

## FREE SPEECH HAS A BIRTHDAY

CYRIL BURKE, O.P.



FREE SPEECH is a venerable little lady. First legitimate off-spring of the constitutional union of the States, she was born on September 25, 1789, when James Madison, acting upon a previous understanding with the delegates to the Constitutional Convention, proposed seventeen amendments to the original Constitution for the purpose of removing its acknowledged imperfections. Twelve, of which Free Speech was the third, were accepted by the Congress and sent to the States for ratification. The legislatures rejected the first two and in this wise Free Speech became the eldest daughter of the Constitution. As is the case with most babies, growing pains brought woes which were assuaged only by the lenitive powers of the Alien and Sedition Act. The results were favorable, because in her teens she was the pride and joy of our forefathers; many were the men who courted her favor and brought great blessings to the country. Middle age found her serene, and still the inspiration of noble thoughts which stimulated national progress. Today with the blush of youth no longer on her cheeks, she suffers in mental pain because contradictory "isms" demand a hearing in things governmental and social, all avowing that this queenly dowager is their sponsor.

Consorting with sorrow is a dismal prospect for so worthy a dame on this, the occasion of her one hundred and fiftieth birthday. She deserves a better fate. Yet, paradoxically enough, being inarticulate, she is not able to speak out against those who, contrary to her wishes and without justification, attach themselves to her retinue. Consequently, any alleviation of her plight must come from true friends, and the means they must employ are forthright declarations of her nature and legitimate function in human society.

There are such champions. As far back as November 1, 1885, the reigning Holy Father, Leo XIII, viewing the world scene from his throne as God's Vicar on earth and applying the Thomistic doctrine on the nature and powers of man, declared: "... the liberty of thinking, and of publishing, whatsoever each one likes, without any hindrance is not in itself an advantage over which society can

wisely rejoice. On the contrary it is the fountain-head and origin of many evils. Liberty is a power perfecting man, and hence should have truth and goodness for its object. But the character of goodness and truth cannot be changed at option. These remain ever one and the same, and are no less unchangeable than Nature herself. If the mind assents to false opinion and the will chooses and follows after what is wrong, neither can attain its native fulness, but both must fall from their native dignity into an abyss of corruption. Whatever, therefore, is opposed to virtue and truth, may not rightly be brought temptingly before the eye of man, much less sanctioned by the favor and protection of the law. A well-spent life is the only passport to Heaven, whither all are bound, and on this account the State is acting against the laws and dictates of nature whenever it permits the license of opinion and of action to lead minds astray from truth and souls away from the practice of virtue."<sup>1</sup>

The above quotation from the pen of the renowned Pontiff is not an isolated expression of Catholic policy in the matter of free speech. Catholic philosophers, theologians and statesmen have given utterance to similar thoughts on numerous occasions. The facts of the case demand it. The faculty of speech, by its very nature, is ordained to truth; and therefore truth is the only product of speech which has a *right* to circulate freely as long as its promulgation is conducive to the public welfare. Were this standard to be applied vigorously, the present discomfort of Madame Free Speech would vanish into thin air.

Relief, however, is not so easily attained. There is an insuperable difficulty which prevents any extensive application of such a yardstick. When can one be certain that he is uttering truths which promote the public weal? Often the supposed truth is mere opinion. Again, while the thought expressed is true, the common good is injured by its publication. Public ownership, for example, of railroads might be just what this country needs. Yet no normal man will claim infallibly that this is true and that any other opinion is most certainly false and injurious to the good of the nation. Or John Doe and his wife, Martha, may have a verbal clash in the kitchen on every Friday night, but this does not warrant a third party making formal announcement of the fact to the other neighbors. As a practical conclusion, it seems that scientific data and the fundamental principles that rationalize human life are the only products of speech to which the *right* of promulgation has been accorded. That there is a God, that He is the last end of all creatures, that He has endowed man

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<sup>1</sup> Encyclical Letter, *Immortale Dei*.

with moral responsibility for his actions, that man has certain rights anterior to the formation of any state—truths such as these are absolute. They are as immutable as nature herself. Any exercise of the faculty of speech with the avowed intention of denouncing these and similar primary truths as false or even questionable is an abuse of speech which ought to be curbed by the public authority.

Nevertheless, men are concerned with more than principles. The bulk of public discussion has as its object the *application* of principles. Needless to say, the field of application offers a wide range for divergent opinion. It would be foolhardy for anyone to assert that his view was the only correct one and that all other theories were undoubtedly false. Therefore on questions of this kind, free and unhampered discussion, as long as it keeps within the bounds of public decency, ought to be allowed. The grounds for such permission should be clearly marked. Varying opinions should not be conceived as having a *right* to promulgation; *expediency* is their sole justification on the assumption that this procedure is the lesser of two evils. In this connection, Monsignor John A. Ryan has declared: "To expose the minds and souls of men to wrong doctrine is deplorable, but to provoke continual strife in the commonwealth by attempting to repress it, is frequently a greater calamity. This is a sound practical rule. . . . The Church admits that such a policy may be preferable even when error appears in its worst form, namely, as a denial of the religion established by God. . . . Again it is extremely difficult to frame legal prohibitions of expression which cannot by administrative abuse be carried much further than the intentions of the lawmakers."<sup>2</sup>

There is some consolation in this doctrine for the above-mentioned lady in distress. It speaks her mind; it clamors for wider acceptance and application. Then too, it clarifies the position of those pseudo-defenders of human rights, peace, democracy, etc., who clutter the airwaves and other media of expression under the aegis of free speech. No one is so naive as to expect that all the trouble of Madame Free Speech will now disappear. Unquestionably, presumptuous and synthetic protégés will continue to cause her no little sorrow. Meanwhile she can find some solace in the thought that inconvenience is the price of her existence. And who will deny that it is better to be (regardless of the state) than not to be?

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<sup>2</sup> Ryan, John A. & Millar, M. F., *The State and the Church*, (New York, 1930), pp. 57, 58.