

Freeing Speech (part 1)

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For freedom Christ has set us free ... only do not use your freedom as an opportunity for self-indulgence, but through love become slaves to one another. For the whole law is summed up in a single commandment, 'You shall love your neighbour as yourself.' ... Bear one another's burdens, and in this way you will fulfil the law of Christ. [Paul, Gal 5:1, 13-14; 6:2]

... where the Spirit of the Lord is, there is freedom. [Paul, 2 Cor. 3:17b]

If you hold to my teaching, you are really my disciples. Then you will know the truth, and the truth will set you free. [Jesus, John 8:31-32]

'Freedom' is notoriously frustrating to do business with. When it is missing, we really notice its absence; but when we have it, we enjoy it often without even noticing. Nobody doesn't want freedom, yet when we talk about it and celebrate it we can find, to our dismay, that entirely different kinds of freedom are being spoken of.

We can see from the biblical quotations above how highly it figures there. But even there, disagreements arise about what is meant: for example, biblical scholars still hotly debate what Paul thinks we are free from. And there are serious misuses of these texts: 'the truth will set you free' is famously emblazoned across the lobby the CIA headquarters in Langley West Virginia, as if Jesus was referring to the way intelligence gathering ('truth') enables democracy ('set you free').

Our next briefings will not try to solve all of the problems associated with 'freedom', but will seek to unravel something that a lot of people are thinking about at the moment: the extent of '**free speech**'. To understand what we mean by 'free speech', and to discover what (if any) limits it has, we'll have to do some theological thinking, some legal thinking, and some philosophical thinking.

The next few briefings are a 'work in progress'. We hope each will take us all a further step or two in understanding, and then *doing*, 'free speech'. Along the way we'll welcome your comments sent to social.issues@moore.edu.au (although as always, we probably won't be able to reply).

1. Legal observations

- The Australian Constitution does not have any express provision relating to freedom of speech. In theory, therefore, the Commonwealth Parliament may restrict or censor speech through censorship legislation or other laws, as long as these are otherwise within constitutional power.
- Not only is there no legislation providing for freedom of speech either in the Constitution or in other legislation, Australian governments have passed legislation to *limit* speech in certain circumstances. Examples include the various State and Territory defamation laws and racial vilification laws.
- Censorship laws may also be used to prevent 'freedom of speech' by restricting distribution of certain films and publications, although these laws now serve mainly to classify publications according to the age groups which can see them, rather than preventing their publication.
- Proposals to legislate for freedom of speech have mainly been made in the context of proposals to legislate for a wider Bill of Rights.

2. Philosophical observations

The point about censorship (above) raises a question that has been hotly contested in Western jurisdictions since the 1960s: does 'freedom of speech' properly extend to 'freedom to disseminate pornographic images and violent video games'? For those who argue that it does, 'freedom of speech' is synonymous with 'freedom of *expression*, in all its forms'.

Conservatives tend to respond, "ahh, but those things are not 'speech'; therefore the concept of 'free speech' doesn't apply." Liberals tend to reply. "ahh, but 'freedom of speech' is just a specific example of a more general commitment that our society has to allow as many freedoms as possible; therefore it is quite appropriate to point to 'freedom of speech' to refer to general freedom of expression."

The question is further complicated when considering the dissemination of offensive theories (e.g. about Holocaust denial, or of some race's supposed superiority). These are unquestionably a form of 'speech', but what is it about them that would cause some conservatives *and* liberals to wish it stopped?

3. Theological observations

Human freedom was a good gift of the Creator, and God's intention to 'free' humanity is evident from the beginning to the end of the biblical story. However from the beginning, freedom was to find its fulfilment in *community*. Biblical freedom is not, then, mere 'autonomy' (the ability to do whatever springs to mind). It is a vision of human living at its best, with 'best' taken to mean a deep and knowledgeable love primarily for God, and then for human others, and finally for the creation. These others are always central to biblical freedom.

There is often a sharp disagreement, then, between Christians and secularist liberalism about the nature of true freedom. For Christians, the road to 'freedom' is a conception of life together where people nurture or care for or respect or help others. For secularist liberals, you can do that if you want, but you can live for your own desires too: both are 'free'. (Those who are sympathetic to the Christian conception will often point to a society's 'common good'; but many liberals deny that any such thing can be found or described.)

At its root, the disagreement is about whether people are basically disordered or not. Secularist liberals don't accept what Christians believe, that when people stopped loving God and started loving themselves and their desires, they consigned themselves to the form of slavery we call 'sin'. Rather than loving God, others and the creation in proper order, in 'sin' we tend to love ourselves first, then the bits of creation as suit us, then others (if they are lucky) and usually not God at all. Our love is disordered.

Sin is therefore paradoxical: on the one hand, it is an expression of our 'freedom' to act in any number of different directions; yet it also denies the fellowship that can be found with God and with each other. In this way, human beings have fallen into a bondage of their own making—a 'voluntary bondage', to use the oxymoron favoured by Augustine and Luther to describe the human condition.

That contradiction, or sin, brought both death and a curse in its wake. But God would not let sin and death have the last word. At the centre of God's project, and at the centre of the biblical story, is Jesus of Nazareth, the Saviour—or to use another word for 'saviour', the Liberator. He 'sets people free' in a variety of ways. Primarily, he releases people from the penalty for sin that would otherwise be due to them. That first liberation frees us to reengage in safe, prosperous and loving relationship with God, without anxiety and horror about God rejecting or punishing us. That primary freedom then becomes the basis for all the other respects in which we are then freed (and which we won't list here).

That will do for this briefing! We will have more to say about the connections between law, theology and philosophy in briefings to come. Meanwhile, you might like to consider the questions that follow.

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Questions:

1. How many different kinds of 'freedom' can you think of?
2. Why do liberal societies punish people by jailing them?
3. (If we can ask this one reverently:) What is the 'use' of being 'freed from the penalty of sin'? That is, in what ways does this kind of freedom open the way for other kinds of freedom?
4. In what way(s) was the speech of the early church 'free'? (Hint: check out Acts 2.)
5. What kinds of speech do you think should be free? If you were a legislator, where would you draw the line, if at all? Would you define some kinds of speech that people are not free to do? If so, how would you describe that which is off-limits?

Sources/Further Reading:

- Free Speech and the Constitution, Roy Jordan, Research Note no. 42 2001-02, Parliament of Australia, Parliamentary Library, 4 June 2002. found online at <http://www.aph.gov.au/Library/pubs/rn/2001-02/02rn42.htm>.
- Verhey, Allen, *Reading the Bible in the Strange World of Medicine*, Eerdmans, Grand Rapids, Michigan, 2003.

Note: This paper is intended to assist discussion and may be corrected or revised in future. Short responses to social.issues@moore.edu.au are very welcome, but the SIE cannot guarantee a reply. To access this free regular briefing, visit <http://www.sydneyanglicans.net/socialissues> and to receive it by email, follow the link 'Sign up for our free weekly briefing!' Visit <http://sie.moore.edu.au>, our second website, for other material.

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