Vanderbilt Law Review

Volume 13
Issue 2 *Issue 2 - March 1960*

Article 4

3-1960

A Variety of Freedoms

Stanley D. Rose

A VARIETY OF FREEDOMS

STANLEY D. ROSE*

In this article the author reviews two recent books on the subject of freedom.

THE IDEA OF FREEDOM: A DIALECTICAL EXAMINATION OF THE CONCEPTIONS OF FREEDOM. By Mortimer J. Adler. Institute of Philosophical Research. Garden City, New York: Doubleday and Co. 1958. Pp. xxvii, 689. $7.50

THE STRUCTURE OF FREEDOM. By Christian Bay. Stanford, Stanford Univ. Press; 1958. Pp. xii, 419. $7.50

Each year a number of books appear which are devoted to the subject of freedom. This has been going on for at least two thousand years. But a reading of only a few of this multitude of volumes will show that one man's freedom is not necessarily another man's. It appears obvious that some order and classification ought to be introduced into our thinking about this concept. A major effort has been made in this direction in the first book here being reviewed.

This volume was written by Dr. Adler, but it is a cooperative venture which encompasses an amount of work that few scholars could hope to accomplish in their lifetime. Hundreds of books have been examined which consider the concept of freedom, and a classifying system has been established that explains the place of each of these writers with respect to the various meanings of the concept. The author emphasizes the creative aspect of the construct set forth. This is a justified claim, as any writer will know who has ever wondered what to do with great masses of amorphous material. A reader will come away from this volume with unanswered queries in his mind,[1] but he should be aware that a very big job has been undertaken—a job that should be of value to other scholars for a long time to come.

The first eighty pages are devoted to explaining the dialectical method used in treating the concept. Apparently the Institute of Philosophical Research intends to use this same method in a variety of other concepts that have remained vital problems in the history of Western European thought.

According to this method, all of the writings are considered apart from their historical setting. It is as though these writers were all present at a conference and were each allowed to express themselves freely, a report then being made by neutral observers as to what

* Attorney, Civil Division, Department of Justice.

1. See as an example the review of Robert L. Hale in 59 COLUM. L. REV. 821 (1959).

had been said. These reporters have the task of working out some hypothesis by which to categorize what is said—an hypothesis which will include every type of belief on freedom, will do justice to each, and will be neutral with respect to all of them. This book is that report on freedom, and its importance must rest upon the hypothesis worked out.

That freedom is a subject worthy of this effort is insisted upon. These hundreds of writers, spread over 2500 years, differ from one another in almost infinite variety; nevertheless they do agree on one point: *"they all attribute it [freedom] to man and agree that it has reality and meaning in human life."* (p. 99)

Turning now to the hypothesis, Dr. Adler begins by asserting that all the authors considered can be broken down into three groups according to the mode by which each believes that freedom is possessed. The names of these three types of freedom are *circumstantial freedom, acquired freedom* and *natural freedom.*

1. *Circumstantial freedom* is freedom possessed or not depending on whatever external circumstances or conditions which affect human behavior in so far as that consists of bodily movements. The factors involved in this type of freedom are the presence or absence (1) of coercion or restraint, (2) an open environment which permits a range of alternatives, or (3) the fear of duress. This freedom includes our political, economic and social freedoms. Our civil rights cases relate to the circumstantial freedom of our citizens.

2. *Acquired Freedom* is a type of freedom "the possession of which depends upon a change or development in human beings whereby they have a state of mind, or character, or personality which differentiates them from other men." (p. 135) A common form of this freedom requires God's grace in order for a man to be free. The variations of this type of freedom allow its possession to a man with or without the exercise of his freedom of choice; that is, he may have God's grace without choosing to have it or without any effort of his own. Or, on the other hand, he may strive and gain wisdom, which a proponent of acquired freedom may claim is necessary to be truly free.

3. *Natural Freedom* is a freedom which is possessed by all men, regardless of the circumstances under which they may live and without regard to any state of mind or character which they may or may not acquire in the course of their lives. This is essentially the innate ability of an individual to choose for himself what action he will take. This freedom involves an assumption of an affirmative position in the classical free-will problem. To deny the existence of this natural freedom requires a belief in some sort of continuing divine interven-

tion or some mechanical explanation of man. If it is claimed that man is born with an instinct for freedom, it is this natural freedom that must be in the mind of the speaker. Even if freedom is asserted to be a product of special cultural circumstances, as John Dewey asserts,[2] there is implicit in the argument a recognition that a man in such circumstances has the power of choice or the power to acquire such freedom. (p. 152) On the other hand, when Rousseau states that "man is born free; and everywhere he is in chains,"[3] he has in mind that men were born into circumstantial freedom and yet the artificialities of government have imposed restraints upon them. As will be seen, this power of choice remains inherent in men but may be surrendered, lost, or crippled because of psychological pressures.

Consideration of the utility of this breakdown of varieties of freedom will be deferred until after examining a second method of characterizing types of freedom. This method is based on the kind of ability in which freedom is thought to consist for an individual. Three modes of self are: self-realization, self-perfection and self-determination.

1. *Self-realization* is the term adopted to stand for the individual's ability to act as he wishes for the sake of the good as he sees it. Freedom under such circumstances is giving the individual permission to act as he pleases. The writers who have promoted individualism have had this objective in mind. A major problem that arises is how any individual can enjoy his freedom without limiting that of others. Law and government are allowed to limit individual self-realization for the purpose of maximizing self-realization for all or, as the phrase goes, government balances the interests of the individual and society.[4] The dispute that runs through history, of course, is the permissible extent of this intervention of government. The continuing debate has been in terms of contrast, such as, freedom from law and freedom under law, freedom and order, freedom and security, or freedom and authority. But these are not true polar terms. It is not a question of having one or the other; we need both for maximum self-realization in a modern society. This is expressed in Justice Cardozo's phrase "the concept of ordered liberty."[5] In another analysis of freedom, Lon Fuller argues that: "[F]reedom and order are not antithetical and . . . individual freedom, in the sense of a choice among alternatives, can generally be assured only through forms of social order,

2. DEWEY, FREEDOM AND CULTURE (1939).
3. ROUSSEAU, THE SOCIAL CONTRACT 5 (Everyman's ed.).
4. "I do not agree that laws directly abridging First Amendment freedoms can be justified by a congressional or judicial balancing process." Justice Black, dissenting in Barenblatt v. United States, 360 U.S. 109, 141 (1959).
5. Palko v. Connecticut, 302 U.S. 319, 325 (1937).

such as that represented by an election machinery."[6]

The point in this type of argument is that freedom is basically a matter of choice and, as Fuller points out, unlimited choice is not an ideal condition.[7] If a choice was made at every step of a man's life, among other things, the rules of language would go and communication would be an impossibility.[8] As it is, we have enough trouble communicating. The conclusion is that there must be some kind of order as a framework within which freedom may be enjoyed. The dispute is over the nature of the order. A type of argument that arises will be seen, for instance, in a recent article by Dean Acheson in which he quotes an unnamed "great scholar" that "in historical sequence order precedes freedom."[9] On its face this maxim appears doubtful. To impose order, there must be a limitation of freedom.[10] The freedom in the natural state described by Hobbes is freedom, whatever we may think of it. Some unarticulated elements have been, and usually are, added to make a viable freedom. The elements are probably those of rationality. A rationally exercised freedom must act upon some ordered society as a hammer upon an anvil. To get a particular type of self-realization we may destroy one type of order and create a new type. The French Revolution is an example of this process. But the details of neither the freedom nor the order need be considered. In this discussion we are thinking solely in terms of the restraints upon a man which may prevent him from realizing himself. In the article quoted above, Professor Fuller argues that the human purpose inherent in the phrase "freedom to" is given scope

6. Fuller, *Freedom—A Suggested Analysis,* 68 HARV. L. REV. 1305, 1322 (1955).

7. *Id.* at 1311.

8. The better practice is that suggested by Alfred North Whitehead: "It is a profoundly erroneous truism . . . that we should cultivate the habit of thinking of what we are doing. The precise opposite is the case. Civilization advances by extending the number of important operations which we can perform without thinking about them. Operations of thought are like cavalry charges in a battle—they are strictly limited in number, they require fresh horses, and must only be made at decisive moments." WHITEHEAD, AN INTRODUCTION TO MATHEMATICS 61 (1911).

9. Acheson, *Prelude to Independence,* 48 YALE REV. 481, 484 (Summer 1959).

10. In 1940, Lon Fuller described the view then prevalent in some quarters that freedom was a major factor in producing and maintaining order in society. The unusual argument went as follows:

> "There is no such thing as justice. Human reason is utterly incapable of regulating the relation of men among themselves. Some purely arbitrary principle of order becomes, therefore, necessary. Since power rests ultimately on the acquiescence of the governed, the most logical principle of government is that of majority rule, since this offers the broadest base for the order set up. . . . Majority rule is preferred not because it is most likely to be right, but because it is most likely to be obeyed." FULLER, THE LAW IN QUEST OF ITSELF 121 (1940).

Professor Fuller condemns this view. It denies that government and law can be anything but arbitrary. It ignores the affirmative ideals of democracy. It unnaturally separates law and morals and thus separates democracy from justice.

by the suppression of nullifying restraint and the imposition of social order implied in the phrase "freedom from." For example, "freedom to" speak is encouraged by expanding the "freedom from" fear. There are, of course, other ways of contrasting these two phrases but this one is pertinent here.

2. *Self-perfection* is the term used to denote the state a man acquires when he is able to will as he ought regardless of external circumstances, or when he is able to live in accordance with an ideal. Such a man would, according to the authors considered, "enjoy a freedom that other men do not possess no matter how favorable the circumstances under which they live." (p. 250) As an example, for Rousseau, the ideal of the state represents a movement of man out of the unlimited self-realization of the natural state to the freedom of organized society where, even though man is forced to be free, he does gain, with all others, the true freedom or self-perfection which comes from submitting to the General Will.[11]

It was pointed out above that freedom from law is literally a maximum of circumstantial freedom. Yet no one can doubt that civilized living would be impossible if all were free of any legal restraint. Hence we speak of freedom under law, freedom through law, or the rule of law. Obviously this is a favorite theme of Dean Pound's when he speaks of balancing individual and social interests. Although Dr. Adler does not examine the views of any modern legal philosopher, their views may be fitted into his scheme. All those who speak of the rule of law are thinking of a form of self-perfection. The law they have in mind is of the actor's own making through a democratic system of government. The only valid law for such a rule is that given by the consent of the governed. Law not of one's consent could hardly give freedom under law although it should be noted that one may be allowed to object to particular enactments of a general rule of law that one agrees to.

It will be readily seen that for many writers it is equally important that one be able to will as one ought and that one be able to act as one wills. For such writers self-realization and self-perfection go together. For those whose ideal of freedom is limited to self-perfection, however, a man can be free in prison. Circumstances are not necessarily relevant to achieving self-perfection.

President Eisenhower has expressed his liking for the opinion that "freedom and liberty are merely the opportunity for self-discipline." He then went on to say that "our great strength is our dedication to freedom, and if we are sufficiently dedicated we will discipline ourselves so we'll make the sacrifices and do the things that need to be

11. ROUSSEAU, THE SOCIAL CONTRACT 18 (Everyman's ed.).

done."[12] In this view the dedication to self-realization ought to bring an additional trait, self-discipline, that will make freedom valuable and useful. This new character is the real objective.

It is customary for those who hold to some ideal of acquired freedom to scorn simple circumstantial freedom as partial or inadequate. For instance, a recent writer puts the distinction in this fashion:

> Although freedom itself is integral there are two vastly different ways of regarding it: the first, idealistic and moral, the second, physical and materialistic; the first, perceiving the whole nature of freedom, the second seeing only its external symptom, the absence of restraint. The latter view, while not entirely false, is futile and indeed fatal unless supported and controlled by the former.[13]

3. *Self-determination* is simply the ability to make a decision or choice. The analysis of this ability requires a full-scale consideration of the classical free-will problem with all its variations, theological and scientific. The long and splendid breakdown of the issues involved in this problem is one of the most valuable parts of this book. (pp. 400-583)

Dr. Adler also considers two variant forms of freedom that are not entirely covered by his scheme; political liberty (p. 329) and collective freedom. (p. 370)

Political liberty is enjoyed as a matter of status in the political community. It is, of course, dependent upon circumstances, and yet it does not really promote self-realization. It is not directed at self-perfection since its possessor has this liberty regardless of his acquisition of wisdom or virtue. The basis of this liberty lies in "having one's voice heard and one's will felt through active participation in political affairs . . . . In consequence of such participation the public or legislative will to which the citizen is subject is not a will wholly alien to his own." (p. 359)

Collective freedom is the emancipation that comes from throwing off class servitudes or artificial institutions like government. It is a variant of acquired freedom in that it posits the use of an acquired knowledge, scientific knowledge, that will enable mankind to govern itself in accordance with these laws. There is also a reaching for self-perfection, but the aspiration arises not of moral law but out of allegedly scientific laws.

To talk of the concept of freedom of Hitler or Lenin or of the democracy of the Soviet Union appears somewhat grotesque. The descriptive use of the word "democracy" has, from our point of view,

12. T.V. interview with Prime Minister Macmillan, N.Y. Times, p. 9, col. 7 (Sept. 1, 1959). Definition attributed to Clemenceau, Letter of Attorney General to President. N.Y. Times, p. 10, col. 3 (Jan. 1, 1960).

13. English, *Of Human Freedom,* 3 MODERN AGE 8, 9 (Winter 1958-59).

reversed itself; and it is as though there is a desperate clinging to the emotive use of the word.[14] But I do not believe that we need posit hypocrisy to explain the use of the word by such people. These situations fit into Adler's scheme.

In Adolf Hitler's *Mein Kampf* there is a description of the growth of Hitler's political thought. His repugnance to parliamentary government came with his first view of the *Reichs* of the pre-war Austrian Monarchy. He was shocked at the disorder and "the obvious lack of individual responsibility." For Hitler, "true Germanic democracy" required a "leader" whose most important function was to preserve racial purity. With this supreme objective, the leader will so administer the State as to restore "that freeplay of forces which is bound to lead to a continuous improvement by selection until at last the best of humanity, by acquiring possession of this earth, wins a free course for activities in fields partly above and partly beyond it."[15]

Freedom in this view is, first, the freedom of a racially pure people from a parliamentary system which it could not control because of the inherent right of all people to self-realization under such a system, and, second, a freedom to seek for self-perfection through the guidance of a leader. In this state the class of men with pure blood will know true freedom.

Lenin's view of democracy arises out of his understanding of the class structure of society. The state is an instrument of oppression dominated by the oppressing class which, of course, he asserts is in modern times the capitalist class. Capitalist democracy is for the insignificant minority and is so organized that by means of petty restrictions the poor are squeezed out of politics and out of an active share in democracy. In the transition to communism, there will come democracy for the vast majority and destruction for the exploiters and oppressors of the people. This last stage is the true democracy.[16] Obviously, freedom in this sense is not an individual affair but a class possession. It will have to be acquired, probably by force. And the objective is the perfection of society in accordance with historical laws set forth by Marx and Engels.

The scheme of freedom devised by Adler and his associates should enable a reader to understand assorted expressions of freedom that are met with in the course of examining other literature. A typical example would be Walter Lippmann's *The Public Philosophy.*

Lippmann analyzes the current trends in modern political life and asserts that they are leading to catastrophe. Political decisions are being forced by mass electorates, and these decisions are almost uni-

14. This linguistic trick is discussed in CRANSTON, FREEDOM: A NEW ANALYSIS 7 (1953).
15. HITLER, MEIN KAMPF 371 (1939).
16. LENIN, STATE AND REVOLUTION (1938).

formly wrong. Unless something happens, liberal constitutional government is doomed. Lippmann's solution is that we acquire a rationality in our political life which he calls "the public philosophy."[17] Our goal, he is saying, should be self-perfection. He does not deny the presence of circumstantial freedom. Our real problem is too much self-realization. Every man is free to seek his desires but he has no real goal or basis in principle for making his decisions. This is not true freedom and will only lead to catastrophe. Lippmann is one example of a type of opinion that is currently popular. The usual formula is a pessimistic description of how things are and a diagnosis of what we ought to do if we are to avoid death and destruction. Various suggestions are made. We must be responsible;[18] we must have order in society;[19] we must follow the natural law, or we must be true to our religious traditions. Our newspapers almost unanimously agree that we are without national purpose and that our materialistic society is without ideals. It should be noted that such asserted needs are entirely compatible with complete circumstantial freedom. The argument is that even if we have all this freedom to realize our desires, we will not be saved unless we acquire some higher quality in our desires. The objective must be self-perfection. On the other hand, those innumerable writers on civil rights and human rights are primarily seeking to expand the boundaries of circumstantial freedom.[20] And clearly from current litigation, this problem is still very much with us.

The writers selected by Dr. Adler for consideration are primarily the philosophers and theologians who have left their mark in Western thought. Many modern writers are included, but it is clear that entire fields of scholarship have been ignored. The effect of this will be apparent when we attempt to understand an issue that has become of primary importance for our century. This problem is the nature of the "freedom" from which men flee. The problem was stated by Martin Buber in 1936 very simply: "The last generation's intoxication with freedom has been followed by this generation's craze for bondage; the untruth of intoxication has been followed by the untruth of hysteria."[21]

17. "The public philosophy is addressed to the government of our appetites and passions by the reasons of a second, civilized, and, therefore, acquired nature." LIPPMANN, THE PUBLIC PHILOSOPHY 124 (Mentor ed. 1956).

18. BECKER, FREEDOM AND RESPONSIBILITY IN THE AMERICAN WAY OF LIFE (1946).

19. Kirk, *Our Reawakened Consciousness of Order,* 36 U. DET. L.J. 154 (1958).

20. See BERNS, FREEDOM, VIRTUE AND THE FIRST AMENDMENT (1957) for a study of civil rights cases before the Supreme Court. His thesis is that those justices who are pressing the "preferred position" argument in these cases are holding freedom as an end in itself and that the need is for more freedom. He believes that the true end is justice and virtue.

21. BUBER, BETWEEN MAN AND MAN 70 (Beacon ed. 1955).

People of our time have fled from freedom because of emotional or mental instability. The classical statements of this phenomenon will be discussed in a moment. The latter half of this essay will consider a book that has as one major theme the importance of psychological freedom. But Dr. Adler has only a few sentences for this great modern problem. Sigmund Freud is the only representative of this type of freedom. Adler states that according to Freud's view of acquired freedom: "To be free is to be able, through the acquirement of insight, to resolve the conflicts within oneself and live with some approximation to the ideal of the healthy or integrated personality." (p. 607)

This is neutral language at its best, and there is never a hint at the tremendous range of literature growing daily in the fields of psychiatry, sociology and religion which deal with just this acquisition. It is probable that the objectives of all these studies reduce themselves to just what is quoted above. In that sense, Adler was justified in dealing with one problem no further, but some suggestion of the range of the problem seems called for in this essay. The best statement of it is in Erich Fromm's *Escape from Freedom.*[22]

Fromm equates human existence and freedom by asserting that human existence is freedom from the instinctual determination of human action. When the body and mind have a choice, there is the point when freedom begins. Fromm's analysis of European history starts with the end of the Middle Ages when the individual began to emerge. The Middle Ages were characterized by a sense of solidarity, the subordination of economic to human needs, and a sense of security for men. It is true that individual freedom was unknown in this period; but, as Fromm will have it, if men were not free neither were they alone and isolated. It is the history of the social situation in Western Europe that man becomes both increasingly free and increasingly filled with doubt and anxiety. This end result of doubt, anxiety, feelings of helplessness and insecurity is modern man. His reaction has been that if this is freedom it is something from which he should flee. And these conditions have produced the mechanisms by which to escape from freedom. Some men have submitted to authoritarian government of their lives. In the countries with a liberal tradition, the mechanism of escape has been, what Fromm calls, a compulsive conformity which is best manifested by the suppression of spontaneity and the crushing of originality. Men fled from circumstantial freedom, from the power to realize themselves because they lacked the acquired characteristic of mental health. Without this they cannot enjoy freedom.

22. FROMM, ESCAPE FROM FREEDOM (1941).

Fromm was not the first to advance this theory. By far the greatest literary expression of this theme is to be found in the story of the Grand Inquisitor, a novella embedded in Dostoyevsky's *The Brothers Karamazov*.[23] The immediate theme of the story is a recurring one of how Christ would be treated by men if he were to return to earth.

The story takes place in Seville in the sixteenth century on the day of a gala occasion when a hundred heretics had been burnt at the stake by the Inquisition. On this day Christ had quietly walked the streets and had been recognized by the Grand Inquisitor who immediately ordered Him imprisoned.

That night the Inquisitor entered the Prisoner's cell and the famous monologue was spoken. He demanded to know why Christ had returned and why He wished to hinder the work of the Church. The Inquisitor argued that Christ could not now vary or add to his former teachings.

The old man explained how the Church, after 1500 years, had finally brought peace and happiness to men. This had been accomplished by taking from men the burden of freedom. It was this freedom that Christ had forced upon mankind when he resisted the temptations of the Devil. Christ at that time refused to turn stones into bread and thus to provide freedom from hunger or fear. All this because, according to the Inquisitor, the granting of such security would deprive all men of the precious gift of freedom. But all history demonstrates that men want only to be fed and to be secure. They will admire and respect those who have the strength to be free, but they feel no envy.

And when the Devil asked that Christ prove His divinity by casting Himself from the pinnacle, Christ rejected this opportunity to prove beyond question that He was the Son of God. The old man jeered at his Prisoner asserting that in rejecting this temptation He had hoped that men would follow Him, cling to God, and not ask for a miracle. The prince of the Church claimed that "we have corrected Thy work and have found it upon *miracle, mystery* and *authority.*"[24] As a consequence, men now rejoice that they are led like sheep and are free of the burden of freedom.

And, on its merits, what good was freedom? Freedom would not necessarily bring men to God. The old man contended that those men strong enough for freedom might just as easily go into the camp of the Devil. Or such men might be glad to surrender their freedom. It would have brought them nothing that they cherish.

The old man envisioned these submissive creatures retrogressing into children. They were to be treated as such and even were to be allowed to sin; and, he adds, they will love us just because we allowed

23. DOSTOYEVSKY, THE BROTHERS KARAMAZOV 292 (Mod. Lib.).
24. *Id.* at 305.

them to sin. All this paternalism will work upon these men "for it will save them from the great anxiety and terrible agony they endure at present in making a free decision for themselves."[25] Having finished this tirade, the Inquisitor unlocked the prison gates and asked the Prisoner to go.[26]

It will not do to accuse the holder of such views of being insincere. The Grand Inquisitor knew that such a charge would be made against him. He rejected it in advance and told his Prisoner:

> Know that I too have been in the wilderness, I too have lived on roots and locusts, I too prized the freedom with which thou has blessed men... but I awakened and would not serve madness. I turned back and joined the ranks of those *who have corrected Thy work.* I left the proud and went back to the humble, for the happiness of the humble.[27]

One accusing the holder of these views of being insincere usually has in mind that these acts are actually not done at all for the people but for the sake of power. In Orwell's tract, *1984,* O'Brien, the interrogator of the prisoner, Winston Smith, confesses as much. But this is not necessarily cynicism. O'Brien points out that this ideal of power for the Party is related to the Party's slogan, "Freedom is Slavery." As he says:

> Has it ever occurred to you that it is reversible? Slavery is freedom. Alone—free—the human being is always defeated. It must be so, because every human being is doomed to die, which is the greatest of all failures. But if he can make complete, utter submission, if he can escape from his identity, if he can merge himself in the Party so that he *is* the Party, then he is all-powerful and immortal.[28]

And so, as who can deny, slavery becomes freedom or, in Adler's terms, collective freedom.

The freedom that is being fled from is the freedom of self-realization. The capacity to make moral or political decisions cannot be exercised unless the actor has a confidence in himself. This must be acquired. These examples should be sufficient to indicate the scope of this problem which, as has been suggested, was dealt with summarily by Adler and to which we shall return in the latter part of this essay.

Dr. Adler makes much of his neutral language. For his purposes,

25. *Id.* at 308.

26. Adler takes this story to mean that Dostoyevsky believes that "exemption from poverty or economic want . . . [is] sufficiently incompatible with freedom to make it inconceivable that both should be achieved together." (p. 381 n. 34) In the same footnote he asserts that Fromm believes that men despair of obtaining both security and freedom and are inclined to choose security at the cost of freedom. I believe that this is an unduly restricted meaning of the thought of both of these authors.

27. DOSTOYEVSKY, THE BROTHERS KARAMAZOV 308 (Mod. Lib.).

28. ORWELL, 1984 201 (New Amer. Lib. 1950).

such neutrality was probably desirable. But in an essay discussing various forms of freedom, the question should be raised as to why we need or want freedom. We have seen that there can be whole societies who do not want at least the kind of freedom they have. There is no instinctive love of freedom. Freedom must have a particular value. The classical answer has been that we need freedom to arrive at truth. As John Milton put it:

> And though all the winds of doctrine were let loose to play upon the earth, so Truth be in the field, we do injuriously by licensing and prohibiting to misdoubt her strength. Let her and Falsehood grapple; whoever knew Truth put to the worse, in a free and open encounter.[29]

Another of the great classics on freedom is John Stuart Mill's essay *On Liberty*. Chapter 2 of that essay is devoted to a discussion of "the necessity to the mental well-being of mankind . . . of freedom of opinion and freedom of the expression of opinion."[30] His affirmative argument is advanced on four grounds:

(1) "If any opinion is compelled to silence, that opinion may, for aught we can certainly know, be true." To deny such an opinion is to assume our own infallibility.

(2) "Though the silenced opinion be an error, it may, and very commonly does, contain a portion of truth; and since the general or prevailing opinion on any subject is rarely or never the whole truth, it is only by the collision of adverse opinions that the remainder of the truth has any chance of being supplied."

(3) "Even if the received opinion be not only true, but the whole truth; unless it is suffered to be, and actually is, vigorously and earnestly contested, it will . . . be held in the manner of a prejudice, with little comprehension or feeling of its rational grounds."

(4) Unless such a struggle takes place, "the meaning of the doctrine itself will be in danger of being lost, or enfeebled, and deprived of its vital effect on the character and conduct."

There is an air of simplicity about this argument that should not go unnoted. Does free discussion actually lead to truth? Toleration has only produced fragmentation in religion. Free expressions may

29. JOHN MILTON, *Areopagitica*, in PROSE SELECTIONS 261-62 (Odyssey 1947). See also Justice Holmes: "[W]hen men have realized that time has upset many fighting faiths, they come to believe . . . that the ultimate good is better reached by free trade in ideas—that the best test of truth is the power of the thought to get itself accepted in the competition of the market . . . ." Abrams v. United States, 250 U.S. 616, 630 (1919) (dissenting opinion).

30. MILL, ON LIBERTY 65 (World Classics ed. 1946).

expose grievous error, but query as to whether truth is a necessary consequence of such discussion. According to Walter Lippmann, full discussion of issues by mass electorates has led uniformly to error. Freedom does not guarantee truth. It may be a condition for it, but is this a fact? Even in the world of science, we deal only in hypotheses. Freedom will lead to a toleration of an hypothesis, such as Darwinism. This may be all we seek, but truth is not the real objective. We appear to be seeking only the freedom for the interplay of ideas. This necessarily involves the right of a man to spend his life in error.

The conclusion leads to the further question of what is our ultimate end. If freedom is to lead to truth, then truth is the end. But the truth we hope to get is an ambiguous concept. If freedom is the end, then we tolerate all ideas, true and untrue, because the mixture is a desirable one as Mill claims. Freedom gives contentment and happiness to men so long as they can spread their ideas, be they true or false. Such freedom leads to mental health and life adjustment. These considerations are simply raised to prevent a too ready acceptance of the maxim that freedom leads to truth. A cursory glance at the mechanism of belief supports this conclusion. We face life situations with imperfect knowledge and yet are called upon to have an opinion. We do not hesitate. We form beliefs. The issue is how we make such a choice.

Our beliefs can only arise out of our experience. When alternative propositions are presented to us, we tend to accept the one that has the most vitality for our experience. This is the theme of William James' famous essay *The Will to Believe*. When we are faced with alternative propositions whose truth cannot be determined on intellectual grounds, as for example religion, James held that "our passional nature not only lawfully may, but must, decide" on the option. He added that "to say, under such circumstances, 'Do not decide, but leave the question open,' is itself a passional decision—just like deciding yes or no . . . ."[31]

Most of the major ideas concerned with social experience are such that their truth cannot be determined on intellectual grounds. Yet decisions must be made and are usually so made, as Justice Holmes points out, on imperfect grounds.[32] The decision is made because action is called for, not because truth is needed. The die is cast; an opinion is put into action; and we soon enough find out about its truth for practical purposes. It is all quite simple as William James explains

31. JAMES, THE WILL TO BELIEVE AND OTHER ESSAYS IN POPULAR PHILOSOPHY 11 (Dover 1956).

32. "Every year if not every day we have to wager our salvation upon some prophecy based on imperfect knowledge." Justice Holmes dissenting in Abrams v. United States, 250 U.S. 616, 630 (1919).

it. The test of the truth of a proposition is its "cash-value in experiential terms"[33] and again: "The true . . . is only the expedient in the way of our thinking . . . ."[34] Is this not a description of the way ideas work in the marketplace? They are tried and fulfil immediate needs. They hang on and continue to work for better or worse. Then one day conditions are such that something else must be at least tried. Hence, for instance, the New Deal was introduced to fulfil new needs and values. Is the truth of the idea of the New Deal a relevant consideration in this situation or is truth just a description of the successful working of a new course of action? Or finally, was not the objective always only the amelioration of a condition? John Dewey describes legislation in the social field as "a matter of more or less intelligent improvisation aiming at palliating conditions by means of patchwork policies."[35]

A modern positivist, A. J. Ayer, arrives at much the same result as William James in considering the validification of an empirical proposition. He points to the complex of hypotheses that enter into the verification process and argues that failure to substantiate the main proposition, for example, "freedom leads to truth," may not necessarily cause the abandonment of that opinion. This step may be avoided by, for instance, saying that the conditions for proof were erroneously developed. He concludes by saying: "It appears, then, that the 'facts of experience' can never compel us to abandon a hypothesis. A man can always sustain his convictions in the face of apparently hostile evidence if he is prepared to make the necessary *ad hoc* assumptions."[36]

Ayer does however warn that

> although any particular instance in which a cherished hypothesis appears to be refuted can always be explained away, there must still remain the possibility that the hypothesis will ultimately be abandoned. Otherwise it is not a genuine hypothesis. For a proposition whose validity we are resolved to maintain in the face of any experience is not a hypothesis at all, but a definition.

This would mean that, if we insist in the face of contrary evidence that freedom leads to truth, we are linguistically equating the two words and we are no longer dealing with social conditions.

As argued, we cannot prove that freedom is the supreme end or value of life. We can agree that one of the most fundamental beliefs of our society is that freedom is the supreme political good. There is much plausible evidence to support the opinion, but with our

33. JAMES, PRAGMATISM 133 (Meridian 1955).
34. *Id.* at 145.
35. DEWEY, FREEDOM AND CULTURE 65 (1939).
36. AYER, LANGUAGE, TRUTH AND LOGIC 95 (2d ed. 1946).

present knowledge and methods of proof, this opinion can neither be proved nor disproved. There are other equally plausible views. Why should we assume that it is irrational that men actually prefer security to freedom? This was Hobbes' view. The decision on this point is an act of faith.

There are other arguments that are advanced to demonstrate the desirability of the maximum freedom. For instance, freedom of the press is allegedly of prime importance in preventing governmental corruption. Has this actually been the result of such freedom? Oppression and corruption still exist and their eradication depends on more than simple circumstantial freedom.[37] Some acquired traits or other social institutions appear necessary, but it may unquestionably be argued that freedom is a basic condition for the successful operation of either the traits or the institutions.

Another oft-heard reason for the value of freedom is that it promotes economic well-being. An unfettered man following his own economic interests has the inevitable affect of promoting the interest of his social group. The eighteenth century was a period of unfettering of men in various aspects of his daily life including his economic purposes. This unleashing followed upon centuries of close regulation of economic life. The tremendous expansion of economic activity following the new policies is put forward as evidence as to the validity of the economic theories developed from the evidence. The argument is obviously circular. In our own troubled times the State is once again intervening in economic affairs. Are we bound to regard such intervention as wrong because it interferes with the freedom of the economic man? The answer will turn on the desirability of freedom as an end in itself. The decision to intervene was made by the various governments because large groups of the electorate decided that values other than freedom were called for. And who can say that the decisions were error because who can prove that unlimited economic freedom is basic requirement for economic prosperity.

How can we prove that free enterprise is the sole factor in the commanding position of the American economy? The tremendous progress of Russia and China while using the strictest of controls has suddenly created a race to see which way is best in producing the maximum use of economic potential. It is not at all difficult to point to unique factors in America that have contributed as much as free institutions to the final result of our present economic supremacy. It is sufficient to list the presence of the frontier, immense natural resources, the tremendous margin for waste, the large area covered by

37. SPITZ, DEMOCRACY AND THE PROBLEM OF POWER (1955).

the economy. All these must be included in a definitive estimate of the reasons for the position occupied by the United States.

It can be admitted that full freedom of choice is likely to lead to the widest possible development of an economy. But full freedom requires that a maximum allowance be possible for the waste resulting from wrong choices. Given the almost unlimited resources of this continent, we were able to absorb this waste. But now the conditions are changing. The frontier is gone. Some of the once abundant resources are gone. Scarcity is entering the picture. Conservation is in order. And for various reasons, new demands are being made upon our economy. With so much less slack, can we still allow the hit or miss technique of full freedom of choice? The choice is a real one because the increased production needed should go to national security. If everything is not possible, some specific curtailments must be made. Free choice will apparently not produce the curtailment in the spots necessary in the public interest. John Galbraith argues in *The Affluent Society*[38] that the curtailment must be in personal consumption. The productive forces of the nation must be shifted so as to allow a greater percentage of our total effort to go for production for public purposes, such as defense, education and scientific research. It is conceivable that such a shift will take place as a matter of free choice? In short, the question is whether under existing conditions, unregulated free enterprise will fulfil the present requirements for the national economy. The conditions are so changed that it is of historical interest only to argue that free choice made us what we are today, even if the truth of that claim could be demonstrated.

Accordingly, if we can express doubt that even within our own culture all men desire freedom and, further, if we can show that the traditional arguments for the value of freedom are not susceptible of proof, it will not be amiss to suggest that our ideas on freedom are as much a part of our cultural heritage as our eating habits. The consequences of such an opinion should be a recognition that freedom will vary in type and content with a particular cultural view on the subject. Universal claims for particular acquisitions, such as natural law, in order to enjoy true freedom are thus rendered doubtful. Rational reactions to the same problem will vary among the cultures. It is a common criticism of that type of natural law which is currently going the rounds of our law reviews that it posits an excessive amount of uniformity among men and fails to recoguize the full extent of these cultural differences.

Freedom in this view becomes but one of the ideals of values of

38. GALBRAITH, THE AFFLUENT SOCIETY (1958).

the group being considered. Its importance in that group will vary with the traditions of that group. If its value is as important as it is in our society, every effort must be made to reach and encourage the particular tradition of freedom and to strengthen the conditions for the maximization of freedom. But the point must be clear that our freedom is not the same as other people's and the value of transplanting our native product should be queried.

The considerations briefly alluded to are intended to suggest that freedom as a supreme value is not a matter of empirical proof. The controlled experiments that would be necessary to prove that freedom is the cause of all the claimed benefits are beyond our present powers. Nevertheless, in our historical situation freedom has become a matter of belief of such strength as to pass for established truth. Adjustments are made only over the most spirited objections. And now it seems clear that denial or deprivation of freedom leads to astonishing psychological results in terms of insecurity and emotional disturbance. We have seen that severe pressures may lead men to want to flee from the responsibility of a free life. But short of this condition, men in our society want to be free and inequitable restraints take their toll.

This view had a spectacular entrance into our law in *Brown v. Board of Education*.[39] The Court concluded that separate educational facilities for negro children were "inherently unequal."[40] This finding grew out of an argument showing that the policy of separating the races in schools is socially interpreted as denoting the inferiority of the negro group. A sense of inferiority affects the motivation of the child to learn, and, accordingly, on the basis of new psychological knowledge the Court decided that segregated negro children had been denied the equal protection of the laws. The findings used by the Court are the barest maxims of the new psychological and sociological knowledge.

It will not pass unnoticed that Dr. Adler's analysis has been without reference to legal decisions. It might even be inferred that these decisions refer to a body of knowledge ancillary to this discussion. I am assuming that the basic questions are: What is freedom? Why do men want freedom? And, possibly, what kind of freedom is best? If, for instance, it is decided that a basic ideal of our society is the maximum of circumstantial freedom for all our citizens, then our objectives should be the removal so far as possible of external constraints upon all citizens. If a particular restraint is removed and, in the process, the removal involves the avoidance or even the rejection of a prior legal decision, it does not seem unreasonable to

39. 347 U.S. 483 (1954).
40. *Id.* at 495.

explain the new decision, not in terms of incompatible prior decisions but in terms of present day ideals and facts. The decisive issue in the *Brown* case was not what *Plessy v. Ferguson*[41] had said, but the merits of one asserted fact that segregation of school children was interpreted by negro children as a mark of inferiority which reduced their motivation to learn to their detriment. The removal of a constraint upon those of another race can be justified, if not by prior decision, then by findings which show that a constraint actually exists. An objection to such findings and an insistence that law be based only upon decided cases suggests a belief that law is an end in itself. This is a difficult claim to justify. We do not have law just to have law. We have law to order society and to serve the needs of its members. These needs arise not from cases but from social conditions. These conditions and our ideals should set the course of law. They must be somehow introduced into the law. If they cannot be brought into the judicial process openly, they will come in by some back door. The course of wisdom would appear to be that as we grow we should grow in all our parts by understanding the facts of social life, by refining our ideals, and by bringing the law into line with new knowledge. This process of growth points to the place of reason in the law.[42] The assumption here adopted and the basic premise of Professor Bay's book, *The Structure of Freedom,* is that the distribution of freedom in modern society is not primarily a legal problem.[43]

41. 163 U.S. 537 (1896). It is argued that the basis of the *Brown* decision was precedent and not social science in Patterson, *Some Reflections on Sociological Jurisprudence,* 44 VA. L. REV. 395, 405 (1958). For a criticism of the Court's inadequate analysis of the problems in the *Brown* case, see Wechsler, *Toward Neutral Principles of Constitutional Law,* 73 HARV. L. REV. 1, 33 (1959). See also Leon Green's call for more discussion of environmental factors and less doctrine in decisions, Green, *Tort Law Public Law in Disguise,* 38 TEX. L. REV. 1 (1959).

42. In a recent issue of the Harvard Law Review two able and experienced students of the Supreme Court insisted that the true test of the work of the Court lies in the reasons assigned for its decisions. Henry Hart argued that arguments of counsel and precedent were seldom adequate to open up all the issues at stake. He asserted that "only opinions which are grounded in reason and not on mere fiat or precedent can do the job . . . ." Hart, *Foreword: The Time Chart of The Justices, The Supreme Court 1957 Term,* 73 HARV. L. REV. 84, 99 (1959). Herbert Wechsler discussed the Court's right of review and the criteria to be used in such review. He recognized that its decisions usually call for a resolution of conflicting values. This resolution must be made on the basis of principle. "A principled decision . . . is one that rests on reasons with respect to all the issues in the case, reasons that in their generality and neutrality transcend any immediate result that is involved." Wechsler, *Toward Neutral Principles of Constitutional Law,* 73 HARV. L. REV. 1, 19 (1959). And again, he asserts: "The virtue or demerit of a judgment turns . . . entirely on the reasons that support it and their adequacy to maintain any choice of values it decrees . . . ." *Id.* at 19-20. In this view how can the Court avoid taking cognizance of new knowledge?

43. By analogy, according to Fleming James, the distribution of responsibility in a tort, such as an automobile accident, is basically not a legal problem but "is fundamentally a human, economic or social problem . . . ." James, *Tort Law in Midstream: Its Challenge to the Judicial Process,* 8 BUFFALO L. REV. 315, 327 (1959).

Current decisions may reflect current limitations on allowable conduct, but it would be folly not to preserve flexibility and room for growth. These considerations are raised to introduce the second book here being reviewed.

Mr. Bay's book can best be described as an editorial jumble. It goes off on so many digressions, is so repetitive, examines so much literature, and builds up its themes so loosely that in the end the reader is just plain tired. And yet it is an important book. I was glad to spend time on it and I freely recommend it.

The author believes that a maximum freedom for all is the supreme political virtue. (p. 6) He emphasizes the maximum of freedom for *each* individual. He wants every individual to have all of the basic rights before we start giving a few other persons some of the less basic rights. A maximum of individual freedom of expression "is a political goal more conducive than other goals are to the realization of the social prerequisites for increasing satisfaction of the most important human needs." (p. 14)

With this basic assumption, and it always remains an assumption, the analysis must start with the individual human who has needs, biological and social, and desires. These desires or values are preferred events. There are many lists of human values. On most such lists are to be found such values as health, wealth, love and power. Freedom is the supreme value because it is regarded by the author as a necessary condition for the other values. Security is another value that cuts across all others. Security "refers to the actual or perceived probability of the extension over time of the enjoyment of other values." (p. 19) As will be seen later, there is never any perfect achievement of values. There is always a choice of some of one rather than more of another. It is never a choice of freedom or security. In some instances, a little insecurity is a good thing as when it serves to incite a greater effort.

The author believes that power is another value that has a significant effect on all the others. The power of an individual refers to "the probable difference his own effort will make in his access to or advancement of values . . . in desired amounts and kinds." (p. 19)

This emphasis on values creates a vision of individuals striving for accomplishment. Their efforts are thwarted in one way or another by restraints. To Mr. Bay it is the types of restraints that suggest the kinds of freedom that need to be considered: (1) *Psychological freedom* would free us from our own fears and anxieties; (2) *Social freedom* would lift the external coercions that threaten us; and (3) *Potential freedom* would lift the individual out of the way of the unseen manipulators who push him one way or the other. The bulk of this

volume is devoted to discussing the prerequisites for these three types of freedom. They are not to be regarded as separate varieties of a species. They are, in fact, but parts of freedom. Freedom itself is defined as "the individual's capacity, opportunity, and incentive to express whatever he is or can be motivated to express." (p. 83) It can readily be seen that the individual's capacity, opportunity, and incentive corresponds to the three types of freedom above enumerated.

Before enlarging upon the types of freedom, some time is spent by the author in giving meaning to some key concepts. The first of these is security. The term as here used is a complex one meaning variously the relative absence of anxiety, fear or danger. Subjective security is the relative absence of anxiety or fear. Anxiety is defined by the author as "a state of apprehension or uneasiness expressing a sensation of danger that is not perceived, diffusely perceived, or imaginary." (p. 68) This is the true neurotic anxiety as contrasted with fear which is a similar state of mind resulting from a realistically perceived, specific danger. The subjective security from anxiety will be considered at length since it is what the author has defined as psychological freedom.

The other type of security is the objective security denoting the relative absence of real conditions that may damage an individual or society's vital interests. The author readily attests to his willingness to forego any freedom that may be necessary in order to ensure the national safety.

The purpose of the extended discussion of security is that security is a value that must be considered along with freedom. Security is not the contradictory of freedom. It is not either one or the other except possibly in a time of mortal national danger. It is also not true that our preference is always for freedom over security. Psychological freedom is security from anxiety. The ideas sticking to the concept of security are untangled by the author in a fashion well worth following.

Before examining the kinds of freedom as classified by Mr. Bay we ought to know the author's views on human nature. He is explicit:

> I assume that man is a social being, seeking community with other men. It is true that competition for scarce necessities of life or social institutions stressing competitiveness can throw men into a state of mutual enmity. But loyalty to anti-humanistic principles in general, apart from the perceived necessity of protection against other men, is invariably, I believe, a symptom of deficiencies in *somebody's* psychological freedom. A high degree of psychological freedom insures the access to consciousness of man's basic sympathies for other men. . . . This access can be blocked by ego deficiencies that make the individual take refuge, say, in self aggrandizing, punitive attitudes or in self-sacrificing, authoritarian loyalties. It can also be blocked by strong conformity pressures in the

> social structure or political system or by hardships in the struggle for the necessities of life. (p. 112)

With this type of personality in mind, let us now turn to the major portion of the book which develops the determinants of the different types of freedom.

Psychological freedom is the first type. An individual has this type of freedom when there is a harmony between his basic motives and his overt behavior. As noted above, the author has announced his bias in favor of life adjustment or, as here, of harmony between motives and behavior. His analysis of psychological freedom is therefore devoted to modern theories of the relationship of mind, personality, and social structure.

Adopting some of the assumptions of Freudian psychology, Mr. Bay discusses the importance of infancy and childhood experience in the formation of the adult personality. He turns to Erich Fromm for the theory that childhood experiences may create a disposition towards authoritarianism in the adult. This adult trait is a principal type of deficiency in psychological freedom. The author then draws upon Harry Stack Sullivan for the opinion that "personality growth and mental health are functions of the growth and health of man's interpersonal relationships." (p. 158) He adopts Sullivan's definition of personality as "the relatively enduring pattern of recurrent interpersonal situations which characterize a human life."

A fully developed conception of personality is essential in order to know the prerequisites for the capacity to enjoy self-expression. It will be recalled that, for the author, a free person must have the capacity, opportunity and incentive for self-expression. And so not only must the preliminary assumptions be voiced, as above, but there must also be some detailed discussion of self, mental health, maturity, neurosis and other defensive syndromes.

The discussion is certainly made. It ranges through modern psychiatric literature, but is obviously selective. For instance, Jung's name appears nowhere in the book. A selection from such literature is the writer's choice. Depth psychology is hardly an empirical science as yet. The author repeatedly acknowledges this. The reader is therefore warned of the eclectic nature of the theory here presented. Even so, it is worth attending to; it is plausible; it is modern; it will give the student a start in a vast and untamed field of scholarship.

One area in which at least "quasiempirical" (p. 195) work has been done is with respect to the authoritarian personality. This personality complex is defined as "a defensive predisposition to conform uncritically to standards and commands supported by some or all perceived authorities." (p. 190) This, of course, is the type described

by Dostoyevsky and Fromm. It is a discernible, existent type. For Mr. Bay, "authoritarianism tends to be the outcome of childhood situations in which the child has learned to repress most of his hostility against his immediate authorities—his parents." (p. 238) The description and therapy of this personality deficiency is of obvious significance in a study of psychological freedom.

The author next turns to the effect of social structure upon psychological freedom. He bemoans the inadequacy of our knowledge but still attempts to cover quite a bit of ground particularly on national differences. He suggests that there are such differences but cannot make much headway with respect to details.

This section of the book left me with a query as to the geographical coverage intended by the author for his hypothesis. Is a given theory of personality valid for all men everywhere? Are there not real variations in national character? Without ever placing limits on his entire study, Mr. Bay does acknowledge the present rudimentary character of the comparative study of cultures. He says that "it is still largely a matter of conjecture and sweeping interpretation just how different types of stable social institutions tend to affect the incidence and types of neuroses of the individuals in each type of society." (p. 232)

And again, he asserts:

> There may also be something to learn from data on social structure and self-esteem in different nations and in different cultures. What difference, for instance, does it make that Americans tend to be strictly individualistic in their desires for achievements, while Russians apparently more often take pride in group achievements instead? (p. 238)

Assuming that this last sentence deals with "fact," does it not throw a cloud on any attempt to establish a necessary relationship between social freedom and psychological freedom. If the Russians can be happy and contented with their national achievements, what is social freedom (relief from individual restraints) to them? This query is emphasized by a previous conclusion of the author that "the security of access to regularly increasing supplies of the good things in life is for most men the ultimate therapy and the ultimate prophylactic." (p. 236) I am inclined to believe that Mr. Bay's analysis had best be confined in its present application to the United States. In the present state of our knowledge, the book will not lose its value by this limitation.

This extended discussion of psychological freedom is easily justified. Our knowledge is just about reaching the point where we can talk with some authority. We can see that this may well be the most important type of freedom, in that without it, no other freedom has

meaning. We can see the historic disaster brought on by deficiencies in this type of freedom, and, finally, it may be argued that *Brown v. Board of Education* puts this type of freedom under the protection of the Bill of Rights.

The author now leaves a heavily weighted psychological part of his book and enters the field of sociology. Here is considered what Mr. Bay means by social freedom.

Social freedom deals with the opportunity for self-expression. It is the relative absence of perceived external restraints on individual behavior. In the obvious interaction of individuals in society, some restraints are necessary and inevitable. Some restraints are excepted willingly, such as those against major crimes. It is *coercion* that the author has in mind as being the contradictory of social freedom. For the author, coercion means "(a) the application of actual physical violence, or (b) the application of sanctions sufficiently strong to make the individual abandon a course of action or inaction dictated by his own strong enduring motives and wishes." (p. 93)

The author asserts flatly that he considers coercion as the supreme political evil. The first priority in all freedom goals is the maximization of freedom from coercion. Again, as noted above, we cannot expect complete freedom from coercion, but what we can expect will be determined by an analysis of society which gives an understanding of the degree and nature of social interaction and the social and psychological impulses that bring on coercion.

Mr. Bay undertakes a review of the modern literature on sociology and, as noted before, makes his selection. Again there will be no complaints as to the selection nor because of the selectivity. The reader is left to grapple with a considered and integrated hypothesis which is the most he can ask for. His major difficulty here will be extracting the theory from the debris that the author left in his manuscript. Severe pruning, however, whatever the gain in clarity, would have eliminated a good deal of pointed criticism of current sociological literature. It is a matter of preference but I enjoyed the discussions, even though at times I could not recall the point under consideration.

Since some restraint is necessary, some theory of the structure of society is necessary to decide upon acceptable sanctions and coercions.[44] Mr. Bay does this by considering the basic prerequisites for a social system. There are social and psychological prerequisites for the functioning of an organized community. The first essential is a complex of institutions. An institution is "every sanctioned behavior

44. A sanction is "any type of restraint on individual behavior that is viewed as an inducement toward or away from a certain kind of behavior." (p. 89)

expectation persisting through time." (p. 262) The emphasis in this definition is clearly on behavior rather than on organization, but our interest is on restraint of behavior. An institution therefore involves very complex restraints. The other two social prerequisites for a social system that Mr. Bay feels are worthy of extra discussion are law and political authority.

Law is a special kind of institution that regulates "the permissible and generally approved exercise of physical coercion." (p. 269) Political authority means "some generally recognized power or procedure for changing or creating legal norms." (p. 272) The possible combinations of these three prerequisites is obviously very great. The author discusses the place of coercion in some known combinations and concludes that a minimum of coercion *may* be necessary on psychological and political grounds; but it is not, he argues, necessary to have coercion to avoid the disintegration of any conceivable type of society.

The principal psychological determinant of social freedom is the power drive of individuals. Power was given extended consideration by the author in his analysis of security early in the book for the obvious reason that power refers to an individual's degree of control over his security or, as the author says: "More specifically, the 'power' of an individual refers to the probable difference his own effort makes in his access to or advancement of values . . . in desired amounts and kinds." (p. 248)

According to Mr. Bay, power may, but need not, imply restrictions upon the social freedom of other men. The effect of power can be determined only after analyzing the possible meanings of the word. For instance, the author uses the phrase "sense of power" to refer to the individual's control over fear or anxiety. The phrases "power motive" and "power drive" are reserved for the defensive and compensatory reactions to inner frustrations. Out of a power drive comes the need to dominate and from thence comes trouble. The combination of leaders with power drives and masses with authoritarian personalities is the key to many of our modern political troubles.

At the end of this chapter on social freedom, Mr. Bay advances some general conclusions. The main one is, that other things being equal, the more psychological freedom, the more social freedom in a society.

We turn now to potential freedom which gives man his incentive to self expression. Potential freedom is "the relative absence of unperceived external restraints on individual behavior." (p. 95) The key word is "unperceived" which sets this type of freedom off from social freedom.

The objective of potential freedom is to free the individual from manipulation, whether institutional or personal, insofar as that manipulation serves interests other than his own. The author has in mind the usual social pressures such as religion, public opinion, and the special interests manifest in the public press. These are the influences other than coercion. But these are manipulators only if they do not serve the individual's interest in maintaining and developing his own individuality. This is not an easily determinable distinction. Men living in a society are by definition subject to some institutional manipulation. There are no institutions unless they determine behavior. The focus then should be on the author's special interests. In considering this subject, we are briefly introduced to the necessity of full information about pressure groups, lobbyists, and such. Advertising is a special interest, but what about patriotic propaganda designed to promote national loyalty? These are but samples of the social determinants of potential freedom discussed by the author. There are psychological determinants that prevent men from being completely rational, objective, and separated from their fellows which is what complete potential freedom would mean. The meaning of words and the use of stereotypes abstracted from experience are examples of devices that hold men together and which are really built into the individual mind and by so much prevent the achievement of complete potential freedom.

I have set forth the contents of this book at length to give an insight into an analysis of freedom of a sort that is not commonly undertaken. It is the background for the legal argument. It is a background that lawyers too often ignore and have recently sneered at. It deserves consideration.