

Freedom in the 21st Century

by Vic Berecz

Before sitting down at the computer to write this opinion piece, I considered several ways to start. My initial impetus was one of the Peter Marshall quotes I used last time: “May we think of freedom, not as the right to do as we please, but as the opportunity to do what is right.” That is a sentiment I agree with whole-heartedly, but this is not a sermon. Forget it ... too preachy.

Then I looked at the dictionary and found five definitions of freedom. Three of them are obvious and non-controversial ... for example, freedom is personal liberty, as opposed to bondage or slavery. The other two are where political heat comes in contact with cold reality. Freedom is an exemption from external control, interference, and regulation ... or freedom is the power to determine action without restraint. Given these definitions and understanding human nature, none of us, I hope, advocates the total absence of regulation or restraint, yet none of us wants to be unduly hampered or frustrated in seeking our legitimate goals, especially when we believe we are doing what is right. What most of us really desire, I suspect, is sufficient freedom to pursue the goal which was so eloquently stated in the *Declaration of Independence* ... “Life, Liberty, and the Pursuit of Happiness.” Note that we have now introduced not only *Shades-of-Gray* into the discussion, but personal subjectivity as well.

Assuming appropriate constraints on freedom are needed, and that only finite resources are available, we need to ask which areas should receive our focus. There was a quote from Newt Gingrich before the recent Florida primary ... he proclaimed that his cause is the “cause of limited government, historic American values and greater freedom for every American.” But, since he didn’t specify the freedoms he intends to extend and/or restore, I sought a list of freedoms we Americans presumably hold dear.

The obvious choice is the set of freedoms enumerated by the *Bill of Rights* in our Constitution. On rereading the Constitution I was reminded that the freedoms ensured were often subjectively constrained as, for instance, in the 4th Amendment: “The right of the people to be secure in their persons, houses, papers, and effects, against **unreasonable** searches and seizures, shall not be violated ...” [My emphasis.] What is “unreasonable” may depend on time, place, and circumstances ... and is often in the eyes of the beholder. *Shades of gray!*

Think about it. Our distant ancestors came down from the trees. They formed up into tribes and clans. They began using tools. And over the millennia, they spread throughout the world to produce for themselves the *Good Life*, mostly without concern for liberty and justice for all (except their little group). From that distant era to the present, we as a species have been walking the line between freedom and regulation. The revered ancient set of rules brought down from on high by Moses are, to a great extent, a litany of *Thou Shalt Not-s* ... regulations which define how we deal with each other. The *Ten Commandments* do, in fact, impose constraints on individual freedom.

Freedom is good! Maybe freedom *is* the opportunity to do what is right. Regulation is good! Maybe regulation *ensures* the survival of the community, and the individual as a corollary. Yes, we’ve been living in these *Shades of Gray* for eons. That’s what all the current political discussion of “freedom” is about. And, it’s certainly worth thinking, talking, and doing something about in our everyday lives. We all agree freedom can’t be absolute. Therefore, the discussion must concern:

The On-Going Tug-of-War between Freedom and Regulation.

Let’s try to examine where we stand in this tug-of-war, where we’d like to go as we move forward in the 21st century, and how each of us might influence the balance of power.

As you know, I firmly believe that we all must deal regularly with issues *In Shades of Gray*. Clearly the issue of freedom versus regulation is one of those issues. Another of my favorite

maxims relates to the pendulum swinging. I wish I could say that's the case here ... that when the pendulum goes too far in the direction of regulation it will move back toward freedom. But, I'm afraid that won't happen. Here's why.

If only self-gratification was a consideration, absolute freedom might be the norm. But, we are a communal species ... with needs to interact with other human beings. We form into communities and work together. In fact, that innate ability to work together and communicate with each other is the key to our success. Without it, humankind would never have thrived. But, our communal nature does more than facilitate our achievements, it is the basis for empathy and concern ... love if you will ... for the other members of our community.

Obviously, *family* is the most basic of communities. Soon families joined together to form the next level of community ... clans or tribes. Other forms of community developed ... for instance, the usually male community of hunters who found that working together in the chase provided improved results. Over time people settled down into agricultural communities and villages ... then cities ... then nations. At each level of this development, the members of the community established the set of behavior patterns ... call them laws, regulations, taboos, constraints, whatever you want ... that are usually intended to protect the members of a community and/or enhance the position of the community as a whole.

Today our world is made up of a vast hierarchy of communities ... familial, governmental, professional, religious, fraternal, etc. etc. This proliferation of communities is largely the product of modern communication and travel. Each of us, as individuals, find ourselves as members of dozens of these communities ... and therefore subject to their strictures – let's generalize and call them all *regulations* for simplicity. It's no wonder that there is concern about the profusion of regulations. Sure, the pendulum does swing a little as regulations are enacted and rescinded. But, with the broadening and proliferation of communities we choose to be a part of, we certainly cannot expect regulation to diminish greatly anytime soon!

Historically, the severest punishment for failure to adhere to the regulations of a community was banishment from that community. Obviously, for the individual who cannot tolerate the regulations associated with a community, a valid option is self-banishment ... removing oneself from the community and its regulations. While this often happens in certain types of communities ... say quitting a church or a fraternal society in disgust ... it is not so easily undertaken when the community is of great importance to the individual ... such as the community of American citizens.

I do not view the forceful takeover of a community, and subsequent imposition of your own regulations by fiat, to be a valid approach to resolving the tug-of-war between freedom and regulation. That approach is simply contrary to the one regulation that is universally accepted by the entire community of mankind ... we call it the *Golden Rule*: treat others as you would like them to treat you. That leaves only one other alternative, work within the community to ensure that all regulation is necessary and reasonable.

Regulations are rarely imposed unless a significant majority of the members of the community either favor it, or simply don't care. Unfortunately, all too often, those who don't care greatly outnumber those who are pro or con. Here's an example, and I confess to being guilty of not giving a damn. Locally here on the Beach, a handful of bars are permitted to serve alcohol on the portions of the beach they own. They were "grandfathered" into this favorably competitive position. A dozen or so other bars and restaurants which own beach frontage and are located in the so-called *entertainment district* want a similar waiver. A neighbor of ours who adamantly opposes this regulation change (which actually would rescind a restriction on business) asked in the pool how I felt about the issue. I cavalierly said, "I don't care. I don't go to bars and those places are a couple of miles down the beach." On thinking about it afterward, I guess I don't see why two companies next door to each other and in the same business should have to adhere to different rules. But, it's

not important to me, so I'm not going to invest my time or energy in it. That's how we get regulation not favored by a majority ... and also note that all regulations do not result in more restrictions.

It's also important to remember that times change. Think about it. Do we really want the same regulations in place in the 21st century as in the days of the "founding fathers" of the American nation? How about their implicit assumption that agriculture was necessarily the base of any national economy? ... that human bondage was an acceptable way of doing business? ... that international travel and dialog was very expensive and very time-consuming? ... that there was a virtually endless frontier out there that was open for exploration and development? These represent just a few of things that have changed radically in over two centuries. So, there is obviously a need for new regulation – and as we have learned, regulations that are initially controversial often become accepted. For example, the regulation of tobacco smoking in public places was very controversial forty years ago when a majority of Americans smoked. As regulation, combined with education, reduced the number of smokers, ever stricter regulation was accepted by most of the American community. Note that in this example one form of restraint (regulation) was taxing cigarettes to death. Regulation exists in many forms.

Let's for a moment consider a current issue ... regulations concerning what we can eat. Many people see us stepping onto a "slippery slope" as this topic becomes more prominent. Some view it as a simple-minded extension of regulations regarding drugs, alcohol or tobacco products ... it's bad for you so regulation is needed to discourage or ban the ingestion of certain products. The equally simple-minded counter-argument is that it's your body, if you want to ingest something that's bad for you it's your problem, no one else's.

In reality, continuing with this example, there are a whole host of pros and cons ... all valid and likely to contradict one another. Does criminalizing something increase other types of crime ... for instance thefts to garner drug money? Does criminalizing something popular with a significant segment of society lead to greater disrespect for the law in general ... for instance the American experiment called Prohibition? Should differing regulations apply to children than to adults ... thus gradually eliminating the perceived problem from society? Should bad choices be funded, in part, by the community as a whole ... for instance, using food stamps to buy expensive *junk food*? ... or by taxpayer-funded medical care for the indigent who always seem to find the money to buy the drugs, alcohol, or tobacco that has ruined their health?

Ultimately, this question gets down to some very difficult issues. Do we let people starve in America? And even those whose answer is: "They made their bed ... so, yes" may have qualms about letting children go hungry. Doesn't this perpetuate the problems, passing them on to another generation? I'd like to think as we argue about the pros and cons of adding and/or rescinding the mass of intertwined regulations that encompass all the communities we are a part of that we devote sufficient time and energy to the big question, which asks:

What can we do now to modify the behavior of future generations so that the major issues of today ... pervasive crime, outrageous health care costs, excessive joblessness, etc ... are much less prevalent fifty years from now? I'd suggest the place to start is a focus on health care and education of our children. Let's move the tug-of-war between freedom and regulation in a direction that accomplishes that, because, if they inherit a better and stronger nation because they are better and stronger people, they will be able to successfully deal with the debt we necessarily pass on to them. Remember, America is not now and never has been a *Zero-Sum Game* ... the American economy is growing and evolving, likewise American civilization is growing and evolving. If we do well by all our children, we will ensure that evolution and growth continues in a very positive way ... that's the *Pursuit of Happiness*.