

THE MEANING OF FREEDOM

by

DR. SIDNEY HOOK

The following article is adapted from The Fourth Annual Sol Feinstone Lecture on The Meaning of Freedom presented at the United States Military Academy on 3 November 1976.

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If the American republic survives as an open and independent society to its tricentennial year, it will be due in considerable measure to persons like my old friend, Sol Feinstone. For they have helped nurture the understanding of, and dedication to, the legacy of free institutions. They have tried to bring home to their fellow citizens that just as man does not live by bread alone, so a nation cannot survive merely by material wealth and physical arms in a dangerous world where the sudden death of cultures is not a remote possibility, but a contingency inherent in the development of nuclear technology.

Despite the existence of all our sophisticated weaponry, what was true of the past, when human beings faced one another with no more than their muscles and sticks and stones, is still true today—the arm is no more powerful than the will and resolution behind it, and no wiser than the ideas that guide it. Ideas by themselves, of course, like the will in the absence of healthy muscles, are powerless, never sufficient to achieve their goals in a world of physical forces. But in the affairs of men ideas are always necessary and sometimes decisive.

William James claimed that it is more important for a landlady to know the philosophy of her boarder than the contents of his trunk—for if she wants to predict his behavior, the more reliable index is not how much money he has, but his conception of right and wrong, obligation and honor. But

one might object: “Aren’t those ideas related to and ultimately caused by material self-interest?” To which I reply, “Not altogether, and in any event it is the ideas that may play the decisive role.”

Karl Marx once maintained: “It is not consciousness that determines existence, but social existence that determines consciousness.” This is a half-truth; I defy anyone to explain Marx’s own consciousness and behavior, or Friedrich Engels’, for that matter—two men whose shadows still loom large in the contemporary world—in terms of their social existence. Karl Marx, who never saw the inside of a factory, was offered a post in the Prussian government by an emissary of Bismarck. Engels could have spent his life as a playboy luxuriating on the surplus values his father’s factories sweated out of the workers of Manchester. *Their* ideas cannot be explained by their social existence.

No, it is not economic conditions alone, it is not wealth or weapons alone, that determine the patterns of history. We need not buttress this conclusion with recondite illustrations. The North Vietnamese prevailed not because they were better fed or better armed, but in large measure because they were more resolute. They knew what they were fighting for, whereas their battlefield opponents and, in the last analysis, the American public and Congress did not.

This brings me to my theme: the meaning of freedom. My task is difficult because of the fundamental ambiguities of the term “freedom.” There are many varieties of freedom, and whole libraries of literature are devoted to each. No one has ever been able to establish that all of these meanings are logically related.

For example, the much-debated question of freedom of the will has no bearing on

whether the existence of a free society is more desirable than other alternatives. Individuals who agree that man's will is completely determined by antecedent causes may still differ about the desirability of a free society, and, conversely, they may agree about the latter and disagree about the former.

Then too, regardless of the meaning we give freedom today, we will discover that before long the word will be appropriated by those who do not really subscribe to our meaning. Because of its positive emotive associations, it will be kidnapped by those who are its enemies.

This has occurred with respect to other terms like "democracy" and "peace." We live in an age where we daily witness a phenomenon I once called "the degradation of the word." Every Communist nation in the world calls itself "democratic"; for example, East Germany. Along the western border of the so-called German Democratic Republic, there exists a lethally charged electric wall built not so much to keep others out, but to pen its own denizens in, a wall on which hundreds of people have been martyred in their desperate efforts to escape to the free society of the West.

However, if we are clear in our minds as to what we mean by "freedom," we will not be confused by the calculated policies of semantic corruption of those who do not believe in it.

The first step towards clarity is to understand that in most of our current usages of the term "freedom" we mean "political freedom." When we say we should put "freedom first"—in essence we are referring to the right and power of a people to determine the nature of the government under which it lives, and who its rulers should be. It is one specific form—a *desirable* specific form—of a larger conception of freedom whose root notion is the absence of coercion or restraint by others on the effective expression of our desires. A free government is not always or necessarily a good government, although those who support it, recognizing that it is fallible and can make mistakes, still believe that it is better than any unfree government

feasible at the time. Some honest totalitarian thinkers from Plato to Santayana have opposed free democratic government because they believed that a majority of mankind is either too stupid or too vicious to be entrusted with self-government.

Political freedom is obviously a matter of degree, but in the most consistent use of the term "free," a government is called "free" when a legally recognized opposition exists and is permitted to function, thus making it possible for a minority peacefully to become a majority. Therefore, it is integral to the very conception of political freedom—if we hold it to be desirable—that the processes by which political consent is won must be free, that there cannot be any honest or informed assent unless there exists the legally protected right to dissent. More specifically, unless the freedoms of speech, press, assembly, and association, and the cluster of freedoms allied to them in a Bill of Rights, written or unwritten, have legally protected sanctions, there is no genuine political freedom. And by

Emeritus Professor of Philosophy and formerly head of the All-University Department at New York University, Dr. Sidney Hook currently is a Senior Research Fellow at the Hoover Institution on War, Revolution, and Peace, Stanford, California. A native of New York City, he holds a baccalaureate from the College of the City of New York and both a master's degree and a doctorate in Philosophy from Columbia University. In addition to New York University, he has taught at Columbia University, Harvard University, the University of California, and the New School for Social Research. Among his many honors, Dr. Hook has received three Guggenheim Fellowships, the Nicholas Murray Butler Silver Medal for distinction in the field of philosophy and education, a Ford Foundation Traveling Fellowship, a fellowship at The Center for Advanced Study in the Behavioral Sciences of Stanford University and election to both the American Academy of Arts and Sciences and the American Academy of Education. He was also appointed by the White House to the National Advisory Council on Education Professions Development and to the Council of the National Endowment for the Humanities. The most recent of his many books are *Education and the Taming of Power*; *Pragmatism and the Tragic Sense of Life*; and *Revolution, Reform and Social Justice*.



“legal sanction,” I mean that it is not enough for these rights to exist on paper, they must be enforced.

After Sidney and Beatrice Webb visited the Soviet Union in 1932, they came back and wrote a huge two-volume work in which they hailed that country as a new and free civilization. When asked how they knew it was “free,” they pointed to the Stalin Constitution of 1936, which contained a long list of “freedoms”—at the very time when the most monstrous purges and frame-up trials were the order of the day, and when Stalin was carrying out his genocidal practices against the Russian peasantry. Since Khrushchev’s revelations before the 20th Congress of the Soviet Communist Party in 1956 about the Stalin regime, this kind of naively adulatory literature about the Soviet Union has become scarce. But as if to prove Hegel’s dictum that the only thing we can learn about history is that people do not learn from history, we have scores of travelers’ reports about Red China today in the vein of the Webbs’ book—in which we never hear of any dissidents until they are dead or liquidated.

There are a great many problems connected with the freedoms that are central to a free society. I can touch on them only briefly. For example, one may ask: “Are there any limits to the freedoms of speech, press, and assembly, or are they absolute, never under any circumstances to be abridged? And are they to be enjoyed even by those who use them to destroy the political system that makes them possible?” My answer to such questions briefly is that these rights are strategic. They are not absolute. There are certain circumstances in which, in order to preserve the entire structure of our freedoms, it may be necessary for a limited time to abridge one or another freedom.

I want to make three points to which I direct your critical attention because they are crucial to my argument. The first one I have already made in passing, but I want to make it explicit: When any sane person says he believes in freedom, he always has a specific, desirable freedom in mind. He does

not really believe in the root conception of freedom as the power to do as one pleases without let or hindrance by others. I have never found anyone who knowingly affirms his belief in freedom as the power to do anything one pleases without let or hindrance by others, for if he did so, he would be justifying the most horrible crimes not only against others but against himself. It is *psychologically* impossible, therefore, to advocate unqualified, unrestricted, generalized freedom in that sense.

Secondly, it is *logically* impossible to approve all freedoms of action. For whenever we advocate a specific freedom, we are also advocating that the *freedom of others* to interfere with or frustrate that freedom be restrained or abridged. If I believe in your right to freedom of speech, then I must believe that the freedom of others to curb you from speaking should be restrained. If you believe in my right to property, you must believe that others have no right to act in such a way as to deprive me of what I own. There are some persons who say that because we believe in tolerance, we must also be tolerant of the actively intolerant. They speak this way because they are confused as to what they really believe. To believe in religious tolerance—or any other kind of tolerance—entails the belief that it is wrong to tolerate the intolerant actions of religious fanatics who would prevent the exercise of religious freedom.

Third, and most important, no specific right or freedom is absolute because the specific freedoms of which we approve often conflict. On many occasions we are committed to incompatible freedoms. We want speech and the press to be free; we also want a man to have the right to a fair trial. But what if, as is sometimes the case, we cannot have both? The situation here is comparable to a moral situation in which we ask: “What should I do?” Such situations arise not when good conflicts with bad—we really have no problems then, because we know what to do at that point!—but when good conflicts with good, when right conflicts with right, and when good conflicts with right. I want to be just and I want to be kind

or merciful, but can't be both; I want to support my parents and want to go to school to further my career for the sake of my own family, but can't do both. These are paradigmatic moral situations. Every enumeration of desirable freedoms or rights contains a potential conflict among them; for instance, you cannot always square the right of the public to know with the individual's right to privacy. Ask some arrogant newspaperman who screams that the right of the public to know is absolute when he is forbidden by a court to publish details of some court proceeding—ask him what of the public's right to know his private sources, or the public's right to know who leaked classified information to him, and he will suddenly change his tune.

No, we cannot substitute a table of rights for the hard thought necessary to resolve the conflicts of rights in specific situations. There is no recipe book which if mechanically followed will give us satisfactory solutions. The balancing of rights and freedoms against each other in the light of the public interest or of the preservation of the entire structure of our *prima facie* rights is the heart of the democratic political process.

"But," one may object, "do not dictators in totalitarian or politically enslaved countries say the same thing—that they too believe in all these freedoms but not in absolute freedoms, that they too have to suspend them sometimes for the good of society or the good of the revolution or what not?" Yes, they say it—but they do not say the truth.

The truth is that they do not suspend these freedoms for the *public* good, as ascertained by permitting citizens freely to determine for themselves by open discussion what this good is, nor do they permit a free electoral process to choose who is to administer that good. Rather, they suspend the freedoms for the good of the minority party or its leadership, as they conceive it, without any popular check or control. They do not suspend these freedoms subject to the sanctions of an independent judiciary. They do not suspend these freedoms sometimes, but *always*. They do not suspend them temporarily—for history shows they are never voluntarily restored.

For example, the ironclad dictatorship of the Communist Party of the Soviet Union was originally justified as a transitional device until a classless society could be established. Well, they now claim to be classless, on the basis of their own definitions, but their dictatorship and other features of their totalitarian state, instead of withering away, are stronger than ever before. Nor is it true, as some of their apologists assert, that this dictatorship exists only because of the necessities of national defense, since the dictatorship was internally less repressive when its national strength was weaker and became internally more repressive as its defensive and offensive military capacities grew.

Well, then, we may ask: "What is the basic difference between the free and open societies of the West and their totalitarian enemies?" It is of the very first importance that we grasp this difference, that we understand the conflicting social and political values that underlie the diplomatic, military, and economic conflicts that daily arise. Let us begin by considering some of the ways in which the difference has been formulated.

One school of thought, which claims to be evenhanded in its approach, contends that we are confronted with different conceptions of freedom or democracy, all equally legitimate. It is a position sometimes expressed by revisionist historians of the Cold War about whom I shall have more to say later. According to them, the West is characterized by a formal political democracy which they admit is absent in the minority party dictatorships of the Communist world. But, they assert, there exist in that world other kinds of democracy which they sometimes refer to as economic democracy, ethnic democracy, and even educational democracy. They profess to believe that both cultures are converging and that someday the formal political democracy we find in our world will be extended to the economic, ethnic, and educational spheres, while the Communist world mellows or matures to the point at which political democracy, now lacking, will

be added to the allegedly "new" forms of freedom and democracy which the Communist world has pioneered.

Let us analyze this contention. Whatever "economic democracy" means, it must include the right of those who work to freely determine the rewards and conditions of work; whatever "ethnic democracy" means, it must include the right of ethnic groups to freely determine the values, traditions, and customs of their ethnic legacy; whatever "educational democracy" means, it must include the right to freely experiment and select the curricular patterns and models of excellence in courses of instruction.

But how is it possible, I ask, to exercise the right to determine the rewards and conditions of work; how is it possible to interpret and develop the traditions of one's ethnic heritage; how is it possible to exercise the right to determine the curricular subject matter, techniques, and values of education—without freedom of inquiry, freedom of speech, freedom of press, and freedom of association, which constitute the very essence of *political* freedom and democracy? The whole notion of different *kinds* of freedom and democracy in this context is absurd, a violation of the ethics and logic of discourse. While we may admit that political freedom or democracy by itself is incomplete, we must insist that economic freedom or ethnic freedom or educational freedom *without* political freedom is impossible, an abuse of terms. When we say we put freedom first, we mean that political freedom is the *sine qua non* of every other form of desirable social freedom.

We sometimes hear it said—most often by the Communists themselves—that the fundamental difference between their society and ours is the opposition between capitalism and socialism as economic systems, and that all other differences are derivative from it. I submit that on both analytic and historical grounds this is a profound error.

In the first place, it is questionable whether capitalism—in the sense of the free enterprise system of Adam Smith and the unrestricted rule of the market—can be said to exist in the economies of the welfare states in the West in

which the public sector constitutes from 25 to 40 percent of the productive output, directly or indirectly by subsidies and regulatory controls. The recent domestic outcry against governmental intrusion into economic affairs—whether one believes such intrusion to be justified or not—is a measure of how far we have come from a state of affairs in which the mechanisms of the market are accepted as the determinants of economic policy or even of prices.

It is just as questionable whether socialism—in the sense intended by Karl Marx and other classical advocates of a cooperative society—exists in the Soviet Union or any other Communist society today. No, with respect to the economy, the basic issue is *not* capitalism or socialism, but whether a people is to have the right to choose for itself the economic arrangements under which it is to live, or whether these arrangements are to be decided for it by a handful of persons responsible to no one but themselves.

If the fateful issue is conceived in terms of a conflict of economic systems, why should we expect anyone to risk life, honor, and fortune in defense of a scheme of economic arrangements? Can we conceive of it as a rallying cry? Why die for capitalism? Even the capitalists would be loathe to do so. In purely economic terms, it makes no sense to die for anything. Indeed, when we reflect on the massive trade with Soviet Russia in which capitalists from the very outset of its existence have engaged, thus helping to build up a powerful economy and war machine whose ideology keeps up an intense drumfire of propaganda and hatred against the free world—all the while proclaiming the inevitability of the world triumph of Communism—one wonders whether the capitalists know what they are really doing. There is nothing to match the principled opposition by the organized American labor movement to economic policies that would strengthen the military-industrial complex of the Communist powers.

Nor does the difference between the Communist and the free worlds consist in the fundamental difference between irreligion and religion. In a famous speech, a president of the

United States declared that "atheistic Communism" was the real enemy of our free society, leaving open the implication that if Communism were not atheistic, it would constitute no greater threat to us than other ways of organizing society.

This is a serious misconception. The issue here is not the Judaic-Christian-Moslem faith or its absence; it is not between supernaturalism or naturalism. The issue is the right of a people freely to worship or not to worship God according to its conscience; the right to believe in one, many, or no god or gods; the right to decide what to believe about first and last things, without interference from the state.

Similarly, whether with respect to any doctrine in science or philosophy or any form or style in art, the issue is not the truth or falsity of belief, or the validity or invalidity of any specific practice, but the freedom of the mind—which includes the right to be wrong—in the perennial quest of the human spirit to discover new modes of expression. The issue is the right to think differently, to say "no!" to the established order and its conventions, and, within the limits of mutual respect for the rights of others, to lead one's own life.

There are some who see the difference between the open and totalitarian societies primarily in *material* terms. They point to the immense superiority of the open society with respect to the production of goods and services compared to the scarcities of the Communist world, where the frenzied attempt to catch up with and surpass America has until now failed.

Some of you may recall the famous kitchen debate between Khrushchev and then-Vice President Nixon, when the latter visited the Soviet Union. It was a spontaneous, informal debate in which each vied with the other in reciting the record of his nation's achievements. Despite the propaganda of Communist countries about a poverty-afflicted America, the population of those countries is not taken in by it. Even with all the material and technological help the Soviet economy has received from the shortsighted businessmen and governments of

the West, it lags far behind. Nonetheless, this is not the basic issue.

In a command economy where all resources of materiel and men can be mobilized, where no strikes are permitted and forced labor is the rule, it is not impossible that in some area of production a Communist society may succeed in outproducing the free societies. After all, the Soviet Union put a Sputnik in the sky before we decided to launch our own satellites. It is not inconceivable, although highly unlikely, that in the future the Soviets may become Number One in almost every field. Suppose a day comes when Communist countries are richer than those of the West. Will the issues that divide us be any less? I do not think so. They will appear more starkly than ever.

Those issues are many, but in the end they all relate to the legacy of the founding philosopher-statesmen of the American republic: the right to live under just laws whose authority rests upon the consent of the governed, with individuals free—beyond the necessary confines of public order—to lead their own lives, think their own thoughts, and pursue patterns of happiness for which they themselves take responsibility.

Leaving aside the conceptual formulations of the meaning of freedom today, and what the issues are that divide the free world from the closed societies of our time, we may take a denotative approach and point to the actual ways in which the different societies are organized, justice is administered, and public policies are developed in relation to public opinion. The contrasting qualities of the lived experience illustrate the difference.

We may grant that these differences are not always, and never completely, ideological. Some of them are national, ethnic, and traditional. We should also grant that there are problems and evils in the world over and above those that flow from ideological conflicts, no matter how acute. Even if there were no Communist regimes in the USSR and China, the world would be plagued with a great many problems: poverty, overpopulation, ecological dangers, rampant and aggressive nationalisms. We must grant

that even in our country there are abuses of freedom and threats to the birthright of moral equality proclaimed in the Declaration of Independence. There is an uncompleted agenda of social and economic action which must be carried out in order to fulfill the promise of American life.

We are a nation of many faiths and religions, of different races, ethnic groups, and historical traditions, all bound together by belief in our moral equality. Many of our problems today flow from the fact that we have taken our philosophy of political freedom for granted, that we do not really understand it or cultivate in our social and political life the virtues and habits that are required to keep it healthy, and that are necessary to defend it in a dangerous world. In this world, the largest nation on earth, the Soviet Union, and the most populous nation on earth, Red China, are at one with each other—despite the current differences of their dictatorial regimes—in their common hostility to the free world.

The source of their hostility to the free world does not lie in the aggressive actions of the United States against them. It is false to assert, as have the so-called revisionist historians, that the United States is solely or mainly responsible for the Cold War. This contention rests upon their cool disregard of the ideology of Communism and its conspiratorial practices, directed from the Kremlin, and their scandalous distortion of events at the close of the Second World War when the Kremlin violated the agreements of Teheran, Yalta, and Potsdam which provided for free elections in Eastern and Central Europe. I shall mention only briefly some of the incontestable facts that expose the absurdity of the revisionist view, a view which, unfortunately, because of the absence of historical memory, is rapidly becoming canonical doctrine in many of our academic centers.

First, at the close of the Second World War the United States withdrew its troops from Europe while the Soviet Union kept its armies in all the countries it had occupied, including areas of Germany from which the United States had needlessly withdrawn.

Second, to rebuild their war-shattered economies, the United States offered the Marshall Plan without strings to all the European nations, including Czechoslovakia and Poland, which at first accepted but under Stalin's pressure declined.

Third, when the United States had a monopoly of atomic weapons—at a time when that erstwhile pacifist and future savage critic of American defense efforts, Bertrand Russell, was urging the United States to use the atomic bomb against the Soviet Union—the United States offered to surrender its monopoly to an international atomic authority, a proposal accepted by all the nations of the United Nations except the Soviet Union and its satellites.

Hard on this rejection came the Communist coup in Czechoslovakia, the Berlin blockade, the Soviet and Chinese support of the North Korean invasion of South Korea, and the unleashing of ferocious campaigns of political propaganda and subversion, supplemented by intense espionage operations, against the United States. The rearming of the United States and the establishment of NATO were defensive measures designed not to roll back the Soviet armies, but to prevent the overrunning of Western Europe. No effort was made to come to the aid of the East German workers in 1953, the freedom fighters of Hungary in 1956, or the embattled Czechs in 1968 when Soviet tanks rolled over them.

Today, I leave to those who are better informed an evaluation of the comparative military strengths in Europe of the forces of the East and West. I am no expert on military technology. But I do know something about the morale of Western Europe and its psychological readiness to resist aggression. They are at a very low ebb.

I vividly recall the spirit of the population of West Berlin in 1948 when, together with Mayor Ernst Reuter and other popular leaders, we stood on the ramparts dividing the city and shouted "Es lebe die Freiheit," when the half-starved population of that war-battered metropolis refused to be bought off by Communist offers of coal, food, and

clothing from its militant opposition to the efforts to cut Western access to it.

There is little of that spirit left. In the eyes of Western Europe, the adoption of a one-sided Ostpolitik and the Helsinki Declaration grant official American recognition of Soviet hegemony in Middle and Eastern Europe and of the permanent separation of the two Germanys. Neither France nor Italy has the will or capacity to resist a Soviet incursion into West Europe. The only thing that stands in the way of such possible action is the presence of the American military in Western Europe, though not until the Kremlin is surer of Peking's intentions is the Soviet Union likely to move. The removal of American troops would be construed by the Kremlin as an invitation to Finlandize Europe. The mood which led to the widespread acceptance of the slogan "Why Die for Danzig?" in France on the eve of World War II pervades much of Europe today, strengthened by endemic anti-Americanism among intellectuals and neutralism among other classes.

Yet, so long as the American will to resist aggression remains firm, so long as the reaffirmation of the legacy of freedom is not undermined by skepticism, pacifism, and the erosion of patriotism, the Western Europeans will enjoy peace and be able to enjoy the luxury of their neutralism and anti-Americanism. For so long as the Communists are uncertain that they can win an armed conflict, we shall have peace. The statesmanship of the West, among other commitments to preserve security and prosperity, must see to it that the Communists remain uncertain.

The future becomes problematic, however, when we soberly assess the *American* mood. How strong is the American will and dedication to freedom in face of the growth of neoisolationism, the persistent refusal to challenge Communist advances where there is little risk in doing so, and an ambiguous policy of detente that in an earlier period was called appeasement. The danger of appeasement—as the historical record shows—is that it has two possible upshots, both equally unpalatable. It emboldens an

aggressor to take actions in the expectation of continued appeasement until a point is reached at which the alternatives seem to be either capitulation or a resistance that will end in either defeat or a Pyrrhic victory.

The situation becomes graver still because of the nature of modern weapons, and the awesome and incalculable consequences of the resort to them. Peace until now has rested on the precarious balance of terror which is threatened by the tendency to nuclear proliferation, and by the development of elaborate systems of civil defense by totalitarian powers, defense designed to make most of their industry and populations invulnerable to retaliatory response from the West. Prospects for the preservation of peace now mainly depend upon *multilateral* disarmament under strict international controls.

We must not deceive ourselves with excessive hopes or fears. With respect to those who make a fetish of survival at any cost, even the cost of freedom, we must recognize that the difficulty, the uncertainty, and the dread of the unknown gradually have a corrosive effect upon their will to resist any kind of aggression. But we know that whoever makes mere life—rather than good life—his directing goal, whoever makes survival at any price the be-all and end-all of existence, has already written for himself an epitaph of infamy. For there is no cause or value or person he will not betray.

Not only is it an ignoble position, it is an unwise and impractical one. It is unwise because to proclaim—and there are many different ways of doing it—that one will not resist aggression, because allegedly, "There are no alternatives to peace," is to invite further aggression. It is to overlook the moderating effect of the passion for survival among the enemies of freedom themselves. It is to overlook the historical evidence that those in the past who have sought to save their property and life by sacrificing their freedom have often lost not only their freedom, but their property and life as well.

The position is an ignoble one, despite its wide currency in some Western circles in

times of crisis. Over the years at such moments I have heard it said, sometimes *sub voce*, sometimes out loud: "It is better to be a live jackal than a dead lion." To which, it seems to me, the most appropriate response is one I made years ago in dedicating a book on political power and personal freedom to Sol Feinstone:

Yes, it is better to be a live jackal than a dead lion—for jackals, not men; . . . whenever we are prepared to live for freedom, fight for freedom, and if necessary die for freedom, we enjoy the best prospect of surviving as free men, and escaping the fate both of live jackals and dead lions.

