



The Moral Aspect of Freedom of the Press

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Reverend Fathers, faculty members, officers and members of the Pax Romana, my dear friends.

Freedom of the Press is indeed a very broad subject, so much that it can be dealt with under several aspects. I should have been asked to speak last, for my subject, "Freedom of the Press in its Moral Aspect" is in relation to the end of man.

And just as all journeys of even ten thousand miles have to begin with the first step, so a discussion of a broad subject like mine, has to begin with the definition of terms.

By the term *Freedom*, is meant the right to do what is right. And juridically, it may mean the absence of interference from other men or State or simply the absence of external interference. The term *Press*, is a word which has flexibly adapted its meaning to the march of time. Originally, it referred to any mechanical or artificial device for turning a number of prints or impressions from the same surface, plate and the like — this we call in common parlance, the *printing press*. Later, the term *Press*, covered in its concept, the process of printing and the very products of printing establishments, namely books, magazines, periodicals and printed matter collectively. Much later, that is, in our times, the term *Press* includes not only books, magazines, reviews, periodicals and printed matter but also the modern means of mass communication, namely, the radio, the movie, and the television. It may also include, other means of mass communication that may yet be invented in the future.

In its modern conception, the term *Press*, primarily refers to the social institution whose specific purpose and function, is to gather and present news and views, information and opinions. In terms of morals, I would define *Freedom of the Press*, as the right to gather and present news and views, information and opinions with *intelligent* interpretation and comment upon the same.

In one celebrated case, (U.S. vs. Sotto, 38 Phil. 666), the Supreme Court of the Philippines, had had the occasion of defining

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Freedom of the Press as, "the right to freely publish whatever the citizen may please and to be protected against responsibility for so doing except so far as such publication, from their blasphemy, obscenity or scandalous character, may be a public offense or as by their falsehood and malice, they may injuriously affect the standing, reputation, or pecuniary interests of individuals. This definition, to my mind had been conceived during such time when the modern means of mass communication like the television, had not yet been introduced into the world by science. Hence, I believe, this judicial definition is too limited now, as to include strictly, the modern concept of freedom of the press, as that definition apparently is confined to publication only.

From this point, I will consider only the following questions:

1. First, do we have freedom of the press? If in the affirmative, is it a government concession?
2. Second, what is the purpose of freedom of the press?
3. Third and last, how free is freedom of the press? Is it absolutely free, or is it limited?

Going to the first query, the Philippine Constitution, which is the fundamental law of the land to which all human positive laws (civil) in the Philippines are subservient, provides in its Article III (Bill of Rights), Sec. 1. Par. 8, "No law shall be passed abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and petition the Government for redress of grievances." Let us focus our attention only upon freedom of the press. I reiterate: "No law shall be passed abridging the freedom of the press x x x." Many a student of law, fail to notice the important implication of this constitutional provision. Analyzing this provision carefully, one will discover that the Constitution did not positively give or concede to us the right to free press. There was no positive concession to us of this right. What the Constitution simply states is that the government shall not abridge freedom of the press, making it clear therefore that this is not a government concession, for the constitutional provision merely recognizes the existence of this right. Therefore, the right to free press is *prior* to the State, and hence could not be a government concession. It is a natural right of the citizens.

Now, if the Constitution did not concede to us freedom of the press, then where is it derived from? In answering this question, I will quote one author, who writes, "Growth is the law of all life, bodily as well as spiritually." Now, man has to grow mentally, physically, culturally and morally for his perfection. And man

being social by nature, can not live and progress alone; otherwise everybody has to begin with a scratch. Indeed, no man is an island unto himself; he needs the help of other human beings. Therefore, there must be social cooperation among men to achieve or at least approximate perfection. But there can never be social cooperation without man understanding each other. Hence, necessarily, man must have the right to free expression, by which communication or the so-called trade of ideas is made possible. Logically, from the rational nature of man, he possesses the right to free expression.

Now, there are two ways of expressing one's ideas and thoughts, namely the natural way, which is by *speech* and the artificial way, which is by *writing*. These serve as media for the transmission of thoughts and emotions, of man's concepts and desires. From man's right of expression therefore is based man's right to free press. But free expression is based on the Natural Law and this in turn is based on the Eternal Law. Ultimately therefore, freedom of the press is based on the Eternal Law. For as Aristotle says: "Nature, as we say often, makes nothing in vain, and man is the only animal whom she has endowed with the gift of speech". And St. Thomas Aquinas, says: "It is natural to man to signify his concepts, although the determination of the signs is left to human determination." (II - II, LXXXV, I ed. 3) Instances of these signs are the written and printed words, utilized by man.

What is the Purpose of Freedom of the Press?

The purpose of freedom of the press, is to serve as a means for the perfection of man, that he may KNOW, LOVE and SERVE God, and ultimately therefore to help man attain his last end, God. Thus, the Press, including the radios, the movies and the televisions, must all be geared toward the perfection of man and not to his imperfection or downfall.

Unfortunately today, the Press falls short of this noble end. In the newspapers, magazines, periodicals, movies, radios and televisions, abound undecipherable lies, insincerity, hypocrisy, dishonesty, perversion and obscenity. And the result of these are: the mockery of religion, of law, and of public discussion, confusion, besmirching the good names others, living and dead, glorification of what is evil, and the debasement of the human soul immersed into a quagmire of obscenity. This is the sad state of the Press today. And because, to my mind the Press has the greatest influence in the life of a country, to its immoral influence, I attribute the low standard of morality not only in the Philippines, but also in other countries of the world. The Press has shown much irresponsibility in the gathering and presentation of news, information, views and opinions.

Indeed, the radios, movies and televisions are primarily for recreations. As Pope Pius XII said in one of his Encyclicals, these modern means of mass communication have become a necessity for people who labor under the fatiguing conditions of modern industry, for man needs rest and relaxation for his physical and mental growth. Therefore, His Holiness, said, they should be worthy of the rational nature of man, by being morally healthy in themselves and should be elevated to positive factors which should develop man physically, mentally, and morally. But the sad condition is that these media have often been used to further the cause of evil, so much so that, when we see their adverse and immoral influences on the minds of children we are reminded of the terrible condemnation pronounced by Christ upon the corruption of the little ones: "But he that shall scandalize one of these little ones that believe in me, it were better for him that a milestone should be hanged about his neck and that he should be drowned into the depth of the sea."

It can not be denied, that the abuses of freedom of the press scandalize a multitude of men, catholics and non-catholics. Hence, the need for the timely curtailment and checking of these abuses on the liberty of the press, without however suppressing it completely, for to do so would be much worst than to let it go free completely. This question of suppression or censorship, leads us to the last question.

How free is the Freedom of the Press?

Freedom of the Press, like all other human rights is not absolutely free. It is limited and must necessarily be limited for its own continuous existence. Full and absolute physical liberty is the liberty of uselessness whether in thought, word and deed. Absolute liberty or freedom commits suicide. It perishes by eating its own self. To illustrate, I will elaborate on the example of an author. Imagine for a moment, that you are in the midst of the Pacific Ocean aboard a sailboat. Now you want to sail to the nearest island. Let the sail of your boat completely free, that is, without tying it to the mast and yardstick. In such situation, you may get old or even die there without reaching your destination. Maybe, the only port of destination you will reach will be the bottom of the sea. It is thus clear, if the sail is made completely free, it is useless. But if the sail or canvas is regulated, that is, it is tied securely to the mast of the boat, the boat is moved and you will reach your destination.

On the otherhand, absolute suppression of freedom of the press is also harmful and destructive. Thus, in the same example about the sailboat, if the sail or canvas is completely wrapped up and

totally tied about the mast, it is absolutely useless for it cannot move the boat. Therefore, in either extreme, that is, complete freedom or complete suppression, the sail is useless.

In considering the limitations of Freedom of the Press, I will consider the same only from the standpoint of the freedom as a *right* and as a *liberty* or in its physical aspect. Following the thesis of a well-known author, in its character as a right, Freedom of the Press, is limited by the following: *Rights of men, rights of society; and rights of God.*

Freedom of the Press, is limited by the rights of other men not to be deceived, for they are entitled to truth and not to be unjustly attacked, for they are entitled to protection. As an expression, freedom of the press is limited intrinsically by the duties of *truthfulness* and *sincerity*. Thus, an untruthful and lying press has no place within the freedom of the press. Indeed, one who writes, or broadcasts over the radio or television, matters which are false with knowledge of their falsity, and advocates them as true commits a sin, and is guilty of abuse of freedom of the press. Perhaps, by fraud or other means, he may successfully escape the sanctions of the civil law, but never the sanctions of God.

Freedom of the press, is also limited by the rights of society, that is, it is limited by the requirements of the common good and safety. It is by nature subject to regulation by the public authority. On this account, through the police power of the State, there are restrictions and censorship in times of war; laws against publications of matters inciting to rebellion and sedition and the like. Likewise, the Church, imposes her own restrictions on religious matters, such as censorship on the teaching of doctrines against the precepts of the Church, atheism and the like.

The liberty of the press, to be useful and fruitful, requires the moderate and wise restraint of the law. If the law is extremely suppressive, it destroys liberty but if it is moderate and wise, it not only protects liberty, but also widens the field of its enjoyment. Thus, liberty and law are not incompatible and inconsistent.

The other supreme limitation to freedom of the press, stems from the sovereign rights of God. The fact that God is the Creator of everything, implies that we all belong to Him. The first rational act of a reasonable creature then is to acknowledge its complete dependence on God. It is truly our greatest duty to worship Him, not as we please but as He pleases. This is His sovereign right. This duty of religion, is grounded and stamped upon the very essence of man. It is a duty that weighs upon our conscience. Therefore,

since, it is man's fundamental duty to worship God, it follows that to use the press to deny the existence of God, to abuse and dishonor Him, to deny and mock religion in general is not within the freedom of the press; it is rather a condemnable abuse thereof. Hence, freedom of the press cannot mean freedom to propagate atheism, freedom to print blasphemies or freedom to ridicule religion in general.

These limitations are based on the character of freedom of the press as a right. "And freedom of the press, in its character as liberty or in its physical aspect, demands the limitation of the law. Consequently, it is limited by its order of reason, since the law is a dictate of reason. Hence a press which present ideas which are unreasonable, is misusing the liberty of the press. From the same reason, the liberty of the press is limited by the dictates of conscience, since conscience is nothing more than the dictate of reason on singular or concrete actions. From these premises, the liberty of the press, is also naturally contained within the bounds of the Natural Law, on which dictates of reason and conscience are proximately based and ultimately, Freedom of the Press is also within the bounds of the Eternal Law on which the Natural Law itself is grounded". (Freedom of the Press, by Fr. Antonio Piñon, O.P.)

From the discussion of the nature and limitations of Freedom of the Press, it is shown that this freedom, is one of the most fundamental natural rights because it lies so close to the end of the Natural Law and because in the natural order, it concerns directly and indispensably the perfections of man's intellectual and spiritual life. This, in essence, is the moral aspect of freedom of the press.

I thank you.