

15. SATURDAY, FEBRUARY 4, 1721. Of Freedom of Speech: That the same is inseparable from publick Liberty. (Gordon)

From Volume 1 of Cato's Letters

Cato's Letters are a series of newspaper articles published by two Englishmen in the London Journal and the British Journal from 1720-1723. John Trenchard and Thomas Gordon wrote anonymously under the name Cato and published 144 articles condemning tyranny and advancing principles of liberty that greatly influenced American colonists.

Sir,

Without freedom of thought, there can be no such thing as wisdom; and no such thing as publick liberty, without freedom of speech: Which is the right of every man, as far as by it he does not hurt and control the right of another; and this is the only check which it ought to suffer, the only bounds which it ought to know.

This sacred privilege is so essential to free government, that the security of property; and the freedom of speech, always go together; and in those wretched countries where a man cannot call his tongue his own, he can scarce call any thing else his own. Whoever would overthrow the liberty of the nation, must begin by subduing the freedom of speech; a thing terrible to publick traitors.

This secret was so well known to the court of King Charles I that his wicked ministry procured a proclamation to forbid the people to talk of Parliaments, which those traitors had laid aside. To assert the undoubted right of the subject, and defend his Majesty's legal prerogative, was called disaffection, and punished as sedition. Nay, people were forbid to talk of religion in their families: For the priests had combined with the ministers to cook up tyranny, and suppress truth and the law. While the late King James, when Duke of York, went avowedly to mass; men were fined, imprisoned, and undone, for saying that he was a papist: And, that King Charles II might live more securely a papist, there was an act of Parliament made, declaring it treason to say that he was one.

That men ought to speak well of their governors, is true, while their governors deserve to be well spoken of; but to do publick mischief, without hearing of it, is only the prerogative and felicity of tyranny: A free people will be shewing that they are so, by their freedom of speech.

The administration of government is nothing else, but the attendance of the trustees of the people upon the interest and affairs of the people. And as it is the part and business of the people, for whose sake alone all publick matters are, or ought to be, transacted, to see whether they be well or ill transacted; so it is the interest, and ought to be the ambition, of all honest magistrates, to have their deeds openly examined, and publickly scanned: Only the wicked governors of men

dread what is said of them; *Audivit Tiberius probra queis lacerabitur, atque percussus est.* The publick censure was true, else he had not felt it bitter.

Freedom of speech is ever the symptom, as well as the effect, of good government. In old Rome, all was left to the judgment and pleasure of the people; who examined the publick proceedings with such discretion, and censured those who administered them with such equity and mildness, that in the space of three hundred years, not five publick ministers suffered unjustly. Indeed, whenever the commons proceeded to violence, the great ones had been the aggressors.

Guilt only dreads liberty of speech, which drags it out of its lurking holes, and exposes its deformity and horror to day-light. Horatius, Valerius, Cincinnatus, and other virtuous and undesigning magistrates of the Roman commonwealth, had nothing to fear from liberty of speech. Their virtuous administration, the more it was examined, the more it brightened and gained by enquiry. When Valerius, in particular, was accused, upon some slight grounds, of affecting the diadem; he, who was the first minister of Rome, did not accuse the people for examining his conduct, but approved his innocence in a speech to them; he gave such satisfaction to them, and gained such popularity to himself, that they gave him a new name; *inde cognomen factum Publicolae est*; to denote that he was their favourite and their friend. *Latae deinde leges. Ante omnes de provocatione, adversus magistratus ad populum*, Livii lib. ii. cap. 8.

The best princes have ever encouraged and promoted freedom of speech; they knew that upright measures would defend themselves, and that all upright men would defend them. Tacitus, speaking of the reigns of some of the princes above-mention'd, says with ecstasy, *Rara temporum felicitate, ubi sentire quae velis, & quae sentias dicere liceat*: A blessed time, when you might think what you would, and speak what you thought!

The same was the opinion and practice of the wise and virtuous Timoleon, the deliverer of the great city of Syracuse from slavery. He being accused by Demoenetus, a popular orator, in a full assembly of the people, of several misdemeanors committed by him while he was general, gave no other answer, than that he was highly obliged to the gods for granting him a request that he had often made to them; namely, that he might live to see the Syracusians enjoy that liberty of speech which they now seemed to be masters of.

And that great commander, M. Marcellus, who won more battles than any Roman captain of his age, being accused by the Syracusians, while he was now a fourth time consul, of having done them indignities and hostile wrongs, contrary to the League, rose from his seat in the Senate, as soon as the charge against him was opened, and passing (as a private man) into the place where the accused were wont to make their defence, gave free liberty to the Syracusians to impeach him: Which, when they had done, he and they went out of the court together to attend the issue of the cause: Nor did he express the least ill-will or resentment towards these his accusers; but

being acquitted, received their city into his protection. Had he been guilty, he would neither have shewn such temper nor courage.

I doubt not but old Spencer and his son, all honest men in England. They dreaded to be called traitors, because they were traitors. And I dare say, Queen Elizabeth's Walsingham, who deserved no reproaches, feared none. Misrepresentation of publick measures is easily overthrown, by representing publick measures truly: When they are honest, they ought to be publickly known, that they may be publickly commended; but if they be knavish or pernicious, they ought to be publickly exposed, in order to be publickly detested.

To assert, that King James was a papist and a tyrant, was only so far hurtful to him, as it was true of him; and if the Earl of Strafford had not deserved to be impeached, he need not have feared a bill of attainder. If our directors and their confederates be not such knaves as the world thinks them, let them prove to all the world, that the world thinks wrong, and that they are guilty of none of those villainies which all the world lays to their charge. Others too, who would be thought to have no part of their guilt, must, before they are thought innocent, shew that they did all that was in their power to prevent that guilt, and to check their proceedings.

Freedom of speech is the great bulwark of liberty; they prosper and die together: And it is the terror of traitors and oppressors, and a barrier against them. It produces excellent writers, and encourages men of fine genius. Tacitus tells us, that the Roman commonwealth bred great and numerous authors, who writ with equal boldness and eloquence: But when it was enslaved, those great wits were no more. *Postquam bellatum apud Actium; atque omnem potestatem ad unum conferri pacis interfuit, magna illa ingenia cessere.* Tyranny had usurped the place of equality, which is the soul of liberty, and destroyed publick courage. The minds of men, terrified by unjust power, degenerated into all the vileness and methods of servitude: Abject sycophancy and blind submission grew the only means of preferment, and indeed of safety; men durst not open their mouths, but to flatter.

Pliny the Younger observes, that this dread of tyranny had such effect, that the Senate, the great Roman Senate, became at last stupid and dumb: *Mutam ac sedentariam assentiendi necessitatem.* Hence, says he, our spirit and genius are stupified, broken, and sunk for ever. And in one of his epistles, speaking of the works of his uncle, he makes an apology for eight of them, as not written with the same vigour which was to be found in the rest; for that these eight were written in the reign of Nero, when the spirit of writing was cramped by fear; *Dubii sermonis octo scripset sub Nerone—cum omne studiorum genus paulo liberius & erectius periculosum servitus fecisset.*

All ministers, therefore, who were oppressors, or intended to be oppressors, have been loud in their complaints against freedom of speech, and the licence of the press; and always restrained, or endeavoured to restrain, both. In consequence of this, they have brow-beaten writers, punished

them violently, and against law, and burnt their works. By all which they shewed how much truth alarmed them, and how much they were at enmity with truth.

There is a famous instance of this in Tacitus: He tells us, that Cremutius Cordus, having in his Annals praised Brutus and Cassius, gave offence to Sejanus, first minister, and to some inferior sycophants in the court of Tiberius; who, conscious of their own characters, took the praise bestowed on every worthy Roman, to be so many reproaches pointed at themselves: They therefore complained of the book to the Senate; which, being now only the machine of tyranny, condemned it to be burnt. But this did not prevent its spreading. *Libros cremandos censuere patres; sed manserunt occultati & editi*: Being censured, it was the more sought after. “From hence,” says Tacitus, “we may wonder at the stupidity of those statesmen, who hope to extinguish, by the terror of their power, the memory of their actions; for quite otherwise, the punishment of good writers gains credit to their writings:” *Nam contra, punitis ingeniis, gliscit auctoritas*. Nor did ever any government, who practised impolitick severity, get any thing by it, but infamy to themselves, and renown to those who suffered under it. This also is an observation of Tacitus: *Neque aliud [externi] reges, [aut] qui ea[dem] saevitiae usi sunt, nisi dedecus sibi, atque gloriam illis peperere*.

Freedom of speech, therefore, being of such infinite importance to the preservation of liberty, every one who loves liberty ought to encourage freedom of speech. Hence it is that I, living in a country of liberty, and under the best prince upon earth, shall take this very favourable opportunity of serving mankind, by warning them of the hideous mischiefs that they will suffer, if ever corrupt and wicked men shall hereafter get possession of any state, and the power of betraying their master: And, in order to do this, I will shew them by what steps they will probably proceed to accomplish their traitorous ends. This may be the subject of my next.

Valerius Maximus tells us, that Lentulus Marcellinus, the Roman consul, having complained, in a popular assembly, of the overgrown power of Pompey; the whole people answered him with a shout of approbation: Upon which the consul told them, “Shout on, gentlemen, shout on, and use those bold signs of liberty while you may; for I do not know how long they will be allowed you.”

God be thanked, we Englishmen have neither lost our liberties, nor are in danger of losing them. Let us always cherish this matchless blessing, almost peculiar to ourselves; that our posterity may, many ages hence, ascribe their freedom to our zeal. The defence of liberty is a noble, a heavenly office; which can only be performed where liberty is: For, as the same Valerius Maximus observes, *Quid ergo libertas sine Catone? non magis quam Cato sine libertate*.

I am, &c.

Source: <https://firstamendmentwatch.org/history-speaks-catos-letters-1720-1723/>