

FREEDOM OF THE PRESS AND CATHOLIC SOCIAL THOUGHT: REFLECTIONS ON THE SEXUAL ABUSE SCANDAL IN THE CATHOLIC CHURCH IN THE UNITED STATES

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The article argues for the development of Catholic social teaching on freedom of the press. After examining the press's role in the recent sexual abuse scandal in the Church in the United States, the author reviews this role in light of current Catholic social teaching on the press. Finally, he examines the challenges of a development in the teaching, appealing to the thought of Charles Taylor, David Hollenbach, and Kenneth Himes, and arguing for a model of self-understanding by which the Church can efficaciously engage the free press as an indispensable interlocutor in a democratic civil society.

FROM THE FIRST REPORTS in the 1980s in the *National Catholic Reporter* to the Pulitzer Prize-winning stories in 2002 in the *Boston Globe*, the free American press played a central role in uncovering the sexual abuse scandal in the Catholic Church in the United States. That role has been highly controversial within Catholicism, in part due to the explosive nature of the press's revelations of child sexual abuse and in part due to a widely discussed clash in the course of the scandal between American journalists and Catholic officials. In this article, I examine one factor that informs the background to that clash of cultures: the normative assumptions about freedom of the press in Catholic social teaching. I argue that the role of the free press in the scandal can be helpfully understood as a telling moment in the ongoing engagement of the Catholic Church with contemporary

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democracy. Moreover, I argue that Catholic teaching on freedom of the press can be strengthened by the development of what theologian David Hollenbach has called the mutual and reciprocal relationship of freedom and truth considered in a democratic context.¹

In more concrete terms, my argument is that the teaching now gives insufficient attention to the press itself as an autonomous actor in civil society; that the teaching could be enriched by a more dynamic notion of freedom of speech upon which many normative assumptions of the press are founded; and that the teaching on speech and the press would benefit by the integration of concepts of democracy and identity contained in what moral philosopher Charles Taylor has called a contemporary “politics of recognition.”² To date, the sexual abuse scandal has prompted much theological and ethical scrutiny of internal church matters like the possibility of lay governance and the management practices of bishops. By contrast, this article examines the role of the press in the unprecedented scandal as a significant instance of the external engagement of the Church with state and society.³

SCANDAL, PRESS, CHURCH, AND DEMOCRACY

A great deal of commentary about the clash between the secular U.S. press and the Catholic Church has issued from the sexual abuse scandal. Most of this commentary, however, has focused on matters such as the postmodern or anti-Catholic culture of the American press or the conflicting sociological motives in the face of scandal of institutions like the secular press and the Catholic Church. But I argue in this section of the article that, as insightful as much of this criticism has been, it has underestimated the political character of the clash between the press and the Church. The sources of the tension behind the clash, I believe, emerge into clearer light when the role of the press in the scandal is seen as an instance of the encounter between modern democracy and the Catholic Church. A review of the commentary on the controversy between the press and the Church is in order.

¹ David Hollenbach, “Freedom and Truth,” in his *The Global Face of Public Faith: Politics, Human Rights, and Christian Ethics* (Washington: Georgetown University, 2003) 124–46, at 144.

² Charles Taylor, “The Politics of Recognition,” in *Multiculturalism and the Politics of Recognition*, ed. Amy Gutmann (Princeton, N.J.: Princeton University, 1992) 25–73.

³ This article is a later version of papers presented at the 2003 annual meeting of the College Theology Society and at the 2006 conference in Padua, Italy, called Catholic Theological Ethics in the World Church. I am indebted to participants at those presentations for their helpful comments.

Of course, the stories on the scandal appearing in U.S. newspapers in the last 20 years could hardly, in the plain sense of things, have been more controversial. In many cities throughout the country, children had been sexually abused by priests in whose care they had been placed. Moreover, the bishops in many of these cities not only did not hold these abusive priests accountable, but they also often transferred these priests into situations where they abused children again. I know of no Catholic commentators on the American press who specifically and in sustained fashion objected, for instance, to the fact alone that the press revealed such abuse. Even the scathing criticism of the American press by the Roman Jesuit journal *La Civiltà Cattolica* at the height of the scandal in 2002 acknowledged the “objective, grave, and dramatic facts” of the abuse and “the legitimate and rightful reaction to such phenomenon.”⁴

But such acknowledgment of the abuse disclosed by the American press could not conceal an intense intra-Catholic controversy over the motives and methods of the press. It is helpful to think of this controversy in both its American and Vatican contexts. Within the United States, the controversy pitted the views of Catholic writers such as George Weigel, Andrew Greeley, and Peter Steinfels against the views of the editors of the *National Catholic Reporter* (hereafter *NCR*). Weigel, a neoconservative, rejected charges that the crisis was media-generated even as he criticized the press for lapsing into stereotype and exaggeration. “Even if much of the media tended to read the crisis through typical secular and political filters,” he wrote, “two indisputable facts remained: clergy sexual abuse was a serious problem in the Catholic Church for decades; many bishops did not recognize the problem or, recognizing it, failed to act on both the problem and its sources. When those two facts intersected, the facts produced a crisis. The media did not produce the crisis.”⁵ Invoking one of the great instances of the Hebrew Scriptures’ identification of unexpected and unwitting agents of God’s providence, Weigel also noted: “If God could work through the Assyrians in the Old Testament, God can certainly work through the *New York Times* and the *Boston Globe* today, whether the *Times* and the *Globe* realize what’s happening or not.”⁶

Arguing from a liberal point of view, Greeley and Steinfels both affirmed

⁴ Quoted in Stephen Weeke, “Vatican Takes Aim at American Press: Analysis,” *MSNBC*, June 3, 2002, <http://msnbc.com/news/761537.asp> (accessed March 10, 2007). *La Civiltà Cattolica*, although edited by Jesuits, is a Vatican publication.

⁵ George Weigel, *The Courage to Be Catholic: Crisis, Reform, and the Future of the Church* (New York: Basic, 2002) 52. It is important to note that Weigel, Greeley, and Steinfels have different analyses of the causes and cure of the crisis itself. Here I only wish to note their roughly similar reactions to the American press’s role in the scandal.

⁶ Weigel, *Courage to Be Catholic* 53.

the press's proper role in uncovering the abuse and criticized the press for its biased and context-less pursuit of the story. Greeley, for instance, accused the *New York Times* of "virulent anti-Catholicism" on the basis of what he claimed was the paper's suggestion that the entire American Catholic priesthood was "sick, immature, twisted."⁷ He noted of estimates of the number of priest-abusers reported in a *Times* story on January 12, 2003: "The number of 1,205 abusing priests and 4,268 victims is horrific. However, if the Ratzinger/*Times* estimates are anywhere near the reality, 98 percent of American priests are not abusers, a point the *Times* neglects to make and which ought to have been the lead in an unbiased news report."⁸ Steinfels, the former senior religion correspondent for the *New York Times*, chastised the American press for failing to provide context in much of its coverage. In his eyes, American journalists often mistook notorious cases of a priest-abuser or a malfasant bishop as "the paradigm for all the cases."⁹ Moreover, these same journalists also commonly left out of stories crucial details such as dates and timelines of the abuse, progress in the last decades in the understanding of the psychological nature of sexual attraction to children, and the actual pastoral and canonical complexities faced by bishops who were trying to do the right thing.¹⁰ In a sharply worded letter to the editors of *NCR*, Steinfels argued that mistaken polarities were driving much American press coverage of the scandal:

To introduce into this black-and-white landscape any shades of gray, any degrees of knowledge or responsibility, any recognition of forces beyond episcopal villainy, any differentiation among bishops or between decades, any distinctions between naivete, negligence, arrogance, and complicity, any uncertainty about human mo-

⁷ Andrew Greeley, "The *Times* and Sexual Abuse by Priests," *America* 188 (February 10, 2003) 16.

⁸ Greeley, "The *Times* and the Sexual Abuse by Priests" 16. In referring to the "Ratzinger/*Times* estimates," Greeley is referring to the rough coincidence in the findings of the numbers of priest-abusers in estimates arrived at separately by then-Cardinal Joseph Ratzinger of the Congregation for the Doctrine of the Faith and by the *New York Times*. It is important to note that the subsequent study done by the American Catholic bishops—and one considered most authoritative—established the number of priests accused of sexual abuse between 1950 and 2002 at 4,392 or 4 percent of all priests active during that time. The same study established that 10,667 individuals made allegations of child sexual abuse by priests during the same period. See United States Conference of Catholic Bishops, *The Nature and Scope of the Problem of Sexual Abuse of Minors by Catholic Priests and Deacons in the United States*, prepared by John Jay College of Criminal Justice, <http://www.usccb.org/nrb/johnjaystudy/> (accessed March 14, 2007).

⁹ Peter Steinfels, "Abused by the Media," *Tablet*, September 14, 2002. See also Steinfels, *A People Adrift: The Crisis of the Roman Catholic Church in America* (New York: Simon & Schuster, 2003).

¹⁰ Steinfels, "Abused by the Media."

tives, any hint of legal complexities, any questions about media reliability, well, that is to commit an unforgivable sin. It is sad to see that when it comes to its own orthodoxies, [the *NCR*] is no better than others at tolerating even a smidgen of dissent.¹¹

Tom Roberts, editor of *NCR*, did not let such criticism pass without comment. Roberts, whose paper in the 1980s broke some of the first stories of sexual abuse by priests,¹² said that Steinfels left the mistaken impression that the “U.S. press has done very little right in covering the scandal” and that “the press is making too much of the matter and is too often overstating the case or lacking nuance, misrepresenting history and otherwise engaging in coverage that conveys incorrect impressions.”¹³ Such a judgment, Roberts added, was “flawed and unfair.”¹⁴

But criticisms of the press by American Catholics were subdued compared to criticisms of the press by officials in or closely allied with the Vatican. *La Civiltà Cattolica*, the Jesuit-run journal in Rome, is thought to reflect Vatican thinking on many topics of current importance. While the journal noted the “objective, grave, and dramatic” facts of the sexual abuse scandal in the United States, it also described the American press in the scandal as animated by a “morbid and scandalous curiosity” and afflicted by an “anti-Catholic” and “anti-papal” spirit.¹⁵ Honduran Cardinal Oscar Rodriguez Maradiaga, at the time considered a strong candidate to succeed John Paul II, said in a 2002 interview in an Italian Catholic magazine that American press coverage of Cardinal Bernard Law was a “persecution” akin to the trials of the Church under ancient Roman emperors, Adolf Hitler, and Joseph Stalin.¹⁶ Rodriguez also raised the specter of Jewish control of American media being behind press coverage of the scandal.¹⁷

¹¹ Steinfels, letter to the editor, *NCR*, March 28, 2003.

¹² Many of the stories that first appeared in the *NCR* were written by Jason Berry and later figured in his book on the sexual abuse scandal, *Lead Us Not Into Temptation: Catholic Priests and the Sexual Abuse of Children* (New York: Doubleday, 1992).

¹³ Tom Roberts, letter to the editor: “Editor Tom Roberts Responds,” *NCR*, March 28, 2003.

¹⁴ *Ibid.*

¹⁵ Weeke, “Vatican Takes Aim at American Press.”

¹⁶ The May 2002 interview of Rodriguez appeared in the Italian Catholic publication *30 Giorni*. I am relying on the report of the interview in John L. Allen, Jr., “The Word From Rome,” *NCR*, July 19, 2002, <http://www.nationalcatholicreporter.org/word/pfw0719.htm> (accessed March 13, 2007).

¹⁷ Rodriguez said: “It certainly makes me think that in a moment in which all the attention of the mass media was focused on the Middle East, all the many injustices done against the Palestinian people, the print media and the TV in the United States became obsessed with sexual scandals that happened 40 years ago, 30 years ago. . . . Why? I think it’s also for these motives: What is the church that has

He was not alone in such anti-Semitic musings. John Allen, *NCR*'s correspondent in Rome, wrote of "similar conversations [about Jewish control of American media] with church officials in and around Rome, including Europeans, Latin Americans, and Africans, and I have been struck by how often this theme comes up once tape recorders are turned off."¹⁸

Allen himself assessed Vatican complaints about the American press and found a number of them valid. Fundamentally, he noted, the American press performed a "genuine service"¹⁹ in bringing to light the abuse. But he also said that the press displayed "distorted news judgment"²⁰ in its "suffocating saturation coverage"²¹ of the scandal. Such coverage, he added, gave the abuse story an exaggerated sense of importance relative to other major stories that the American press should have been covering but was not, due to its pursuit of the scandal. Moreover, he said, a "residual anti-Catholicism"²² among American journalists emerging from the postmodern milieu of U.S. universities was perhaps a motive force behind the skewed coverage. But in the weeks after he published this assessment, Allen received many letters from *NCR* readers that especially criticized his suggestion that the Vatican may have been right to claim that American press coverage of the scandal was exaggerated. One letter writer got straight—and pointedly—to the issue of freedom of the press: "Your view has been 'Romanized' by the crew that wants to minimize the issue or, as the church is so capable of doing, undermine addressing the issue since it's a reflection of poor leadership. . . . I think you should be careful not to be a little taken with what you hear from those who have centuries of Machiavellian experience in subtly influencing the powers they most detest, such as a free press."²³

What explains these clashing views within Catholicism of the role of the American press in the scandal? No doubt there are general cultural, economic, and sociological explanations. On the one hand, Catholics surely share in the global drop in esteem for the press and in a corresponding judgment of media bias: Such widespread assessments of the press no

received Arafat the most times, and has most often confirmed the necessity of the creation of a Palestinian state? What is the church that does not accept that Jerusalem should be the indivisible capital of the State of Israel, but that it should be the capital of the three great monotheistic religions?" *Ibid.*

¹⁸ *Ibid.*

¹⁹ Allen, "The Word from Rome," *NCR*, June 7, 2002, <http://nationalcatholicreporter.org/word/pfw0607.htm> (accessed March 16, 2007).

²⁰ *Ibid.*

²¹ *Ibid.*

²² *Ibid.*

²³ Allen, "The Word From Rome," *NCR*, July 26, 2002. <http://nationalcatholicreporter.org/word/pfw0726.htm> (accessed March 16, 2007).

doubt informed criticism of the media by Catholic commentators. Media scholar Robert A. White, S.J., has noted of the situation throughout the world, "Virtually every survey of citizen attitudes toward the public media indicates a growing distrust of the media and the feeling that the media are a self-serving, manipulative institution."²⁴ Within the United States between 1985 and 1999, the percentage of people who thought the news media get facts right dropped from 55 to 37 percent; the percentage of people who considered the press "immoral" increased from 13 to 40 percent; and the fraction of people who believed the press improved democracy fell from two-thirds to just over one-half.²⁵

In turn, this growing distrust of the media is influenced by changing economic forces facing the press. For instance, legal scholar David Anderson has described how the media's increasing business emphasis on satisfying consumer preferences works against the efforts of the press to speak on behalf of the public good. Such a notion of a common good, Anderson argues,

assumes the existence of a "we" that is not merely a sum of "I's." It assumes the existence of a community with shared public concerns and thus with common information needs. If "we" are just the aggregate of our individual preferences, our needs are best served by sophisticated marketing mechanisms that can ascertain and serve those wants without interposing someone else's judgment. Such a judgment is necessary only if "we" have needs that are something other than our individual preferences.²⁶

The clash of views over the role of the press in the sexual abuse crisis can also be understood as the almost inevitable result of a conflict in perspectives generated by two sociological entities with reflexively different responses to scandal. As one writer on the sexual abuse crisis in the Catholic Church in Ireland put it: "The Christian tradition on scandal emphasizes the need to repair the damage and limit its spread; the media tradition responds the opposite way since the more widely they announce scandal the better they have fulfilled their role."²⁷

But beyond these general accounts, there are also more specific explanations pertinent to the American and democratic context of the crisis. For

²⁴ Robert A. White, "New Approaches to Media Ethics," in *Media Ethics: Opening Social Dialogue*, ed. Bart Pattyn (Leuven: Peeters, 2000) 48.

²⁵ Andrew Kohut, "Public Support for the Watchdogs Is Fading," *Columbia Journalism Review* (May–June 2001), quoted in David A. Anderson, "Freedom of the Press," *Texas Law Review* 80 (2002) 480.

²⁶ Anderson, "Freedom of the Press" 478.

²⁷ John Dardis, "Speaking of Scandal," *Studies: An Irish Quarterly Review* 89 (Winter 2000), <http://www.jesuit.ie/studies/articles/2000/001201.htm> (accessed March 16, 2007). See also Michael Paulson, "Abuse Crisis Tests Church Doctrine on Scandal," *Boston Globe*, August 25, 2002.

instance, the critiques of the role of the press by Weigel, Greeley, Steinfelds, and Allen all correspond to the predominantly cultural critique by John McGreevy in *Catholicism and American Freedom*. There McGreevy argued that the American press, however justified it was in exposing the scandal, lapsed into the use of “anti-Catholic tropes” in its depiction of the Church amid the abuse crisis. The use of such tropes emerged, McGreevy said, from the long history of friction between an American culture awash in ideas of autonomous freedom and an opaque, alien world of Catholic doctrines and communal practices.²⁸ The American press, immersed in this culture of autonomy, was handicapped by bias in its coverage of the scandal and thereby hindered in its capacity to see into the opacity of the Church.

The Vatican also had a predominantly cultural critique of the American press, though it did so in a key different from McGreevy’s. The Vatican critique, while predominantly cultural, combined democratic legal and political elements: It explicitly tied the cultural problems of a democratic society like the United States to the legal and political structures of democracy. The critique also reflects a Catholic ecclesiastical worldview still uneasy about the place of the Church amid modern, self-governing polities and still slow to distinguish between the accountability required of the Church by democratic governments and the false accusations lobbed at the Church by totalitarian regimes. Hints of this explanation could be seen in the arguments by top Vatican officials against a proposed canonical requirement that bishops report to civil authorities any priest they suspect of abuse. To be sure, these Vatican officials were concerned about the priests’ right of due process. But beyond this concern was also a deep apprehension about a mainstay of modern democratic life, namely, a law-abiding police power. For instance, Cardinal James Francis Stafford, the American head of the Pontifical Council for the Laity in Rome, said that many Vatican officials had grown up under repressive governments to which priests were denounced falsely by charges like sexual abuse.²⁹ For such Vatican officials, the American press’s role in the scandal appeared to unfold not as an instance of democratic transparency and accountability inspired by justice and encouraged by law. Rather, the press’s role was seen as ambiguous, combining revelations of abuse with a cultural animus directed against the

²⁸ John T. McGreevy, *Catholicism and American Freedom: A History* (New York: Norton, 2003) 7–42, 289–93.

²⁹ John L. Allen Jr., “Vatican Prelates Oppose Move to Report Priests,” *NCR*, May 31, 2002, http://natcath.org/NCR_Online/archives2/2002b/053102/053102h.htm (accessed June 3, 2002). See also Victor L. Simpson, “Cultural Divide between Vatican and America Shows Up in Sex Abuse Policy Debate,” *San Francisco Chronicle*, October 24, 2002; and Michael Paulson, “World Doesn’t Share U.S. View of Scandal,” *Boston Globe*, April 8, 2002.

Church by a democratic society tilting toward what John Paul II had forewarned as the idolization of democracy “to the point of making it a substitute for morality or a panacea for immorality.”³⁰

But, of course, such suspicions of democratic law and institutions at the highest reaches of the Church hardly meshed with the views of many of John Allen’s angry readers or, I think, with the views of many of the abused themselves. For them, the American press and American laws permitted a vindication that they could not get within the Church itself. In other words, their status as democratic citizens was more efficacious in obtaining justice than was their membership in the Church. This reality of the victims of the abuse—and not the concerns of high Church officials—provides an interpretive key for understanding the role of the press in the scandal. Certainly the press’s revelation of the abuse was at times clouded by bias and misunderstanding. But, at bottom, the clash between Church and press should be understood at least in part as an instance of the Church’s ongoing, if bumpy, engagement with the institutions of modern democracy. In the course of the scandal, Catholic officials, uncomfortable in the glare of its demands for transparency and accountability, often resisted this engagement. At the same time, the Catholics who were abused turned toward democratic institutions like the press as indispensable means for obtaining such transparency and accountability. In doing so, these Catholics signaled one more step in a trend that Jesuit theologian John Courtney Murray identified 50 years ago. Writing in the postwar period, Murray noted how Catholics who were also citizens of democratic countries could not long be expected to consent to a split between a civic awareness of their dignity and an ecclesiastical expectation of their passivity.³¹ Murray likened this civic dignity to what he called the “will to self-direction,”³² and he identified the secular free press as a crucial institution by which this will to self-direction under constitutional government is validated.³³ But Murray was clear, too, that the relationship between democracy and the Church was not one of identity but of analogy. A relationship of similarity and difference exists between the two kinds of society. The leaders of the Church may no longer be able to expect passivity from members of the Church who are citizens of democratic countries. But exactly what are the leaders of the Church to expect from such democratic citizens, accustomed to political self-

³⁰ *Evangelium vitae* no. 70. Unless otherwise indicated, the Vatican documents I consulted are available at <http://www.vatican.va>.

³¹ John Courtney Murray, “The Social Function of the Press,” in *Bridging the Sacred and the Secular: Selected Writings of John Courtney Murray, S.J.*, ed. J. Leon Hooper, S.J. (Washington: Georgetown University, 1994) 206.

³² *Ibid.*

³³ *Ibid.*, 201–3, 206.

governance but faced with little say in the governance of the Church? And how are Catholic citizens of democracies properly to navigate the similarities and differences of these two societies? In particular, how ought the Church from its high officials to all the baptized understand the role of a democratic institution like the secular free press with regard to the Church's own claims of authority? The clash between the Church and the secular American press in the course of the scandal persistently raised such still-open questions at the heart of the encounter between the Church and modern democracy.

CATHOLIC SOCIAL TEACHING ON FREEDOM OF THE PRESS

In light of the controversy over the press during the sexual abuse scandal, I next examine Catholic social teaching on freedom of the press and argue that this teaching has an underdeveloped political character. The discussion focuses on the teaching from the Second Vatican Council and from the postconciliar years. But some preliminary mention is in order of the influential 19th-century legacy from which the Church's more recent teaching has emerged. To be sure, Catholic social teaching on freedom of the press has come a long way since 1832 when Gregory XVI in *Mirari vos* lambasted that "harmful and never sufficiently denounced freedom to publish any writings whatever."³⁴ Gregory saw the press as an agent of indifferentism sure to sow the undoing of both the state and sacred things. A few decades later Pius IX's *Syllabus of Errors* denied the truth of the claim that full power should be given to all of "openly and publicly manifesting whatsoever opinions and thoughts."³⁵ Leo XIII, writing still later in the 19th century, slightly softened these denunciations of freedom of the press by not denouncing democracy and by affirming a role for "all matter of opinion that God leaves to man's free discussion."³⁶ But Leo also gave little quarter on the subject, calling the liberty of "publishing whatsoever each one likes" a "fountain-head and origin of many evils."³⁷

With Vatican II, however, the concept of freedom of the press received a far more positive acceptance in the official documents of the Church. Where Leo saw the press through the prism of truth and the absence of any right to publish what is false, the council saw the press through the lens of

³⁴ *Mirari vos* no. 15, <http://www.papalencyclicals.net/Greg16/g16mirar.htm> (accessed August 16, 2007).

³⁵ *Syllabus of Errors* no. 79, <http://www.papalencyclicals.net/Pius10/p10lamen.htm> (accessed August 16, 2007).

³⁶ *Libertas* no. 23. See also Charles Curran, *Catholic Social Teaching 1981–Present: A Historical, Theological, and Ethical Analysis* (Washington: Georgetown University, 2002) 153.

³⁷ *Immortale dei* no. 32.

human dignity and the presence of the right to publicize what one believes.³⁸ But even in this positive turn in Catholic social teaching on the press, hesitancy lingers. Key documents assume a role for freedom of the press but are subdued in spelling out the negative and positive characteristics of this freedom.

To see contemporary Catholic social teaching on the press in a more complete texture, it will be helpful to consider it in the light of three common justifications in philosophical and constitutional thought on freedom of the press.³⁹ The first two of these justifications are linked closely to the concept of freedom of speech; the third deals with the press itself.⁴⁰ The first justification is that freedom of the press is the logical and normative extension of freedom of thought and freedom of speech. John Stuart Mill articulated this view when he said that it is impossible to separate the cognate liberties of thought, speech, and writing.⁴¹ In a more controversial sense, this personal justification of freedom of speech and freedom of the press is often thought today to be behind a troubling commitment to self-expression, no matter the consequences.⁴²

The second justification is that freedom of speech is a necessary condition for a self-governing society to find truth. In the U.S. setting, this view was most famously stated by Supreme Court Justice Oliver Wendell Holmes when he said that democratic discourse requires an unimpeded “marketplace of ideas”⁴³ in which government restrictions on speech are limited in the service of the social goal of finding truth: “the best test of truth is the power of the thought to get itself accepted in the competition of the market.”⁴⁴ This notion of “freedom as condition” helpfully calls attention to how force or favor can distort the search for truth. But Holmes’s famous

³⁸ Curran, *Catholic Social Teaching* 68–69, 153–55, 217–22.

³⁹ I am indebted for the idea of these three justifications to somewhat similar categories articulated in Jonathan Emord, *Freedom, Technology, and the First Amendment* (San Francisco: Pacific Research Institute, 1991) 119–26.

⁴⁰ In the American tradition, the press has derived more of its constitutional protection from the free speech clause of the First Amendment than from the free press clause of the same amendment (the relevant section of the First Amendment reads, “Congress shall make no law . . . abridging the freedom of speech, or of the press”). See Anderson, “Freedom of the Press” 430.

⁴¹ John Stuart Mill, *On Liberty*, ed. David Bromwich and George Kateb (New Haven: Yale University, 2003) 67–175, at 84.

⁴² See, for instance, “Editorial: Culture Clash,” *America* 194 (February 27, 2006), <http://www.americamagazine.org/> (accessed March 23, 2007). Later in this article I will consider more closely the *America* editorial.

⁴³ *Abrams v. U.S.*, 250 U.S. 616 (1919). For information on finding United States Supreme Court opinions, see <http://www.supremecourtus.gov/opinions/obtainopinions.pdf> (accessed August 24, 2007).

⁴⁴ *Ibid.*

“marketplace” metaphor has been thought to be too relativistic and over-reaching—an account of truth among buyers and sellers but not an account of the truth relevant to political society.⁴⁵ In any case, this notion of freedom of speech tends to support, if not explicitly, an expansive notion of freedom of the press.

The third justification of freedom of the press is that of the press as the guardian of democracy (or, similarly, of the press as the Fourth Estate or the government “watchdog”). Here the role of the free press in providing the information necessary for democratic self-government is linked to a sentinel-like quality: the press exercises its service to self-government by scrutiny of government and of the key institutions of civil society. Often enough, this scrutiny is conflictual. Immanuel Kant referred to this justification of freedom of the press when he said that “freedom of the pen is the sole shield of popular rights.”⁴⁶

How can contemporary Catholic social teaching on freedom of the press be understood in light of these classic justifications? In documents from the time of Vatican II, these justifications are sounded with varying degrees of emphasis and with a greater degree of caution than is evident in the American constitutional tradition. Thus John XXIII in *Pacem in terris* invoked the personal right to freedom of speech founded on natural law when he affirmed “the right to freedom in searching for the truth and in expressing and communicating . . . opinions . . . within the limits laid down by the moral order and the common good.”⁴⁷ Foregoing John XXIII’s specific language of “natural law,” the council fathers in *Gaudium et spes* articulated a more dynamic, open-ended sense of human nature: “because it flows immediately from man’s spiritual and social nature, culture has constant need of a just freedom it is to develop.”⁴⁸ On the basis of such a sense of human nature, the fathers added, there is a “demand . . . that, within the limits of morality and the general welfare, a man be free to search for the truth, voice his mind, and publicize it.”⁴⁹ The council’s Declaration on Religious Freedom did not expressly address the issues of freedom of speech or freedom of the press. But, even so, the declaration’s powerful

⁴⁵ For instance, American First Amendment scholar Alexander Meiklejohn opposed Holmes, arguing that the First Amendment is not so much about finding truth generally as it is about finding truth to place at the disposal of citizens who vote. See Meiklejohn, *Political Freedom: The Constitutional Powers of the People* (New York: Oxford University, 1965) 73–75.

⁴⁶ Quoted in John Christian Laursen, “The Subversive Kant: The Vocabulary of Public and Private,” *Political Theory* 14 (1986) 584–603, at 590.

⁴⁷ *Pacem in terris* no. 12.

⁴⁸ *Gaudium et spes* no. 59.

⁴⁹ *Ibid.*

justification of the right to religious freedom on the basis of human dignity as known by reason and revelation provided a general theoretical basis for a deeper Catholic affirmation of other modern constitutional rights like freedom of speech and freedom of the press. Moreover, the declaration established freedom as a condition for the human person to find truth and placed this search for truth in the context of the person's social nature. In doing so, the declaration provided in general terms a version of the "freedom-as-condition" justification for the freedoms of speech and of the press. As the declaration says: "Truth . . . is to be sought after in a manner proper to the dignity of the human person and his social nature. The inquiry is to be free, carried on with the aid of teaching or instruction, communication, and dialogue. . . . Moreover, as the truth is discovered, it is by personal assent that men are to adhere to it."⁵⁰

The documents from the time of Vatican II also linked—if in subdued fashion—person, press, and the common good. Thus in *Pacem in terris*, John XXIII affirmed a person's "right to be informed truthfully about public events."⁵¹ In *Gaudium et spes*, the council fathers invoked a similar but more active sense of citizenry when they articulated the demand that the human person "have appropriate access to information about public affairs."⁵² But neither of these documents named the press—much less the free press—as the chief means by which information about public matters was to be made available to citizens. By contrast, *Inter mirifica*, the conciliar decree on social communications, offered a more complete if still ambivalent account of the relationship of person, press, and common good. The decree noted that the reporting of news was "most useful and very often necessary" for social progress and unity.⁵³ Such reportage enabled all to contribute "more effectively to the common good" and to "more readily promote and advance the welfare of the entire civil society."⁵⁴ For the sake of such purposes, the document stated that a "true and just freedom of information . . . is totally necessary . . . especially when it is a question of freedom of the press."⁵⁵ But the portrait of the free press in the document is hardly that of the aggressive watchdog common to the third justification of freedom of the press. Rather, *Inter mirifica* places the press in silent opposition to the right to true and just information. Thus the council sees the press not so much as a robust agent of democratic accountability charged with the moral and political purpose of unearthing and establishing the truth of crucial information on which a self-governing society de-

⁵⁰ *Dignitatis humanae* no. 3.

⁵² *Gaudium et spes* no. 59.

⁵⁴ *Ibid.*

⁵¹ *Pacem in terris* no. 12.

⁵³ *Inter mirifica* no. 5.

⁵⁵ *Ibid.* no. 12.

pend; rather, it sees the press as a passive conduit of communication. Moreover, the document notes that the right to information can only be fulfilled if the information is “true and complete, within the bounds of justice and charity.”⁵⁶ But the document also entrusts to public authority the duty to protect the “true and just freedom of information.”⁵⁷ This view suggests that government is responsible not only for ensuring a legal right to freedom of information about public matters but also for determining the accuracy of such information. And this way of addressing the problem of information in civil society suggests a more expansive role for government and a more restricted role for the press than is common to American ears. In all, then, the writings from the time of the council clearly establish personal rights to information and to freedom of expression that provide a basis for a right to freedom of the press. But these documents make a stronger case for the personal dimension of these rights than they do for the institutional character of freedom of the press, to which *Inter mirifica* gives hedging approval. The document uses the phrase “freedom of the press,” but the freedom it affirms is less the dynamism of an aggressive watchdog than the irenic effort of an information-purveying institution never far from the watchful eye of government.

The key documents on the press after the Second Vatican Council move Catholic social teaching into a more theoretically refined affirmation of the free press. A review of these documents is in order in light of the three justifications for freedom of the press noted above. The first justification—the connection between freedom of speech and freedom to publicize such speech—receives ample elaboration beyond the positive conciliar statements on the matter. Especially important in this regard is the postconciliar effort to link the right to information to the concept of the “freedom of communication.” Thus the 1971 document *Communio et progressio*, written by order of the council, notes the “fundamental”⁵⁸ nature of the human right to the “free flow of information and opinion that enables . . . citizens to play an active part in the community.”⁵⁹ As an inference from this fundamental right, the document also claims “that the same freedom is essential in the use of the means of social communication.”⁶⁰ This freedom, then, consists in the unhindered seeking out and spreading of information and opinion; it also consists in the unhindered access to media.⁶¹ The norms governing this freedom pertain to what is necessary for the fulfillment of

⁵⁶ Ibid. no. 5.

⁵⁷ Ibid. no. 12.

⁵⁸ *Communio et progressio* no. 47.

⁵⁹ Ibid.

⁶¹ Ibid.

⁶⁰ Ibid.

the right to information of a citizen responsible for the community. In *Communio et progressio*, this normative character is expressed in terms of individual dignity and the common good.⁶² But the accent is on the latter: on “those real and public needs upon which the right to information is based.”⁶³

A legal framework for freedom of communication follows from these normative grounds. *Communio et progressio* establishes freedom of communication within the overall context of the legal principle of the free society articulated in the Declaration on Religious Freedom. According to that principle, human freedom in society is “to be respected as far as possible, and curtailed only when and in so far as necessary.”⁶⁴ Thus *Communio et progressio* affirms, for instance, the rightness of establishing in law freedom of communication and the right to be informed.⁶⁵ In Catholic social teaching, such law protects communication, information, and media against a broad range of encroachments. The range is broader than, for instance, the American constitutional tradition’s more singular wariness of governmental encroachment on speech and the press. Assuredly there is concern about governmental suppression—and postconciliar documents are stronger on this than conciliar ones. *Communio et progressio* states that governmental “censorship . . . should only be used in the very last extremity.”⁶⁶ In a similar spirit, Vatican documents from the last 20 years note the ongoing problem throughout the world of government intervention with speech and the press.⁶⁷ But, even so, Catholic social teaching accepts in principle a degree of governmental control of speech and the press that is a departure from the American tradition. In part, the acceptability of such control stems from a clear sense in Catholic social teaching of the media as a potentially malevolent power that requires reining in. So, for instance, *Communio et progressio* states that “there should be legislation to guarantee to citizens the right to criticize the actual working of the communications media.”⁶⁸ There should also be laws to guard the independence of media from powerful economic forces of concentration.⁶⁹ Moreover, laws should protect from the media’s excess the “good name”⁷⁰ of individuals and minority groups as well as “cultural and human values.”⁷¹ In part, too, in Catholic social teaching the acceptability of governmental regulation of

⁶² Ibid. no. 84.

⁶³ Ibid. no. 47.

⁶⁴ *Dignitatis humanae* no. 7. See also *Communio et progressio* no. 86.

⁶⁵ Ibid. no. 87.

⁶⁶ Ibid.

⁶⁷ Pontifical Council for Social Communications, *Aetatis novae* no. 14; Ethics in Communications no. 23.

⁶⁸ *Communio et progressio* no. 87.

⁶⁹ Ibid.

⁷⁰ Ibid.

⁷¹ Ibid.

speech and the press stems from a keen awareness of the different ways beyond government intervention alone in which freedom of communication can be impaired. Among these ways are poverty, poor education, and technological backwardness: a proactive government and corresponding laws keen to maintain the requisite conditions for free speech can address such impairments.⁷²

The second justification of freedom of the press—that such freedom is a condition of finding truth or, similarly, the Holmesian notion of the “marketplace of ideas”—has been a subdued but significant note in Catholic social teaching since Vatican II. Two emphases are sounded in this freedom-as-condition key in postconciliar social teaching. The first links freedom of speech and of the press to a consensus oriented to communal ends—either the end of unity itself or the end of purposive action on behalf of communal progress. The second emphasis is more hesitant: in this view, freedom is ambivalently affirmed as a condition of truth. In the first place, then, freedom of speech is clearly identified as an “absolutely essential”⁷³ condition for the proper emergence of the public opinion on which cooperation and common action depend.⁷⁴ The freedom at issue here involves the unhindered expression of “ideas and attitudes”⁷⁵ so long as the common good and public morality are not endangered.⁷⁶ Moreover, this is not only a freedom to speak per se but also a freedom to “assess and compare differing views”;⁷⁷ it is as well a freedom oriented to a “process of give and take, of acceptance or rejection, of compromise or compilation.”⁷⁸ Thus freedom of speech is tightly linked to a communal purpose.

John Paul II sounded these two emphases in his writings on the press, on the one hand linking freedom and community and on the other hand hesitating to affirm freedom as an unambiguous condition of truth. Thus, in the first place, he described the media as a “modern arena in which ideas are shared and people can grow in mutual understanding and solidarity.”⁷⁹ As such a place of intellectual and affective interchange, the media are an indispensable scene for the possibility of social unity and reconciliation. And, as such a locus, the media must be free. It is with such a constant

⁷² Ibid. no. 84; *Aetatis novae* no. 15; Ethics in Communications no. 22.

⁷³ *Communio et progressio* no. 26.

⁷⁴ Ibid.

⁷⁵ Ibid.

⁷⁶ Ibid.

⁷⁷ Ibid.

⁷⁸ Ibid.

⁷⁹ “Message of the Holy Father for the 37th World Communications Day,” June 1, 2003, no. 3, <http://www.imbisa.org.zw/html/speech.html> (accessed August 16, 2007).

character of liberty in mind that John Paul II said that the rights to investigate, speak, and publish—within the limits of the moral order and the common good—are “necessary conditions for social peace.”⁸⁰ This is not only a practical judgment—that is, that unity and reconciliation can follow from such a free exchange of ideas. It is also a normative claim—that is, that true unity and reconciliation finally depend on free consent to ideas, persons, and grace. But John Paul’s tight correlation of freedom as a condition for social unity becomes a looser fit when he addresses the issue of freedom as a condition for social truth. Of course, by and large, freedom-as-a-condition-of-truth is not a formulation that John Paul or the Church has favored very much in reflection on the social and political order. In fact, throughout his writings on moral and political matters, the late pope preferred a phrasing that was precisely the reverse: that truth is a condition of freedom.⁸¹ He reaffirmed this theme—subordinating freedom to truth—when he said that the “media serve freedom by serving truth: they obstruct freedom to the extent that they depart from what is true by disseminating falsehoods or creating a climate of unsound emotional reaction to events.”⁸²

The third justification for freedom of the press is that of the press understood in a more specifically political sense as, for instance, a “guardian of democracy” or “watchdog.” Or, in less figurative terms, this is the justification in which freedom of the press is a condition for the responsibility of the press to hold government and the institutions of civil society accountable. Relative to its role in earlier, official Catholic documents, this justification receives increasing but still subdued attention in postconciliar social teaching. Thus *Aetatis novae*, written in 1991 to mark the 20th anniversary of *Communio et progressio*, says that the “proper and essential social role”⁸³ of the media “consists in contributing to the realization of the human right to information, promoting justice in the pursuit of the common good, and assisting individuals, groups, and peoples in their search for truth.”⁸⁴ This way of putting things articulates clear responsibilities for the press. But *Aetatis novae* fails to ascribe a robust, scrutinizing character to the press’s exercise of such responsibilities. Rather, the document says more passively and irenically that the media carry out such responsibilities when they “foster the exchange of ideas and information among all classes

⁸⁰ Ibid.

⁸¹ See, for instance, *Veritatis splendor* nos. 31–34.

⁸² “Message of the Holy Father” no. 5.

⁸³ *Aetatis novae* no. 14.

⁸⁴ Ibid.

and sectors of society and offer to all responsible voices opportunities to be heard.”⁸⁵

The more recent document *Ethics in Communications*, published in 2000 by the Pontifical Council for Social Communications, conveys a clearer sense of a proactive press akin to a “watchdog” model. To be sure, the document is consistent with previous Vatican publications when it notes the primarily informing and unifying purposes of the media.⁸⁶ But *Ethics in Communications* also refers to the media in a more specifically political key than do earlier documents and, in doing so, highlights the nature of the press common to democratic political cultures. Thus the document speaks of the media as “important instruments of accountability, turning the spotlight on incompetence, corruption, and abuses of trust.”⁸⁷ But this is a passing, qualified reference in a much longer document: The media’s disposition to be an “instrument of accountability” is carefully balanced by a description of its practice of giving praise.⁸⁸ Also, the word “instrument” lacks the self-directed, autonomous character that would be conveyed, for instance, by referring to the press as an “agent.”⁸⁹ Moreover, *Ethics in Communications* does not specifically link freedom per se of the press to the responsibility of the press to hold institutions accountable. In an echo of the subdued formulation of freedom of the press in *Inter mirifica*, John Paul II articulated an ambivalent assessment of the press, freedom, and accountability. On the one hand, he noted that “only when people have free access to true and sufficient information can they pursue the common good and hold public authority accountable.”⁹⁰ On the other hand, he established this link of freedom and accountability more on the basis of the human person’s right to information than on the basis of a clearly demarcated responsibility of the press to hold institutions accountable.⁹¹ Moreover, John Paul rendered the issue of the press and accountability in terms of the reception of true and sufficient information. While this makes clear sense—the exercise of accountability must be done on the basis of accurate information—this way of phrasing things tends to link accountability to the

⁸⁵ Ibid.

⁸⁶ *Ethics in Communications* no. 8.

⁸⁷ Ibid.

⁸⁸ The document speaks of media in democratic societies “calling attention to instances of competence, public-spiritedness, and devotion to duty” (ibid.).

⁸⁹ See Peter Horsfield, “Electronic Media and the Past-Future of Christianity,” in *Mediating Religion: Conversations in Media, Religion, and Culture*, ed. Jolyon Mitchell and Sophia Marriage (London: T. & T. Clark, 2003) 271–82, at 274—an illuminating discussion of the tendency of religious organizations to view media in an instrumental fashion.

⁹⁰ “Message of the Holy Father” no. 5.

⁹¹ Ibid.

existence of accurate information and not to the press's responsibility to be the agent of such accountability. In other words, it shifts the focus from the claim that a free and responsible press must pursue such accountability to the claim that what is most important for the achievement of such accountability is that information be just and accurate.

In this section, I have attempted to provide a picture of Catholic social teaching on freedom of the press and to show how that teaching has an underdeveloped political character. To be sure, neither Catholic social teaching nor communication theory nor moral philosophy has held that the press has an exclusively political character. To the contrary, each of these ways of thinking affirms a combined political, social, cultural, and economic role for the press.⁹² Moreover, Catholic social teaching clearly affirms a political purpose for the press: In my explication of the teaching on the press, I have thus far repeatedly referred to such a purpose. But the teaching neither considers the press as primarily political, nor does it sufficiently delineate this political character.⁹³ Thus Catholic teaching understands the press in its political function as a subset of the larger field of social communication, which is oriented irenically in Vatican documents to the concerns of social unity and societal purpose. A number of commentators have noted that Catholic social teaching in general has favored the social over the political and has downplayed, for instance, the conflictual

⁹² A key work in communication theory, for instance, identifies the following purposes of the press in a democratic setting: serving the political system by providing information, assisting the public in being capable of self-government; safeguarding the rights of individuals, serving the economic system, entertainment, and maintaining independence by being financially self-sufficient. See Theodore Peterson, Wilbur Schramm, and Fred S. Siebert, *Four Theories of the Press* (Urbana: University of Illinois, 1963) 74. For moral philosophy, see Robert Audi's discussion of the social, political, and economic role of the press in "The Function of the Press in a Free and Democratic Society," *Public Affairs Quarterly* 4 (1990) 203–15, at 207.

⁹³ Audi, for instance, argues that the character of the press is primarily political: "From the point of view of understanding what a social-political philosophy implies concerning the proper functions of the press, the political domain is the most important to consider. To see this, think of either a liberal-democratic or a monarchist view. In both cases, it is the political philosophy that mainly determines how the role of the press is conceived, for example whether the press is meant to protect the people against governmental corruption, as opposed to supporting the monarchy in controlling the masses. The conception of the press could be largely the same whether the economic system is capitalist or socialist" ("Function of the Press in a Free Society" 204). Similarly, sociologist Paul Starr argues that the "communications media have so direct a bearing on the exercise of power that their development is impossible to understand without taking politics fully into account, not simply in the use of the media, but in the making of constitutive choices about them" (*The Creation of the Media: Political Origins of Modern Communications* [New York: Basic Books, 2004] 1).

nature of political life.⁹⁴ The accuracy of this general criticism is evident in the teaching's subdued depiction of the political character of the press. The press is rarely described in terms of its properly proactive and even aggressive role in such democratic political realities as legitimacy, transparency, accountability, the validation of a citizen's rights, and the correlation of the press's freedom to power and authority in government and in civil society.

But it is only when considered in light of such realities that the normative role of the press in the sexual abuse scandal can be properly considered. In the first section of this article, I argued that the Vatican's negative reaction to the role of the American press in the sexual abuse scandal can in part be traced to the predominantly cultural lens through which the Vatican views Western political democracy. Here I add that this negative reaction can also in part be explained by the underdeveloped political portrayal of the press in Catholic social teaching. The sexual abuse scandal, I believe, has pointed toward the need for Catholic social teaching to correct this deficiency and to develop its view of the press in a more specifically political and democratic direction.⁹⁵

SPEECH, DEMOCRATIC FREEDOM, AND THE CHALLENGE OF RELATIVISM

Thus far I have sought to establish two principal points raised by the encounter of the Catholic Church and the American press during the sexual abuse scandal in the United States. The first point pertains to how this encounter is to be interpreted. In the first section of the article, I argued for understanding the encounter as a difficult instance of the Church's engagement with the structures of modern political democracy. The second key point pertains to the status of the concept of freedom of the press in Catholic social teaching. In my second section, I argued that this body of teaching should be developed to account for the democratic and political character of the free press. In the next two sections,

⁹⁴ See, for instance, Curran, *Catholic Social Teaching* 137–71, 215–43.

⁹⁵ I also believe that this development of Catholic teaching on the press in a political and democratic direction would provide a crucial conceptual response to the tremendous pressure news organizations are now under to avoid political coverage and become information businesses. American legal scholar David Anderson has argued that the “system of free expression ought to favor speech that facilitates the making of democratic accommodations within a culturally heterogeneous state. . . . If we are unable to identify—or agree upon—speech of special importance, then there is no basis for preferring the press over other information businesses, constitutionally or otherwise, and no coherent way of interpreting the Press Clause” (“Freedom of the Press” 527).

I subject this proposal for development of the Church's teaching on freedom of the press to a test derived from David Hollenbach's identification of two central concerns related to the ongoing engagement of the Catholic Church with modern democracy.⁹⁶ The first part of the test pertains to the concern expressed by both John Paul II and Benedict XVI that contemporary democratic freedoms have contributed to the spread of ethical relativism in Western societies.⁹⁷ This concern informed much of the criticism of the American press coverage of the scandal. The first part of the test, then, asks: Is it possible to understand the development of the concept of freedom of the press in a way that responds to the concern that the freedoms of democratic political culture may induce a dangerous ethical relativism? The second part of the test pertains to the identity of the Church in political democracies as the bearer in history of divine truth. The scandal raised this issue insofar as the press's coverage challenged the Church's self-understanding as the bearer of such authority. This part of the test asks: How is the Catholic Church to understand the relationship between its authority to speak truth and the freedoms enjoyed by others in the crowded, noisy space of modern democracies? In this section, I deal with part one of this test. In the next section, I deal with part two.

Beyond the Vatican itself, there have been a number of theological commentators who have linked the contemporary press to the problem of ethical relativism. The Vatican weighed in on the topic when, in 2000, the Pontifical Council for Social Communications noted that "often . . . the media popularize the ethical relativism and utilitarianism that underlie today's culture of death."⁹⁸ In a presentation at a Catholic theological conference in summer 2006, Italian moral theologian Giuseppe Angelini unpacked the logic behind the Vatican's concern. Today in the postmodern West, Angelini said, the teaching Church in its effort to form the conscience of the laity encounters a relativism and subjectivism enhanced by the secular media's de facto censorship of the claims of morality. This censorship is abetted by a cultural milieu, especially in English-speaking countries, in which procedural claims of the right have silenced the more fundamental claims of the good.⁹⁹ Similarly, the Jesuit editors of *America*

⁹⁶ Hollenbach, "Freedom and Truth" 127–30.

⁹⁷ For the reference to John Paul II, see n. 26 above. See also then-Cardinal Joseph Ratzinger's homily to the College of Cardinals in the days preceding the last papal conclave, when he criticized contemporary society for "building a dictatorship of relativism that does not recognize anything as definitive and whose ultimate goal consists solely of one's own ego and desires" ("Homily of His Eminence Cardinal Joseph Ratzinger," April 18, 2005, http://www.vatican.va/gpII/documents/homily-pro-eligendo-pontifice_20050418_en.html [accessed April 6, 2007]).

⁹⁸ *Ethics in Communications* no. 15.

⁹⁹ Giuseppe Angelini, "Sensum Fidelium and Moral Discernment" (comments as

magazine, in an unsigned editorial, argued that the notorious 2005 publication of satirical cartoons of the Prophet Muhammad in a Danish newspaper was a representative instance of a fundamentalist Western commitment to an “expressive individualism” that favors the right to free speech over every other value.¹⁰⁰

These are sharp critiques of powerful currents in Western democracies. But I think they are flawed. On the one hand—to pick up the argument from earlier in my article—such critiques underestimate the political value of freedom of speech and of the press. On the other hand—to specify the argument of this section of my article—such critiques pay insufficient attention to the dynamic character of speech itself and to how that dynamic character is correlated with both freedom and the good. Put another way, such critiques view speech in a more instrumental or functional fashion: speech is the expression in words of previously formed thought. But, in assuming this instrumental character of speech, these critiques neglect the intrinsic relationship between speech and the recognition and formulation of the good. Speech is not the aftermath of such a recognition and formulation—or the aftermath of a failure in this regard—but is implicated in such recognition and formulation in themselves.¹⁰¹

I now turn in particular to the moral philosophy of Charles Taylor for a compelling account of how freedom of speech—and, by extension, freedom of the press—can be understood as necessary conditions for the achievement of the good. Taylor does not specifically provide a legal or constitutional argument for freedom of speech, but, I will argue, his account of human language and its relationship to the good offers a persuasive way of establishing more strongly the Church’s claim that God-given human dignity is the ultimate ground of such a legal and constitutional freedom. His account also offers a persuasive way to respond to the concern about the possible connection between democratic freedoms and ethical relativism.

Taylor’s thought on speech deftly integrates the liberal and the communitarian, the universal and the particular, and modernity and tradition. To be sure, there are clear communitarian, particular, and traditional aspects to his thought. For instance, he argues that language about the right and the good makes sense only “against a background understanding of the

conference panelist, Catholic Theological Ethics in the World Church, Padua, Italy, July 9, 2006). My personal notes.

¹⁰⁰ Editorial: “Culture Clash.”

¹⁰¹ See Brian Murchison, “Speech and the Self-Realization Value,” *Harvard Civil Rights–Civil Liberties Law Review* 33 (1998) 443–503, at 467. I am indebted for many aspects of my reading of Taylor to Murchison’s article in which he treats at length Taylor’s philosophy of language and moral philosophy in light of American legal and constitutional principles.

forms of social interchange in a given society and its perceptions of the good.”¹⁰² But his thought also cannot be fit neatly into a communitarian mold, first, because his emphasis on the self in his “ethics of authenticity” has many affinities with liberal concerns with the self at odds with communitarian thought,¹⁰³ and, second, because his extensive discussion of what he calls particular “frameworks” of the good is made against the background of several universal claims (“frameworks” in his usage corresponds to an ordering of values in a personally resonant fashion¹⁰⁴). For instance, he argues that all such efforts to articulate a framework are attempts to articulate an ontology that corresponds to the claim that we “are all universalists now about respect for life and integrity.”¹⁰⁵ He also argues that the very effort of each person to articulate a framework in a dialogical or communal context can itself best be understood as a transcendental category of human agency as such,¹⁰⁶ and that it is a mistake to think even of such differentiated efforts at articulation as entirely relative to communal contexts and “not anchored in the real.”¹⁰⁷ Rather, he asks: “What better measure of reality do we have in human affairs than those terms which on critical reflection and after correction of the errors we can detect make the best sense of our lives? ‘Making the best sense’ here includes not only offering the best, most realistic orientation about the good but also allowing us best to understand and make sense of the actions and feelings of ourselves and others.”¹⁰⁸

At the heart of Taylor’s deft integration of philosophical and theological concerns are the closely related concepts of identity, language, and the good. For Taylor, it is characteristic of human agency as such to seek to establish an identity by articulating a meaningful framework of the good.

¹⁰² Charles Taylor, *Sources of the Self: The Making of Modern Identity* (Cambridge: Harvard University, 1989) 56.

¹⁰³ Charles Taylor, *The Ethics of Authenticity* (Cambridge: Harvard University, 1992) 13–29.

¹⁰⁴ Taylor, *Sources of the Self* 26. For Taylor, all persons drive toward establishing a framework or coherent, meaningful ordering of values by which they live out their deepest commitments. He notes: “What I have been calling a framework incorporates a crucial set of qualitative distinctions. To think, feel, judge within such a framework is to function with the sense that some action, or mode of life, or mode of feeling is incomparably higher than the others which are more readily available to us. . . . The sense is that there are ends or goods which are worthy or desirable in a way that cannot be measured on the same scale as our ordinary ends, goods, desirabilia. They are not just *more* desirable. . . . Because of their special status they command our awe, respect, or admiration” (ibid. 16–18, 19–20).

¹⁰⁵ Ibid. 6.

¹⁰⁶ Ibid. 25–40.

¹⁰⁷ Ibid. 56.

¹⁰⁸ Ibid. 57.

There are three key implications of this claim for my argument here. First, Taylor argues that at the heart of the modern drive toward identity is what he calls the “ethics of authenticity.”¹⁰⁹ He is careful to distinguish the concept of authenticity from the individualism and atomism that mark contemporary culture and that fuel concerns about ethical relativism.¹¹⁰ Rather, he shows how the concept of authenticity emerged from the moral philosophy of the last centuries to become a worthy moral ideal. An early version of this ideal insisted that being aware of one’s feelings and being true to one’s self are of crucial moral significance. A more developed version of the ideal—and one that represents the ideal of authenticity in our own day—connects the requirement to be true to oneself with the idea that each person has an original way of being human.¹¹¹ The second implication is that the drive for authenticity necessarily occurs in a dialogical context. Here Taylor specifically rejects what he calls “monological” liberalism that opt for the right at the expense of the good and that, in doing so, abet the soft relativism of the present day.¹¹² By contrast, he argues for a twofold dialogical context that inherently marks the quest for identity in general and for authenticity in particular. On the one hand, we are always in dialogue with all those around us and especially with those most significant in our lives. On the other hand, we are also always in dialogue with a horizon of questions of value attendant on our given, if implicit, orientations to the good.¹¹³ The third implication involves the moral significance of language. We cannot achieve our identity or authenticity apart from our effort of articulation in dialogue with others and with our intuitions about the good. But this is not articulation that uses speech as a neutral instrument transmitting moral ideas arrived at elsewhere. Rather, as Taylor sees it, language itself is infused with moral significance: “Our language of deliberation is continuous with our language of assessment.”¹¹⁴ Brian Murchison aptly summarizes Taylor’s understanding of this aspect of language: “Speech is the means of formulating and hence recognizing the good which becomes the basis for the stance we take in the world and the basis for our relationship with others.”¹¹⁵

Speech, then, is intrinsic to the recognition and formulation of the good. Thinking of speech in this way helps one to see a key reason justifying the legal and constitutional right to freedom of speech: Such a freedom en-

¹⁰⁹ Taylor, *Ethics of Authenticity* 15–16.

¹¹⁰ *Ibid.* 16–21.

¹¹² *Ibid.* 17.

¹¹⁴ Taylor, *Sources of the Self* 57.

¹¹⁵ Murchison, “Speech and the Self-Realization Value” 468.

¹¹¹ *Ibid.* 25–29.

¹¹³ *Ibid.* 32–35, 40.

hances the possibility for individuals and civil society of recognizing and formulating the good. But Taylor is clear that the intrinsic relationship of speech and the good does not guarantee the discovery of the good. Rather, he articulates how this relationship is itself characterized by an inner logic of freedom that includes the possibility of failure. This logic is moral, not legal and constitutional. Even so, the legal and constitutional freedom of speech in part derives its intelligibility from this logic: Such a right is necessary because of the transcendental presence of this “speech struggle.”¹¹⁶

In particular, I can identify four ways in which this logic of freedom is present in the dynamism of speech: Speech in the face of the pressure to conform; the indeterminacy of speech; the creative risk of speech; and the link between speech and motive force. First, then, speech over against the pressure to conform: Taylor is clear about the coercive risks involved in the inherent human context of dialogue necessary for the formation of a framework of the good and, hence, of identity. We can form an identity only in dialogical fashion. But in this process we will be sure to encounter pressures to conform our identity to what others want us to be or pressure to be instrumental to ourselves.¹¹⁷ Thus, for Taylor, the issue of speech and freedom is first cast in a negative mode: freedom from. The use of speech in the articulation of a framework of the good that is the basis of identity both is undertaken in a dialogical context and is an exercise of freedom from the constraint of what others want us to be. It is with this negative mode in mind that Taylor calls authenticity an “idea of freedom.”¹¹⁸ But the speech struggle is also marked by a second aspect of freedom: freedom understood as indeterminacy. By this I mean that, in Taylor’s account of articulation, language is not so much something exercised and controlled as something that opens up and invites a person to take a stance in the world.¹¹⁹ In other words, speech both “unmoors”¹²⁰ the self from a single, fixed self-understanding and opens the self to the good.¹²¹

But here the third aspect of Taylor’s treatment of speech and freedom—creative risk—comes into view. In this sense, speech is correlated not only with freedom understood as negative and indeterminate but also with positive freedom: the creative possibilities of articulation for discovering the

¹¹⁶ Ibid. 502.

¹¹⁷ Taylor, *Ethics of Authenticity* 28–29.

¹¹⁸ Ibid. 67–68.

¹¹⁹ Murchison, “Speech and the Self-Realization Value” 469. See also Charles Taylor, *Philosophical Arguments* (Cambridge: Harvard University, 1995) 100–126.

¹²⁰ Murchison, “Speech and the Self-Realization Value” 461.

¹²¹ Ibid. 499.

good.¹²² But here, too, we encounter the speech struggle because these creative possibilities may be in opposition to convention or to morality.¹²³ Obviously, the creative possibility of speech to oppose morality raises the specter of democratic freedom of speech abetting ethical relativism. The editors of *America* appear to have in mind this concern in their criticism of the publication of the Danish cartoons of Muhammad.¹²⁴ It is important, however, to be clear about what Taylor is saying. The articulation of a framework necessary for the achievement of authenticity, of an original way of being human, involves in some way an original creation. But this necessary task of articulation, however creative or defiant it may be, never occurs in isolation from horizons of moral significance. Thus there arises an inevitable tension in the ideal of authenticity. Dialogue opens us to these horizons of significance and so to the possibility of self-definition. At the same time, however, this self-definition cannot be achieved apart from a self-regarding creativity that may be in opposition to morality.¹²⁵ This is the risk that speech entails. And here we come to the fourth aspect of Taylor's account of speech and freedom, the link of speech and motive force via Taylor's notion of empowering "sources" of the good.¹²⁶ For Taylor, speech is not only a dialogical, indeterminate, and risky way to discover the good; it is also the way to adhere to the good we discover. Speech connects us to the empowering sources of the good that animate our adherence. Thus speech has motive force, not only to move others by the power of persuasion but also to animate the will to love the good. Speech may fail in this capacity to motivate, to keep us in contact with the empowering sources of the good. But without speech at all—and, in particular, without speech about the good—no such motivation is possible.

So far in this section I have sought to respond to the concern expressed by some Catholic commentators that the uncritical affirmation of freedom of speech poses the risk of intensifying the relativism now afoot in Western democratic cultures. In one dominant version of this fear, freedom of speech becomes an end in itself, a pure postmodern expressivism that becomes a value in itself at the expense of broader claims of the truth. I am now in a position to show how Taylor's deft account of the relationship of

¹²² Taylor, *Ethics of Authenticity* 61–66; Murchison, "Speech and the Self-Realization Value" 474–75.

¹²³ Taylor, *Ethics of Authenticity* 61–66; Taylor, *Sources of the Self* 17–19.

¹²⁴ The *America* editors argued that the logic driving the publication of the cartoons could be expressed thus: "Freedom of expression, no matter how trivial, degraded, or provocative, is treated as an absolute right that trumps every other value."

¹²⁵ Murchison, "Speech and the Self-Realization Value" 465.

¹²⁶ For the discussion in the remainder of this paragraph, see Taylor, *Sources of the Self* 91–97, and Murchison, "Speech and the Self-Realization Value" 474–76.

freedom, speech, and the good provides a way of responding to this concern.

Fundamentally, Taylor changes the nature of this discussion by affirming the dynamic, ontological, and moral character of language. Speech is not a neutral conduit that simply reports on decisions about what is and is not true. Rather, speech is always implicated in such truth claims about the good. Speech itself is the process—which can fail—of “encountering a moral truth beyond the self and of making that truth intimate to the self.”¹²⁷ Thus Taylor does not reject a postmodern concern for expressivism. Nor does he shrink from the possibility that such expressivism may be used at the expense of morality. Rather, he says, two false oppositions are to be avoided: the postmodern pitfall that sets expression against morality and the traditionalist redoubt that elevates morality over expression. The key, he argues, is to acknowledge the inevitable tension in these contradictory tendencies and to refuse to privilege one tendency over the other.¹²⁸

By putting things this way, Taylor has shifted the focal point of the discussion about democratic freedom of speech and relativism. Often enough, that focal point is either the elevation of freedom over truth or the elevation of truth over freedom. Taylor’s account of language points to the mutually implicating character of truth and freedom. His account complements theological arguments that Hollenbach has made regarding the importance for Catholicism’s ongoing engagement with political democracy of the recognition of the mutual and reciprocal nature of truth and freedom.¹²⁹ Hollenbach has made these arguments primarily with regard to the right to religious freedom, but I believe that Taylor’s account of language provides a coherent way to extend Hollenbach’s claims to the domain of the right to freedom of speech. Specifically, Hollenbach has argued that it is crucial for the Church to affirm an inalienable and historically conscious character of human dignity as the conceptual basis for democratic freedoms and for the institutions of a free society and thus as the basis for the Church’s engagement with contemporary democracies. Hollenbach enumerates the qualities of such a notion of human dignity: it emphasizes freedom and responsibility, human fulfillment in community, the historical nature of knowing, and the nature of freedom as both negative and empowering.¹³⁰

Taylor’s account of language, however, adds to each of these characteristics of human dignity an important quality and thus helps specify more

¹²⁷ Murchison, “Speech and the Self-Realization Value” 475.

¹²⁸ Taylor, *Ethics of Authenticity* 61–66.

¹²⁹ Hollenbach, “Freedom and Truth” 144.

¹³⁰ *Ibid.* 134–42.

clearly the grounds for the democratic right to freedom of speech. For instance, Hollenbach says that the primordial demand of human dignity should be understood to mean that “human beings risk not only making right or wrong choices when they act in freedom. They risk themselves; they are responsible for who they become and for whether they become truly human and realize their destiny as human beings or fail to do so.”¹³¹ Taylor’s account of the speech struggle provides an important insight into how speech plays a role in the exercise of this primordial demand of responsibility. In short, such responsibility for ourselves cannot be exercised other than through the negative, indeterminate, risky, motivating, and possibly failing character of speech. Thinking of human dignity and speech in this way highlights the deeply personal reality at stake in the democratic right to freedom of speech. The complementary character of Taylor’s account of language is also emphasized by considering Hollenbach’s claim that a negative liberty like freedom of speech can also be understood as a “positive social empowerment”¹³²—by which he means that freedom from government coercion enables persons to “enter into a community of discourse that seeks to discover the truth about how they should live together.”¹³³ For Hollenbach, the manner of this “enabling” is especially linked to what he describes as “a social process of active engagement with others.”¹³⁴ Taylor’s thought on language provides one way to specify the empowering inner logic of such a social process: it is not only the case that the very possibility of having moral goods depends in some way on the inherently social action of speech—that much is consistent with Hollenbach’s claim—but it is also the case that the act of speech both makes such goods intelligible and has motive power.¹³⁵ Thus, for Taylor, articulation brings speakers closer to the good as a “moral source” or, in other words, as “something the love of which empowers us to do and be good.”¹³⁶ Here, then, Taylor’s account of the empowering character of language provides an insight into a crucial dynamic at work in Hollenbach’s community of discourse. Taylor’s account also provides an insight into how a more robust case for a democratic right like freedom of speech need not raise the specter of relativism but can point to the enhanced possibility of an individual and a community both to recognize and adhere to the good.

¹³¹ Ibid 137.

¹³² Ibid 142. Hollenbach is drawing here on Leon Hooper’s analysis of the work of John Courtney Murray. See Hooper, *The Ethics of Discourse: The Social Philosophy of John Courtney Murray* (Washington: Georgetown University, 1986) 154–56 and chap. 6.

¹³³ Ibid. 142.

¹³⁴ Ibid.

¹³⁵ Taylor, *Sources of the Self* 91.

¹³⁶ Ibid. 93

In concluding this section, it is important to consider this dynamism of freedom, speech, and the good in the concrete terms of the sexual abuse scandal. We can, for instance, see the validity of Taylor's account of language in the testimonials by victims of the abuse. These testimonials occurred in the context of the democratic commitment to free speech in the United States; these testimonials were also, in many instances, abetted by the press. It is difficult to find in them a preference for the right over the good or a disposition to pure postmodern expressionism. Rather, we are more likely to find in them an implicit assumption about the intrinsic moral importance of speech in itself, the possibility of such speech to begin to rectify the injustice done to them, and the power of such speech to enable a rediscovery of the good understood specifically as the healing potential of Christian salvation. Those are qualities that the right to freedom of speech protects for democratic citizens. And those are qualities that psychologist Michael Bland articulated when he recalled his struggles to recover from past abuse by a Catholic priest: "Then I realized that the only way I could move beyond the darkness was to break the silence. That meant I had to come forward and tell my story. Then I really felt that fear. It took time to get the strength, courage and peace. It took time to find the words to give my secret a voice."¹³⁷

CHURCH, PRESS, AND THE "POLITICS OF RECOGNITION"

I now turn to part two of the test derived from Hollenbach's work on the engagement of the Roman Catholic Church with contemporary democracy. This part of the test asks: How is the Church to understand the relationship between its divinely commissioned authority to speak truth and the freedoms enjoyed by others in the noisy, public space of modern democracies? Can the development of the political dimension of freedom of the press in Catholic social teaching be understood in a way that is compatible with the Church's claim to such authority? In fact the American press's scrutiny of the Church during the sexual abuse scandal in the United States raised such questions about the Church's self-understanding and its claim of authority in the context of modern democratic society. A commentator on the press and the abuse scandal in the United Kingdom helpfully specified this context: "Institutions and their representatives now find themselves living in

¹³⁷ Michael Bland, "Comments to the United States Conference of Catholic Bishops," annual meeting of the USCCB, Dallas, June 13, 2002, quoted in *Origins* 32 (June 27, 2002) 121. Bland's comments speak for many other sexual abuse victims for whom the public act of speaking about the abuse was a crucial step toward justice and healing. The significance of such public speech by the victims may also provide a helpful interpretive key for addressing the concerns of others, such as women and persons of color, long silenced in the dominant ecclesial culture.

the 'x-ray environment' created by the modern news media, an environment in which they are constantly subject to intense and often hostile scrutiny. . . . Under such a persistent media gaze institutions have had to face up to the fact that they can no longer take their authority or credibility for granted. For an institution like the Catholic Church this realization has come slowly and been particularly hard to bear."¹³⁸ But what explains this slowness? Sociological and historical explanations no doubt point to the clash between markedly different structures like the Church and modern media and to the relative newness of the Church's encounter with democracy. But I think that the Church's slowness in coming to terms with the contested character of its self-understanding and authority can also be explained by a conceptual shortcoming: the need for Catholic social teaching to integrate into its theoretical accounts of democracy what Taylor has called the "politics of recognition." In his telling, the politics of recognition has emerged from a modern commitment to the concept of identity and is also a central characteristic of modern democracy. Of course, a concern for identity is an often-noted characteristic of modern politics, ranging from the nationalisms of the 19th and 20th centuries to the identity politics of the postmodern West. Taylor's concept of a politics of recognition provides a way to understand the emergence of such phenomena. But his concept also renders more intelligible the Catholic Church's own struggle for identity in the historical context of modern democracy, a context in which the press plays a crucial role in the mediation and formation of identity.

For Taylor, the politics of recognition builds on what he calls the "politics of equal dignity,"¹³⁹ a term referring to the preeminent concern for equality, dignity, and human rights that deeply informs modern democratic discourse and Catholic social teaching. The politics of dignity sees the inherent value of each individual or culture in the capacity of rational agents to choose universal principles by which to direct one's individual and communal life. The politics of recognition builds on these assumptions of equality and dignity by grafting onto them the additional notion that the inherent value of each individual or culture is also found in the capacity to form and define an identity.¹⁴⁰ As noted in my previous section, "identity" refers to the dynamic by which the achievement of self-understanding is inseparable from the articulation of a framework for the good. Identity is closely linked to "authenticity." In the modern politics of recognition, there

¹³⁸ Jim McDonnell, "Desperately Seeking Credibility: English Catholics, the News Media and the Church," in *Mediating Religion* 33–43, at 33.

¹³⁹ Taylor, "Politics of Recognition" 38.

¹⁴⁰ *Ibid.* 37–44.

are two basic aspects to the formation of identity. First, individuals and cultures seek an inwardly generated and authentic identity: one must be true to oneself and not live by the demands of external conformity.¹⁴¹ But, second, such a struggle for identity is also dialogical or socially derived in a historical and open-ended fashion.¹⁴² It is in particular in light of the factors of inward-generation and dialogical open-endedness that the more precise dynamisms of the modern politics of recognition come into view.

For Taylor, “recognition” understood as the dependence of identity on social derivation was also part of the hierarchical, premodern politics reigning before the advent of modern democracy. But in such a premodern context, he argues, “recognition never arose as a problem. General recognition was built into the socially derived identity by virtue of the very fact that it was based on social categories that everyone took for granted.”¹⁴³ With the onset of the modern politics of recognition, however, recognition itself becomes problematic. This occurs, in the first place, because authenticity emerges as the goal of identity, a goal requiring an original, inwardly generated individual or cultural self-understanding no longer compatible with conformity to an identity given by hierarchical social categories. In the modern democratic politics of recognition, persons and groups are thrust into a profoundly changed dialogical context. No longer can recognition be taken for granted. Instead, it must be won through dialogical exchange in which each individual or group assumes as a matter of principle an equal footing: each has the equal right and the responsibility to win this identity. Such an effort, however, can fail.¹⁴⁴ Such a failure can be made manifest by a person’s or group’s inability to articulate a coherent framework for the good. Such a failure can also occur when the unique identity of a person or group is “ignored, glossed over, assimilated to a dominant or majority identity.”¹⁴⁵ Or, put in a way that points up the costs of such “glossing over,” such a failure can be understood in terms of the harm done to a person or group by the “*mis*recognition of others, and so a person or group of people can suffer real damage, real distortion, if the people or society around them mirror back to them a confining or demeaning or contemptible picture of themselves. Nonrecognition or misrecognition can inflict harm, can be a form of oppression, imprisoning someone in a false, distorted, and reduced mode of being.”¹⁴⁶

What, then, are the ways in which Taylor’s politics of recognition can

¹⁴¹ Ibid. 30.

¹⁴³ Ibid. 34.

¹⁴⁵ Ibid. 38.

¹⁴² Ibid. 32.

¹⁴⁴ Ibid. 34–35.

¹⁴⁶ Ibid. 25.

helpfully inform Catholic social teaching on the press and democracy? By way of response, I make four points. First, it is important to acknowledge that translation is in order. Taylor's essay "The Politics of Recognition" was written during the mid-1990s in the course of debates in the United States and Canada over multiculturalism and identity politics. But he sets such debates into the long history and broad context of Western political thought and, in doing so, shows how concepts of identity and recognition pertain to modern democratic political life per se and not only to debates over multiculturalism and identity politics. Thus, in terms of Taylor's thought, the Catholic Church in democratic nations can be considered analogously to the "cultures" or "groups" to which Taylor refers in "The Politics of Recognition." Of course, such an assumption is not meant to reduce the Church to one more faction in the sometimes stifling identity politics of Western democracies. Nor is such an assumption meant to deny the Church's self-understanding as a society encompassing all men and women and not one confined to a self-enclosed group. As the Second Vatican Council said, "By her relationship with Christ, the Church is a kind of sacrament or sign of intimate union with God, and of the unity of all mankind."¹⁴⁷ Rather, the assumption that the Church in democratic nations is analogous to Taylor's "groups" is meant to underscore how the Church, whatever its claims to divine origin and universal reach, is still subject in its incarnate nature to the historical task of forming an authentic identity amid the dialogical uncertainties of the modern politics of recognition.

Second, Taylor's category of "identity" is a fruitful way by which to understand the Church's reflection on the political order begun at Vatican II and continued into the present day. In a recent essay on the Catholic Church and contemporary politics, Kenneth Himes argued that the council was the occasion of a forward-looking "identity crisis" for the Church.¹⁴⁸ By this he meant that the council proved to be a "moment of choice and transition; a familiar identity was being reconsidered in favor of a new self-image shaped, in part, by a retrieval of metaphors drawn from the biblical and theological tradition that supports Catholic faith and practice."¹⁴⁹ In a sense, then, the council thrust the Church into the demands of the modern politics of recognition: old, hierarchical verities that upheld the identity of the Church in the past fell away in favor of a less assured, more open-ended sense of self-understanding.

¹⁴⁷ *Lumen gentium* no. 1.

¹⁴⁸ Kenneth R. Himes, O.F.M., "Vatican II and Contemporary Politics," in *The Catholic Church and the Nation-State: Comparative Perspectives*, ed. Paul Christopher Manuel, Lawrence C. Reardon, and Clyde Wilcox (Washington: Georgetown University, 2006) 15–32, at 17.

¹⁴⁹ *Ibid.*

This finding is confirmed in my third point: the council's new succession of metaphors of self-understanding and their relation to the political order firmly places upon the Church the responsibility to embody the identity that it claims for itself. The implications of this conciliar effort are very clear in Himes's discussion of the Church as "the sacrament of the reign of God."¹⁵⁰ As such a sacrament, he argues, the Church "must be capable of incarnating or 'enfleshing' the reality it seeks to communicate."¹⁵¹ In light of such a responsibility, then, the struggle of the Church during the abuse scandal to establish and maintain its authority and credibility can be seen not only as a result of the abusive actions themselves and not only as a function of scrutiny by the press; rather, the struggle can more fundamentally be considered as integral to the ongoing, inwardly generated historical task of the Church to define and embody its authentic identity as sacrament of the reign of God in dialogue with others in the democratic context of American society. This task of the Church is entirely coincident with Taylor's account of the demands of the democratic politics of recognition.

My fourth and final point is this: the inwardly generated task of the Church to define and embody its identity in a democratic political order is also a task that has an open-ended and dialogical character affected in particular by the press. By dint of the historical character of its self-understanding, Himes argues, the Church in its engagement with politics "opts for a style of presence that is dialogical. The Church must learn as well as teach, listen as well as speak."¹⁵² But Himes also notes that in the aftermath of Vatican II the Church shifted the emphasis of its dialogue with the political order from one between church and state to one between church and civil society.¹⁵³ And, as it shifted the emphasis of this dialogue, it had to grapple more directly with one of the key institutions of civil society, the free press. The press may create or mediate this dialogue, assist or obstruct the Church in its task of self-understanding, and invite the Church to growth or encase the Church in derision. Consistent with the politics of recognition, such a dialogue with the press is ongoing and open-ended. It is not something to be shunned or regretted. Rather, it is a condition of the Church's achievement of self-understanding, an inevitable engagement with an external interlocutor with whom the Church must develop its inwardly generated and authentic identity. In any case, Himes argues that this grappling with the press remains a distinct and confounding challenge. "Though individuals and groups in the Church are exceptions to the general rule, the Church has not yet developed an adequate under-

¹⁵⁰ Ibid. 26.

¹⁵² Ibid. 24.

¹⁵¹ Ibid. 17.

¹⁵³ Ibid. 25.

standing of modern media. . . . It is hard to imagine how the Church will shape modern cultures unless this situation is rectified. The sacramental nature of the Church suffers from this inability.”¹⁵⁴

I now return to the questions with which this section began: How is the Catholic Church to understand the relationship between its divinely commissioned authority to speak truth and the freedoms enjoyed by others in the noisy, public space of modern democracies? Can the stronger articulation of freedom of the press in Catholic social teaching be understood in a way that is compatible with the Church’s claim to such authority? To be sure, the Church, out of its prophetic character, will at times speak a truth that challenges freedoms held dear by democratic citizens. The possibility of such speech is a consequence of the Church’s prophetic character. But Taylor’s politics of recognition—especially seen in light of reflections on the Church and politics at Vatican II—provides an inviting way to understand how the Church can claim the incarnate character of its authority to speak truth and thereby more comfortably enter into modern democratic politics. In light of the politics of recognition, whatever truth the Church speaks in a democratic context must be understood as an act of speech inseparable from the Church’s historically shaped identity and not as an exercise of disembodied reason. Moreover, this truth must be the fruit of dialogue with others—dialogue not entered into out of deference but as the inescapable condition of shaping an identity. Into this way of thinking, the free press appears as a crucial interlocutor able to challenge how the Church incarnates the identity by which it expresses its authority in a given democratic context. This, I believe, was what John Courtney Murray pointed to when he wrote: “The freedom of the press creates no right to stand against authority and its legitimate exercise. It does, however, create a responsibility to note abuses of authority, and thus to serve the true interests of authority.”¹⁵⁵

CONCLUSION

My argument has been fourfold. First, I have argued that the clash between the Catholic Church and the U.S. press in the course of the sexual abuse scandal is best understood as a significant instance of the encounter between the Catholic Church and the political structures of modern democracy. Second, I have argued that Catholic social teaching on freedom of the press should be developed in a more specifically political and democratic direction. Third, I have sought to support that call for a development of Catholic social teaching on freedom of the press by arguing for a view of

¹⁵⁴ *Ibid.* 27.

¹⁵⁵ Murray, “Social Function of the Press” 207.

freedom of speech that underscores the integral relationship between freedom, speech, and the discovery and formulation of the good. Last, I have sought to support the call for the development of the teaching by suggesting a more plausible model of self-understanding through which the Church can engage an indispensable interlocutor in democratic civil society like the free press. This article has focused on the Church in the United States, but I believe that these conclusions are also relevant to other places in the world where the Church is engaged with democracy.

In closing, I turn to an internal Church matter, but one with great potential consequences for the Church's engagement with political society. Certainly, within the Church, the greatest failings of the sexual abuse scandal are the broken lives of the boys and girls who were abused. Another great failing, however, was the contorted or silenced speech that marked the betrayal of the abused and the cover-up of the scandal. Mark Jordan, among others, has written eloquently about the imperative need for the Church to redeem such distorted manners of speech.¹⁵⁶ But it is important to recall that the possibility of such redeemed speech within the Church may also have an effect on political society. For instance, Oliver O'Donovan has argued that the early Church's "openness of mutual address and the assuming of mutual responsibility itself constituted an address to society, summoning society to admit the free passage of the word of God and to respond to it in its turn in speech."¹⁵⁷ O'Donovan has also argued that the conception of the Church between the 14th and 17th centuries "as a mutually responsive organism inspired the conciliar movement in church polity and the parliamentary movement in civil polity."¹⁵⁸ While we are historically far removed from such developments, the sexual abuse scandal points to the need within the Church for the renewal of such "mutually responsive" speech. This renewal would be aided by the development of Catholic social teaching on freedom of the press. The renewal, however, should also be energized by the courageous speech after long silence by the democratic citizens and Catholic faithful who were victims of the sexual abuse in the United States. In time, then, such a renewal might pass beyond the visible borders of Catholicism and dispose modern democratic discourse more to the gospel of Jesus Christ.

¹⁵⁶ Mark Jordan, *The Silence of Sodom: Homosexuality in Modern Catholicism* (Chicago: University of Chicago, 2000).

¹⁵⁷ Oliver O'Donovan, *The Desire of the Nations: Rediscovering the Roots of Political Theology* (New York: Cambridge University, 1996) 268.

¹⁵⁸ *Ibid.* 269.