

2/22/2010

THE BIBLICAL FOUNDATION FOR FREEDOM OF SPEECH*

PAUL EIDELBERG

PART I

Later in this report, I am going to formulate a Biblical foundation for freedom of speech. But first we need a contemporary view of this freedom.

Freedom of speech is deemed a fundamental human value. This value seems to have its home in democracy. However, there are two basic kinds of democracy, one *normless*, the other *normative*. Normless democracy is now prevalent in the free world, where freedom of speech has no rational or ethical constraints. (What I term “normative democracy” may also be called a Republic, where freedom dwells with virtue or dedication to the common good.)

The philosophy of normative democracy posits a moral law that transcends the laws of government. It is this moral law that provides rational restraints on freedom of speech commensurate with public order and decency.

In contrast, normless democracy exalts freedom of speech over all other values. In fact, during the past five decades, decisions of the US Supreme Court have endowed freedom of speech with a “preferred position” vis-a-vis public morality. For example, the Court has struck down state laws banning publications of pornography.

Israel’s Supreme Court, under its former president Judge Aharon Barak, adopted the American position. The Court nullified a law permitting the Film Censorship Board to ban pornographic movies on grounds that nothing can actually be declared pornography, since one man’s pornography is another man’s art. The Court’s ruling was based on relativism, a doctrine that denies the ability of the human mind to apprehend objective truth concerning aesthetic and moral values. This places the Mona Lisa and the portrayal of copulation—or, if you prefer, Mother Theresa and Yasser Arafat—on the same level.

Relativism, or the denial of objective truth concerning the beautiful and the good, leads to the unfettered freedom of speech typical of normless democracy. Colleges and universities throughout America and Europe are seedbeds of relativism. For decades, all levels of education in the United States have been propagating a doctrine that rejects the “Higher Law” or “Natural Rights” doctrine of the American Declaration of Independence. The signers of the Declaration affirmed “self-evident truths” or moral standards by which to determine whether the laws of government are just or unjust. Relativism denies this teaching, and this has profound consequences.

The denial of truth in normless democracies, where freedom of speech lacks rational constraints, opens the flood gates of lying. Indeed, mendacity—typical of dictatorships—has become conspicuous in regimes that boast of being democratic. It’s called “spin.”

2/22/2010

For example, Israeli prime ministers invariably prognosticate about peaceful coexistence between Israel and the so-called Palestinians, when any half-educated but candid person knows that genuine peace is impossible with any regime whose rulers have been weaned on the Quran. Who does not know that Islam divides the world between Muslims and non-Muslims and urges the former to liquidate the latter? Who does not know of the maledictions of Iranian president Mahmoud Ahmadinejad: “Death to Israel” and “Death to America”? Who except ignoramuses do not know—but you’ll never learn this from Israeli prime ministers—that “peace” for Palestinian leader Mahmoud Abbas means—as it did for Arafat—the liquidation of Israel?

Despite the exaltation of freedom of speech in Israel and America, not a single official in these champions of democracy dares speak about the enormity of Islam, whose disciples have slaughtered 270 million non-Muslims since Muhammad. Israel’s current government is so steeped in mendacity that it fobs the nation off with the lie that there is an economic solution to Israel’s conflict with the Palestinian Authority whose maps, by the way, show no sign of Israel.

“Political correctness”—meaning intellectual dishonesty—has thus replaced truth. I saw this in 1976, when I was told by Shimon Peres’ political adviser that “we can’t lie as well as the Arabs.” This admission implies that Israel’s leaders are not only inferior liars, but that they also lack the courage to pursue a national strategy consistent with the true nature of Israel’s enemy. They deceive the public about peace to facilitate their cowardly retreat to Israel’s Auschwitz lines. This gives the lie to Israeli democracy where freedom of speech dares not talk about the Nazi-like attitude of Islam toward Jews.

This self-imposed blindness of Israel’s devious elites, or their Oslo-patented silence about Islam’s culture of genocidal death, is not incommensurate with the mentality of countless Germans who said they knew nothing of the death camps, lies demolished by the incomparable Primo Levi and, more recently, by Daniel Goldhagen. Alas, freedom of speech in Israel avoids such ugly truths. So let’s examine the origin of freedom of speech in the Torah.

PART II

Recall the patriarch Abraham's questioning God's decision to destroy Sodom: *"What if there should be fifty righteous people in the midst of the city? Would you still stamp it out rather than spare the place for the sake of the fifty righteous people within it? It would be sacrilege to You to do such a thing, to bring death upon the righteous along with the wicked; ... Shall the Judge of all the earth not do justice?"* (Genesis 18:23-25.)

God permits Abraham to question Him. Can you imagine any Muslim questioning Allah?

Abraham’s dialogue with God means that God is not only a God of justice, but also of reason. This tells us what it means to be created in the image of God. It tells us about man’s unique power to speak and communicate with others. It needs to be stressed, however, that Abraham’s dialogue with God reveals the ultimate object of speech—Truth. Indeed, the Hebrew word for “truth,” *emet*, is one of the names of God.

2/22/2010

We also learn from Abraham's questioning of God that the God of the Jews, unlike the god worshiped by Muslims, is a God of freedom, a freedom that dwells with reason and kindness.

Going further, by telling us how Abraham spoke up and questioned the King of king's judgment regarding Sodom, the Torah is teaching us that we have a right to question the laws of any government, hence, that freedom of speech is a fundamental human right. However, this right must be understood from a Judaic perspective. The only rational justification for freedom of speech is man's creation in the image of G-d.

Only because man is endowed with reason and free will does he possess a right to freedom of speech, which includes the right to question the policies of government. To be consistent with man's creation in the image of God, government must be based on the primacy of reason or persuasion, as opposed to the primacy of coercion. Only the former would be acceptable to the God of Abraham.

From Genesis we learn that speech is not an end-in-itself or a mere exercise of self-expression. The basic function of speech is to communicate ideas about justice or the common good, or about what is true and what is false. To divorce speech from truth and justice is to reduce this distinctively human faculty to a mere instrument of self-aggrandizement. This is the tendency of normless democracy, which degrades man and makes nonsense of his right to freedom of speech.

It cannot be said too often that if freedom of speech is divorced from truth and justice, democracy is no more justifiable than tyranny. In other words, if there are no universally valid or objective standards as to how man should live, then there are no rational grounds for preferring democracy to tyranny. Immature minds contend, however, that relativism conduces to tolerance. But relativism undermines any objective ground for preferring tolerance to intolerance.

Similarly, some silly f intellectuals contend that moral relativism is a precondition of academic freedom. But academic freedom can have no justification unless it is commonly understood that it is wrong to cheat or plagiarize or steal or slander one's colleagues. This suggests that moral relativists, who very much dominate academia, take civilization for granted.

The father of civilization is none other than Abraham, whom the Torah refers to as the father of nations. The Torah portrays Abraham as the teacher of ethical monotheism which, together with the Genesis conception of man's creation in the image of God, provides the foundation for the moral unity of human nature and the idea of the human community.

The Bible of Israel thus contains, in my opinion, the most rational justification for freedom of speech, which point to its ethical limits. Apart from such limits, freedom of speech is mere noise or mischievous nonsense.

*Transcript of the Eidelberg Report, Israel National Radio, Feb. 22, 2010, written in honor of George Washington's birthday.