

# Liberty of Speech in the Church

by Jerome Smith, O.P.

The Church has always demanded free speech for herself. Faith is obedience given to God through hearing and obeying the preached Word of God; and for that preaching no human authorization is necessary or even possible, but only a mission from God. 'How then shall they call on him in whom they have not believed? Or how shall they believe him of whom they have not heard? And how shall they hear without a preacher? And how shall they preach unless they be sent?' (Rom. 10.14). If freedom to preach is not granted by the secular authorities, then they are to be ignored, and the necessary freedom to speak is to be exercised, whatever the cost. Peter's defence still stands: 'We ought to obey God rather than man' (Acts 5.28).

From the times of the apostles onwards the Church has never hesitated over this basic freedom of speech which she must claim for herself. There has been greater unsureness over whether others should enjoy a like freedom. The weight of history has left the Church with an apparently negative approach to toleration in matters of religion or morals. But the publication of *Pacem in Terris* brought a new note, with the customary openness and optimism of all Pope John's utterances. 'By the natural law every human being has the right . . . to freedom in searching for truth and in expressing and communicating his opinions . . . within the limits laid down by the moral order and the common good; and he has the right to be informed truthfully about public events . . . Every human being has the right to honour God according to the dictates of an upright conscience, and therefore to worship God both in private and in public'.

As is well known, the Second Vatican Council has as yet to decide on the decree on religious liberty. Its withdrawal from a vote at the end of the third session was the occasion of much misgiving, and a massive petition from nearly a thousand bishops expressed this concern. But there is every hope that the Council will proceed to a declaration on liberty, and so take up and develop further the teaching of Popes Pius XII and John XXII, perhaps bringing out the relationship between freedom of conscience, freedom of worship, and to that extent freedom of speech, with the nature of faith itself. Faith is not only a community reality, it is also a personal and individual one. Faith is at once a gift of God and a free spontaneous personal response to God's call and word; it is here in the

freedom and spontaneity of faith that the interconnection between freedom of speech and conscience for the Church, for those outside the Church, and those in the Church, is to be found.

Christian faith is a total personal commitment to God in Christ reconciling the world to himself (2 Cor. 5.19), a radical and complete submission to God who speaks to us through Jesus his Word. The only appropriate response to the Word of God that seeks us out is that of Samuel: 'Speak Lord, thy servant heareth' (1 Sam. 3.10) and to those who do so Jesus has promised, 'He who heareth my word and believeth him that sent me hath life everlasting' (Jn. 5.24). The Word of God is a compelling Word. Jesus challenges us as one speaking with an authority and power never experienced before in the history of the world (Mk. 1.22), and yet the response of faith is a leap into the darkness of the unknown God (Jn. 1.18), at once a gift from God and a fumbling hesitant response to God's call: 'I do believe Lord, help my unbelief' (Mk. 9.23). God's call is free gift, and the response is free too; a free, personal, and in one sense solitary, gift of the self back to God the creator who offers to make us over, to recreate us, in Christ (2 Cor. 5.17).

And yet the Word of God, the challenge of Christ, is mediated to us through a human community: the Church. Christ is the Apostle of the Father, and he has in his turn sent his disciples to speak in his name; the community of his followers is therefore an apostolic Church (Jn. 13.20). The decision for God, the radical gift of one's existence to God, which is faith, must be constantly renewed, must be worked out in life, and this is only possible in the Spirit-filled community of the Church. The Spirit of Christ is the experience of life in Christ: 'If any man have not the Spirit of Christ he is none of his' (Rom. 8.9).

There seems at first sight a tension between the freedom and 'solitariness' of the act of faith and the community side of life in the Church, and at a superficial level this is a fact of experience. But at a more fundamental level we must recognize that it is only in the human community that we discover ourselves as persons and that only there is growth in personality possible. It is equally true that we exist and grow as redeemed persons only in the redeemed community, the Church. 'You are a chosen generation, a kingly priesthood, a holy nation, a purchased people' (1 Pet. 2.9); it is the people of God that is purchased, redeemed, in the first place, though of course there is no people unless it is made up of persons. Person and community are correlative, not opposed, terms.

Given that faith is a personal spontaneous reality within the redeemed community, the living out of faith should imply a freedom and spontaneity of personal participation in the life of the believing community. And this is just what we find in the New Testament. At Corinth the enthusiasm and joy of faith came forth so spontaneously from every member of the

Church that St Paul had to intervene and try and introduce some sort of order into their meetings (I Cor. 14). Openness and confidence of speech (*parresia*) is a mark of the apostolic Church not only in speaking to those outside, the *parresia* of Peter and John before the Sanhedrin, for example, but also within the Church: when Peter and John return and make their report the Church prays. 'And when they had prayed the place was moved wherein they were assembled; and they were filled with the Holy Ghost and they spoke the word of God with confidence' (*parresia*) (Acts 3, 4.31).

The living out of faith is not only a matter of speaking the Word of God, it is the application of that Word to the circumstances of daily life. In the gospels Jesus constantly refuses to be drawn into casuistic moral discussions so common among the rabbis; again and again he brings his hearers back to the fundamentals of the moral demands of the Law. St Paul and the apostolic Church show a similar concern for the moral fundamentals of the law of Christ (Rom. 8.2). It is only in answer to questions from his converts, or in correction of their mistakes, that St Paul goes into questions of continence in marriage, eating of meat from the butcher's shop that came originally from the pagan temples, and so on. Otherwise from his first letter, I Thessalonians, onwards he prefers to trust in the good judgment of the Christian people: 'Prove all things; hold fast that which is good. From all appearance of evil refrain yourselves' (I Thess. 5.21).

At Corinth the experience of Christian freedom was so intoxicating (freedom from the Law, freedom from the oppression of sin, freedom from the prospect of death without hope), that some were taking a saying (probably) of St Paul's: 'All things are lawful to me' as a pretext for undisciplined and immoral living, gluttony and free love. Paul's response is not a list of detailed don't's, but an attempt to persuade them that their bodies are holy: 'The body is not for uncleanness but for the Lord, and the Lord for the body. Know you not that your bodies are the members of Christ?'

In all these documents of the early Church there is an unmistakable spirit of liberation of mind and independence of judgment; everyone has his say (I Cor. 14.26); no one is bound by the decisions of anyone else's conscience (I Cor. 10.28–9). On the other hand there is a true objective knowledge that proceeds from faith (which should never therefore be an occasion for pride, for faith is sheer gift), and in the exercise of the free choice of conscience one must acknowledge the fundamental moral demands of God and reckon with the state of one's neighbour's conscience, in all charity and peaceableness (I Cor. 8).

The true function of freedom of speech and spontaneity of action is not that of placing oneself outside the Church, defying the teaching and discipline of the Church except where it happens to coincide with one's

own point of view ; freedom is rather a basic condition of fully personal, fully committed, participation in the life of the Church. Christian freedom of conscience, and of the speech and action that expresses it, is always a freedom in Christ and in the Church. It is within this framework that St Thomas' teaching on the primacy of conscience<sup>1</sup> should be understood.

The early medieval theologians had felt very great hesitation about admitting the primacy of conscience. They were willing to admit that you must follow your conscience in indifferent matters, in actions not right or wrong in themselves but only as circumstances or intentions make them so, but they could not see that you must follow conscience even when it is mistaken in matters good and evil in themselves, and therefore good and evil in the divine law. They could not see that a Thug who robs and murders without scruple of conscience out of devotion to the goddess Khali is subjectively right to do so.

St Thomas was from the first clear that you had to follow your conscience even where it is mistaken ; he was not at first sure that you were thereby excused from evil. He thought that the man whose conscience told him to do something on the grounds that it was good, whereas in fact it is evil, sins in either case, whether he does it or does not do it.<sup>2</sup> Further thought on this question, however, led to St Thomas to see that you must, simply speaking, follow your conscience. If your conscience is right your actions are good ; if your conscience is mistaken, genuinely mistaken through no fault of your own, then your actions are still good, from a subjective moral point of view.<sup>3</sup>

God wills that all men should follow their conscience, but also that they should come to a knowledge of the truth. In the Church it is his will that we should always obey his Word, so far as it is known to us, but also that we should come to know his Word truly, both subjectively and objectively, to know his Word addressed to me here and now in its fullness, without barriers of pride, weakness or simple ignorance. In her theology the Church has always laid great emphasis on the objective Word of God ; this has led her to elaborate her teaching and create a whole corpus of moral theology. In all this the primacy of conscience in actual Christian living is sometimes lost sight of. Where it is reckoned with, it is often considered sufficient that people should obey the Church's teaching without any serious attempt to understand how and why this teaching in any particular matter truly represents the Word of God. This, where it exists, is a dangerous policy. It reduces us to the status of children once again, the status, according to St Paul, of those under the Law who do not yet possess the freedom of sonship in Christ (Gal. 4. 1–7).

<sup>1</sup>cf. Cardinal Tisserant's description of conscience as 'the vital point of Christianity', quoted in *Catholic Herald*, April 3, 1964. Cardinal Tisserant had urged Pope Pius XII to write an encyclical letter on the duty of Catholics to resist the unjust orders of authoritarian States

<sup>2</sup>St Thomas Aquinas, *II Sent.* 39. 3. 3. cf. Eric D'Arcy, *Conscience and its Right to Freedom*. Sheed and Ward, 1961

<sup>3</sup>*S.T.* 1a 2ae. 19. 5. 6

I do not mean to suggest that we are not bound by the Church's teaching unless we can follow some line of narrowly logical deduction from scripture, that the Church must produce some scholastic proof of her teaching before she calls on us to accept it. The Word of God, given to his Church, is all power and fruitfulness (cf. Isaias 55.10–11) ; we stand under the judgment of the Word, we do not submit it to our own. Yet the Word, even the living Word and Son of the Father, is a communication to the Church, and the whole Church must be active in receiving and apprehending this Word. Because the Spirit of truth who leads us into all truth (Jn. 16.13) is given to the Church, the hearing, the understanding, the preaching of the Word belongs to us all. The apostles, the pope and the bishops have a special teaching function, but the distinction between the Church teaching and the Church taught is not a rigid one ; all collaborate in the work of teaching and all are taught.

This has been emerging ever more clearly over the last century. Before the definition of the dogma of the Immaculate Conception in 1854, Pope Pius IX had investigations made through the bishops, into the beliefs of lay people on the subject. It is true that when Newman wrote the famous article 'On consulting the faithful in matters of doctrine' with reference to this, he was delated to Rome for his pains, and remained under suspicion there for some years as a consequence. But in 1949, in preparation for the definition of the Assumption of Mary, Pius XII asked the bishops of the whole world whether they thought the Assumption could be defined, and asked further 'Is it your desire, and that of your clergy and of your people?' Ninety-four per cent answered and ninety-eight per cent of those said yes to both questions. Pius commented, in the Bull *Munificentissimus* that defined the dogma: 'This common consent is of itself an absolutely certain proof, admitting no error, that the privilege in question is a truth revealed by God . . .'

In an address to Catholic journalists in 1950 Pius XII spoke more generally about public opinion in the Church: 'We would add here one word more about public opinion concerning the Church's own household. We are referring, of course, to matters that remain open to free discussion. What we say will be no cause for surprise save to those who either do not know the Church or are ill-informed. The Church is a living body. Hence there would be something wanting to her life if public opinion were lacking: and this would be a defect with harmful consequences both to pastors and faithful'.

The accession of Pope John and the calling of the Second Vatican Council profoundly affected the issue of freedom within the Church. To begin with, many bishops wondered how free they would be to express the hopes and fears of the local churches for whom they spoke. But their confidence grew with force of numbers and under the unmistakable encouragement of the Pope, and the Council discovered a true freedom of

speech that had not been experienced since the time of Trent at least.

Freedom of speech has been won for the bishops: it is a necessary accompaniment of that collegiality which is now declared as marking their collective rôle as successors of the apostles. But if the work of the Council is really to be carried through and is to engage the living commitment of all the members of the Church, decentralization and liberty of discussion must not stop there. What the bishops have won for themselves they must transmit to others, though always having regard to the legitimate distinctions of authority and function within the one Church.

And so, in conclusion, it may be useful to consider briefly what the extension of freedom of conscientious discussion might mean to the renewal of the life of the Church. For it is this that is in question, and not a merely academic discussion of the limits of liberty. Bishop de Smedt of Bruges, in his speech on the *schema* on the Church in the first session of the Council, diagnosed three diseases that need cure: triumphalism, clericalism, juridicism. A fuller recognition of the function of the witness of Christian conscience and faith within the Church would help with all of these.

In a prophetic moment Pope Pius XII, speaking to the new Cardinals of 1946, said of lay people: 'They are the Church'. If this prophecy (which is also of course a factual statement) is to reach fulfilment, lay people must have a much wider scope of work within the Church. And if this work is to be intelligent, if it is to be in a full sense *their* work, its form and method must be threshed out in common discussion. Naturally bishops and priests will still have a guiding function, but this must be performed in a spirit of generosity; there must be plenty of scope for initiative, and people must be allowed to learn through their own mistakes. And if clericalism disappears, we may hope for the disappearance of anti-clericalism too.

Juridicism in the Church is by no means confined to canon lawyers, or even to the clergy. The Roman emphasis on custom, law and discipline has been stamped on all our minds and sensibilities. Freedom of discussion and of participation in the life of the Church would come to nothing if it simply meant an orgy of legalistic argument on the part of lay people too. The best way of ensuring that juridicism really disappears will be a new respect, on the part of everyone, for the spontaneity of the working of the Holy Spirit in others.

But it is in relation to 'triumphalism' that common discussion and common working, the living experience of being the Church, may prove most valuable. 'The Son of Man is not come to be ministered unto but to minister' (Mk. 10.45), and the Church too is a Servant Church, obedient to the Word of God and the guidance of the Spirit. When the Church listens to the witness of the Word in the consciences of all her members we may hope for a re-discovery of her rôle as Servant of the nations (Is. 49.6), a rebirth in the Spirit.