

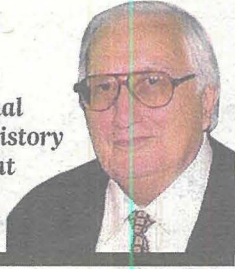
LIFE AND WELLBEING HISTORY

It happened in March

The first real liberty of the press in Malta – 1839 (Part 2)

JOSEPH F. GRIMA

Retired casual lecturer of history and assistant director of education



As was mentioned last week, during the deliberations of the 1836 Royal Commission, the Catholic Church in Malta was not against freedom of the press as such. However, the Church feared the consequences that a completely free press, such as that then existing in England, would have on the Catholic religion in Malta. What the Church did not want was a freedom extending also to religious matters.

However, the commissioners pointed out that the law of libel, included in their draft ordinances, prohibited "every attack in way of vituperation, ridicule or other insult, either on the doctrines common to all Christians, or on the peculiar doctrines of any of the Christian Churches" both in writings printed in Malta or imported from abroad, while as things stood at that time, the Catholic Church could "be attacked in imported writings, without impediment and with perfect impunity, either by argument or by vituperation or ridicule".

"The fears of the Catholic Church were proved to have been well-founded"

At the time of the arrival of the commissioners in Malta, the local clergy had elected a committee of eight members "to consider the affairs of their order". The committee "approved the introduction of printing and publishing", but qualified their approbation by the following resolution: "That every printed attack, direct or indirect, upon the Catholic, Apostolic, Roman Religion, as determined by the sacred canons of the Church,

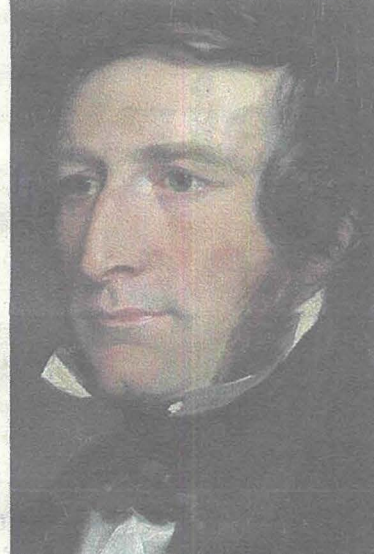


Sir John Stoddart, Chief Justice of Malta: his draft laws about printing and censorship in Malta were held in abeyance pending the deliberations of the 1836 Royal Commission.

ought to be prohibited under the severest penalties".

The commissioners, however, explained to the clergy that protection from argumentative attacks could not be given and that, since spiritual and temporal censorships were in no way connected, the abolition of the latter did not involve the abolition of the former. The result was a declaration, signed by 314 clergymen, stating the following resolution:

"We, the undersigned, are perfectly unanimous in the opinion that since the English have been in Malta there was no



George Cornwall Lewis, one of the two members of the 1836 Royal Commission.

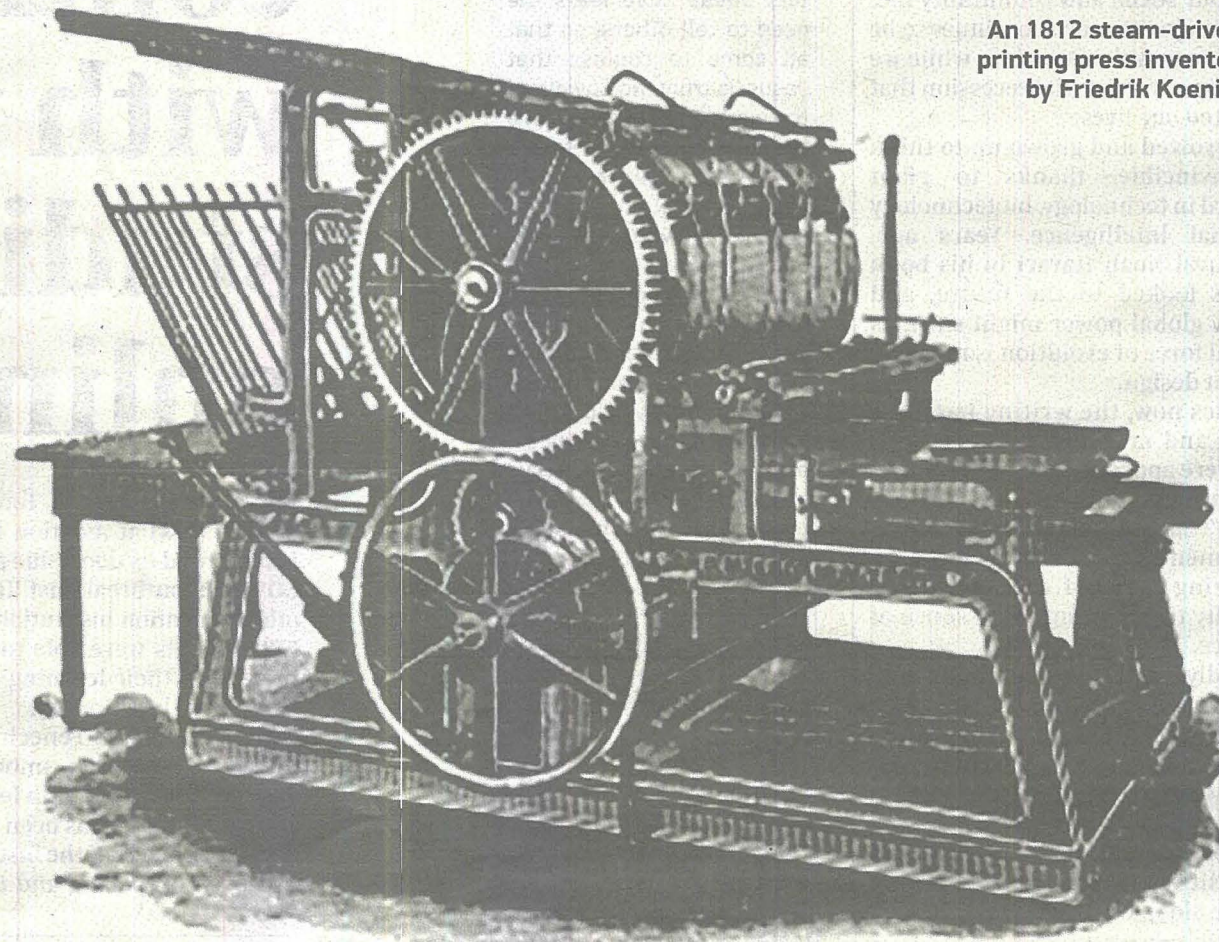
hindrance to the introduction of books containing attacks, insults, ridicule and indecent offences against the Catholic religion; that their sale and circulation have not been prohibited; and that the introducers, sellers and circulators have never been punished.

"We are moreover unanimous in declaring that several presses in Malta have been employed in the printing of books of this nature; and that those who printed, sold and circulated them were not punished.

"In consequence of which, we also agree in the opinion that if, in Malta, the liberty of the press were granted by the government, or, to express ourselves more clearly, if the existing prohibition maintained by the local government were abolished, and this grant were accompanied by law, that whoever indecently offended or insulted our dominant religion with books or writings should be punished, this last system would be far preferable to the first, and much more useful and advantageous to the Roman Catholic religion.

"At the same time, it is also our unanimous opinion, that Catholic Christians will not, by the abolition of the civil censorship by His Majesty's government, be dispensed from the spiritual censorship imposed upon them by canon laws; and in this sense must be understood any opinion heretofore expressed by us, or any of us. November 17, 1836."

The report of the commissioners was sent to Lord Glenelg, together with draft ordinances, in a despatch dated March 10, 1837. In a despatch sent to the Governor of Malta,



An 1812 steam-driven printing press invented by Friedrik Koenig.



Bishop Francesco Saverio Caruana: he was afraid of adverse results if freedom of the press was granted in the same measure as then existing in England.



Lord Glenelg, Secretary of State for the Colonies, responsible for sending the 1836 Royal Commission to Malta.



Giorgio Mitrovich in his old age.

Major-General Sir Henry F. Bouverie, dated November 27, 1837, Lord Glenelg communicated to the commissioners that their report had been accepted in principle. The way was now open for the introduction of freedom of the press in Malta.

However, over a year had to pass before the new law was proclaimed, one of the reasons being the protracted illness of one of the commissioners, John Austin, which compelled him to return to England in June 1838 before he could finish revising the two ordinances on printing and publishing. Austin took them with him to conclude his revision in England but the process of bringing the law into effect in the shortest possible time was thus delayed.

Although the new law was not proclaimed till March 1839, permits for the setting up of private presses were granted over a year before then. The first was set up in January 1838 by Ph. Izzo, followed in March 1838 by another by Luigi Tonna.

The year 1838 witnessed the publication of Malta's first independent periodical newspaper called *Lo Spettatore Imparziale*. This newspaper was followed by *Il Portafoglio Maltese*, *The Harlequin*, *Il Mediterraneo* and *Il Kaulata Maltia*.

In 1838, the *Florence Gazette* remarked that "the protests of the Italian governments against the introduction of the liberty of the press at Malta have had no effect on London. The law establishing this freedom has been proclaimed in the island, and a prospectus of a new journal to be published at Malta is in circulation at Rome." This report was unfounded but it afforded the local government in Malta the opportunity to state that it was only a matter of time before the new law would be proclaimed, since work on its details were still going on.

On March 15, 1839, the law abolishing press censorship and including the law of libel was proclaimed. Offenders were to be tried by a court composed of three judges, without a jury. 15 years later, in 1854, all offences against the press law were to be tried in court by a judge and a jury.

What now remained to be tested was whether the law of libel was effective enough to check abuses, especially in religious questions. Within less than a week, just six days actually, the fears of the Catholic Church were proved to have been well-founded.

On March 21, 1839, in the Protestant newspaper *The Harlequin* (first published on July 14, 1838), the editor James Richardson wrote that the Catholic religion was "a system of religion the

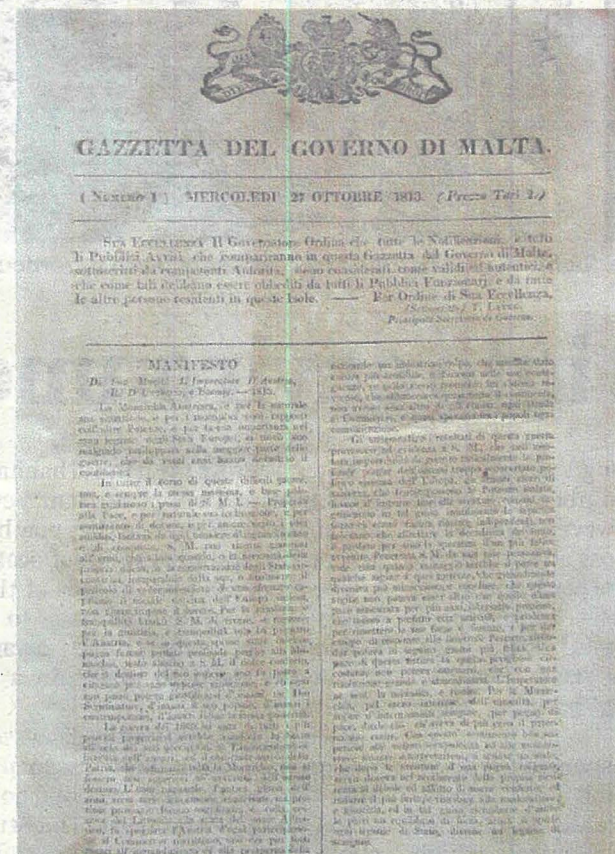
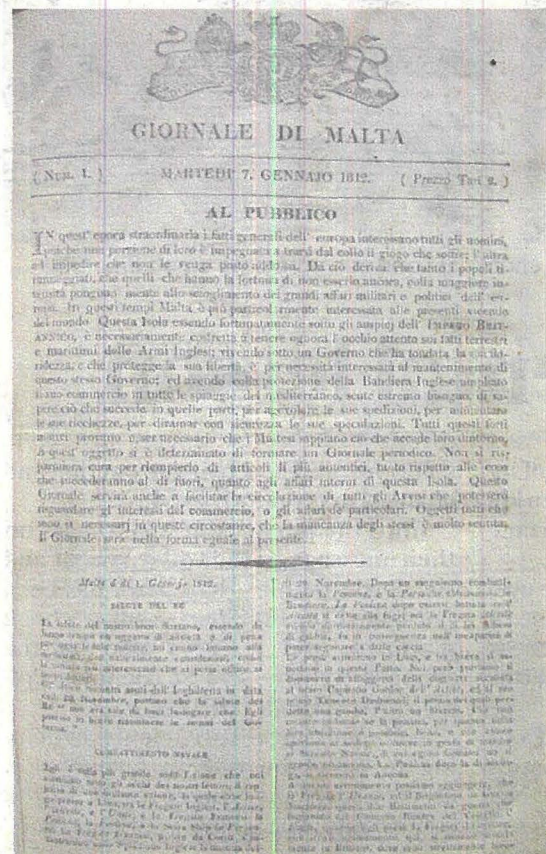
most detestable the world ever saw! – a system which leaves the mind at a loss to determine whether it be better than any religion at all".

Richardson was prosecuted, found guilty and condemned to either a fine of 250 scudi or six months' imprisonment. Richardson's guilt was based on Chapter III, Section VI of the 'press law', which prohibited the publication of any writing reviling, ridiculing or insulting the fundamental tenets of any religion. It is worth noting that Section VII extended this prohibition to the publication of obscene writings.

In the House of Lords in London, there was a movement to obtain a pardon for Richardson but it came to nothing, since a pardon would have made a mockery of the commissioners' assurances and promises.

Moreover, it must also be borne in mind that a few years earlier, in 1829, the Catholic religion had been legally emancipated in England through the Roman Catholic Relief Act that received the king's assent on April 13, 1839, through which Catholics could henceforth become Members of Parliament.

Richardson went to prison and was set free after a month but only after he had paid a fine proportional to the remaining five months he was to serve.



Front page of the first edition of the newspaper *Giornale di Malta* dated January 7, 1812. Right: Front page of the first edition of the newspaper *Gazzetta del Governo di Malta*, dated October 27, 1813.