

## *Consensus and Freedom*

***The Necessary Conditions for a Free Society***, edited by Felix Morley. Princeton, N.J.: Van Nostrand, 1963. 239 pp. \$5.95.

IN HIS FOREWORD to Professor Strauss' "Natural Right and History," Jerome Kirwin told us "for many years the political philosophy of responsible government has been a neglected field in American political education." The destructive results are all about us, and nowhere more obviously than in our confusions about the meaning of the word freedom. Our prevailing intelligentsia has taught mostly that freedom is a mere thing, rootless but reified, an end in itself much like the lollipop promised the little boy if he eats his dinner without whimpering. This shallow view has now lost persuasion under rising challenge from a new order of government whose thinkers, however mistaken their philosophizing, have philosophized with diligence. Since in politics as elsewhere, you can't lick something with nothing, the adversary philosophers have sent some of our own people back to a reexamination of what Felix Morley calls "the necessary conditions of a free society." A synthesis of the views he has gathered in this book would yield three conclusions: (1) freedom is not a thing, is never absolute, but is qualified by consensus; (2) it is a means, never an end; (3) the end toward which it is a means is the doing freely those acts which make a community, while leaving a margin for individual innovation or creativity.

Not all three points are made in each of the thirteen papers of the symposium, which show the diversity in training and outlook of their very diverse authors. Several stress, and perhaps unduly, the negative rather than the assertive aspects of freedom: what it is not more than what it is. Taken together, and read in

the light of the insights and inferences of the philosopher Eliseo Vivas, who might be called the anchor man of the symposium, they make a pattern. Professor Vivas is wary of the empiricist's view that man is merely a part of nature: were that true, and the empiricist's nature being a complex of laws, man would be under the laws *determined* rather than free. But the opposite view is likewise untenable: man is not atomistic but, as Aristotle and St. Paul warned, a member of a larger entity. He is conditioned broadly by a consensus, which is the larger entity's way of shaping his character, forming his moral code, in general of house-breaking him for communal life. But the consensus, though it conditions, does not coerce: part of freedom is the free acceptance of the consensus. Nor does consensus package man altogether: loopholes remain through which he may innovate, create, as an individual. Justice Holmes used to say that the judges legislate—but only in the interstices. Vivas' man is not autonomous, but in partial and qualified ways is free.

It follows that man's access to the partial and qualified freedoms must be kept clear. Here is where government presents its dangers. Up to a point it is part of the consensus, beyond that point it threatens freedom. Herrell DeGraff, economist, sees the family as a necessary curb against government encroachment on the children. H. W. Luhnnow, merchant, Ben Moreel, naval engineer and industrialist, Arthur Kemp, economist, stress private property as the boundary government must not cross. Granted an area in which man can be free, then, what can he do with his freedom? Defend enduring values, says John Davenport, journalist. Behave responsibly, says Moreel. Govern himself by religious and moral values, says Judge Emory H. Niles. If a man must resist enticement or oppression by his own government, so much the more must he withstand enemy governments with the confidence and strategic coherence which only spiritual consensus supplies, says General Albert C. Wedemeyer.

In short, a man broadly determined by consensus, uses his partial and qualified freedom for innovations at once reflecting and extending the consensus. Consensus maintains freedom and freedom builds consensus. It is in examining the specific Western consensus that the members of the symposium reach their ultimate agreement. The late Professor Richard M. Weaver saw culture and religion as the twin

elements of consensus. Felix Morley, Karl Brandt, economist, the Rev. T. Robert Ingram stress the religious, more specifically the Christian, content of the Western consensus. Robert E. Cooke, physician, urging social assistance for those whose physical or mental endowments hamper their use of freedom, calls for a new philosophy "in which man is a part of a sensed world as much as the theoretic and is automatically involved with other sensed objects and is a *social being* as well as an *individual*." But isn't that pretty much what St. Paul was saying to the Gentiles?

There is, of course, one reader for whom these papers offer little. He is the man who knows very well what freedom is but prefers other values. A Senator of the United States was attacking the American government the other day as "heavily weighted against any kind of action, especially any that might alter significantly the status quo." Not unknowledgeable in his country's history, the Senator hastened to add that "of course, inaction is what the founding fathers intended—inaction until such time as an overwhelming consensus was prepared for action of some sort, inevitably a compromise. They were right in their day. *But they are wrong in ours.*" (Emphasis mine.)

What the Senator is saying seems to me clear—and troubling. At the very least, he wants to narrow the consensus on which government acts. He does not say how far his narrowing would go, but neither does he show any awareness that the etymology of the word "consensus" is identical with that of "consent." The late Justice Brandeis was more perceptive—or candid—in making pretty much the point made by the Senator: "The doctrine," said Brandeis, "of separation of powers was adopted by the Convention of 1787, not to promote efficiency, but to preclude the exercise of arbitrary power. The purpose was not to avoid friction, but by means of the inevitable friction incident to the distribution of governmental powers among three departments, *to save the people from autocracy.*" (Emphasis mine.)

Those who fear autocracy more than freedom will find comfort in Morley, Vivas, et al. And they will know better how to refute the others.

Reviewed by C. P. IVES