious activity that is required by the Faith itself. Presumably its "liturgical author" is not a single earthly institution.

Nonetheless, under the formal policies of the Catholic Church in the English-speaking world, if you publish and sell the Mass text, you must pay ICEL. If you record the Mass text, you must pay ICEL. If you put the Mass text on, for example, educational flash cards that are sold through a home-based family business, you must pay ICEL. If your parish choir records a CD and sells it in the parish to raise money for a new organ, it must pay ICEL.

That's because ICEL claims to own the text, and so it can charge anyone for use. As ICEL says:

Any publication produced for sale which contains ICEL translations is subject to a royalty or flat fee. Publications included are books, booklets, pamphlets, cards, diskettes, CD, and other electronic media used for liturgical celebrations or popular participation. Other publications containing ICEL texts but not for use during liturgical celebrations, such as textbooks, commentaries, religious education books and materials, private prayerbooks, recordings, etc. may be assessed a royalty or flat fee.

Even if you are not selling anything, you might still have to pay ICEL. Let's say a local magazine publisher is a member of the parish and volunteers to print up programs for a Church dedication liturgy. That practice is excluded under ICEL's permissions for free use.

What does ICEL charge? Good question — its policies do not say. You have to contact ICEL directly and then they assess a fee depending on many factors. It usually involves sending a yearly check based on sales numbers and revenue. For any institution, parish, or family business, this means additional costs associated with accounting and reporting on sales and revenue for the purposes of paying royalties to ICEL.

So you have to write them to ask. Once they get back to you, you are on the radar screen. If you *then* publish without paying, what happens? Presumably you could be hit with litigation and lawyer fees and court costs, and your life is ruined. (I'm unclear how often this has actually happened, but I would like to know.)

As it is, ICEL lists exactly 63 institutions that have been approved to publish ICEL materials and thereby pay royalties. How plausible is it that in the entire English-speaking world, including the whole of the United States, Canada, the United Kingdom, New Zealand, and Australia, only 63 institutions are publishing the approved Mass texts?

I don't believe it — not in a time when literally *anyone* can be a commercial publisher with a few clicks of the mouse. As a matter of fact, I know several major publishers who use the Mass text that are not listed as paying money to ICEL — and no, I won't name them, for fear of unleashing the lawyers. It could be that ICEL's policies have spawned a generation of Missal pirates.

Certainly the problem has ended up encouraging massive abuse of Mass texts by musicians who don't want to pay the ICEL tax. The most widely used Mass setting in the United States carefully adjusts the official text so that ICEL doesn't have to be paid. Thus do we sing, "Jesus, Lamb of God," instead of "Lamb of God."

The Catholic Church's problem with charging for ritual texts isn't limited to ICEL. The approved version of Scripture is under copyright, and royalties are due for using that as well, even though that translation (the New American Bible) is widely considered the least elegant and accurate on the market.

A more serious problem came up when the USCCB approved the Revised Grail Psalter for use as the Psalm source for Mass. The Grail Society in the UK is the source, and its rights are administered by HarperCollins, which is said to charge as much as 10 percent for printing King David's texts.

This has given rise to an entire library of secretly circulated Psalms in the UK, set by Church musicians who can't afford to pay the publishing moguls.

This problem is now emigrating to the United States. The Conception Abbey revised the Grail to conform to new Vatican mandates, but then sold its rights to GIA publishing. GIA is a for-profit mega-publishing powerhouse with official ties to the Catholic Church.

Nonetheless, it is the worldwide administrator of the rights to the Revised Grail Psalter, and it has so far refused to say how much it will charge other publishers. It won't even tell Conception Abbey or the USCCB of its specific plans. But as a capitalist publisher in a position to deny rights to its competition, it is obvious that there is a conflict of interest here.

Who at the USCCB is aware of this growing problem, one which impedes the spreading of the gospel, taxes musical creativity, and punishes small publishers? Who is concerned that Catholics in the pews across the English-speaking world are shelling out millions and millions merely for the right to have printed copies of the Mass and the Psalms and the Bible made available for sacramental use? I'm not sure the issue is on the radar screen at all. It should be.

It is conceivable that ICEL and GIA and NAB could maintain copyright to the texts and not charge royalties, but of course that would defeat the purpose of the copyright in the first place. The only real solution here is to put all texts for the Mass into the public domain. The USCCB should immediately insist on this, without qualification.

I must now raise the topic of simony. Does this ritual tax really amount to that? The Catholic Encyclopedia defines simony as a serious sin that amounts

to "a deliberate intention of buying or selling for a temporal price such things as are spiritual."

Philosopher Gertrude Elizabeth M. Anscombe (1919-2001) addressed the problem as it concerned Africa, where it was discovered that some priests were charging for Mass. She made an interesting distinction: Charging money for the fulfillment of a private intention, she writes, is not simony, because such special intentions are not part of the general right of all Catholics. But the Mass itself does constitute such a right, and hence cannot be withheld pending payment.

As applied to the Mass, this might mean that it is perfectly acceptable to charge for hymn books, missalettes, prayer books, and the like. Compositions can carry a copyright, as can collections of homilies and instruction books. A thriving marketplace for Church goods and publications is a welcome thing. But the ritual text *itself*? This seems to be a clear case of something that must be free.

Every other religion seems to understand this. What has gone wrong in the Catholic Church that this problem has been allowed to fester uncorrected? Who will stand up and say that this is wrong and demand a change?

With new Missal texts being prepared for distribution, now is the time to say 'no' to simony.



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