

FREEDOM IN MODERN DEMOCRACY (*)

by

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I

On further consideration, "freedom" and "democracy" turn out to cover two glittering ranges of different conceptions, today. Lately, democracy has become fashionable all over the world. There is even talk about Eastern and Western democracies. These two main types differ from each other fundamentally, and yet, are similar to each other in several respects, even understood in a multiplicity of variations, and still, every single point of view is defended in the conviction of its rightness. It is downright grotesque to see how pleonastic involutions are made as to the designation in the effort to prove the justness of the conception. Thus, for example, the Eastern democracies are called "people's democracies". China even claims to have a popular democratic people's government. "Government by the people" (which is "democracy") is not enough, it has got to be a people's government by the people. But we do not have to consider the question, whether Eastern democracy has the precedence of rightness over the Western type, or vice versa. The crucial point is that within both designations we can comprehend historically developed main forms of government; in this sense each of them shows significant characteristics.

On the other hand, even more manifold than the conception of democracy is the one of freedom. The philosophers consider it to

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be the most characteristic attribute of man. They talk about the reality of the possibility; that is, in other words, of the fact that every individual has the possibility to choose, to make a decision, either this way or the other. For man may want whatever he wants; he may dispose and make a decision for himself.

Obviously, the philosophers do not mean the same thing, as the social scientists do, when they talk about freedom, because social scientists see man taking an active part within a community. Thus also freedom is conceived by this aspect of social activity. Man, who is free as an individual in whom there is the reality of the possibility, because he is man : he nevertheless can be unfree within a community. Freedom from something (e.g. private enterprise is free from governmental planning), freedom to do something (e.g. political freedom, meaning freedom to get politically engaged), freedom from law, freedom of law : these are the various ideas of freedom within the sphere of social activity. Of course, also seen from the angle of a community freedom appears as the existing of a possibility; yet, it not only includes the will and the conviction of man, but also his behaviour in regard to the community. Thus somebody can only be called "free" in the full sense of the word, if he has got the possibility to behave according to this will of his. You only have to consider that every citizen of a totalitarian state is free in the philosophical sense, because, as a human being, he has got at his disposal the reality of a possibility; though, he is politically constrained as soon as there is no possibility for him to put his ideas into action within the social and political sphere of his life.

However manifold the conceptions of democracy and freedom may appear, connected they imply a very specific meaning for our time. The development towards the present European democracy, as seen in the context of a history of ideas, shows the inseparable union of the two. Politically seen, freedom and democracy appear under several aspects : On a global basis, they imply to some extent the difference between the Western and the Eastern forms of government, on the state level their significance as unity is two-fold : with regard to the state they point out the renunciation of autocracy and practice of a people's government; with regard to the individual they imply the liberation of man from the condition

of a dependent subject to also free personal development and decision according to the idea of political and ideological tolerance.

II

Firstly, a few explanations about the connection of the two in regard to the state. As for any form of government, also for a democracy the crucial question is : Who has the power, in whose hands is the law? In other words : At whose disposal are power and law? For democracy (which means people's government) the answer lies in the word itself : the people are the bearer of law and power. Thus, in the respective historical situations of propagation and realization of European democracy, the democratic conception of community-forming became the ideology of freedom in a very specific sense. For, due to this fundamental idea, every bearer of law and power other than the people, (usually an absolute monarch or some aristocratic ruling cliques), had to appear as the embodiment of constraint, which was to be surmounted. Historically seen, and also from the viewpoint of the state, European democracy has been coined by the ideology of freedom as revolutionary battle-cry; the password of freedom for everybody instead of suppression by single despots or particular cliques. The people have to decide for themselves, or at least, are to be able to elect those who are supposed to act for them and according to their wishes. Thus, nobody else is authorized to govern a people but the people. Carrying this to the extreme this means : If one individual governs, nobody is free, if all together govern, everybody is free.

If seen under this aspect, freedom in a democracy is, a mere formal principle, with regard to the state. It only states, who is to govern, but not what this government should be like. Of course, there are always conceptions about government also with regard to the contents. These, however, usually appear under negative symptoms : often it was not considered what should be created, but what should be abolished. All conceptions in regard to the contents of community-shaping were mainly supported by the idea that everything would be all right, if only power and law were in the hands of the people. The people, which had been subdued by

an autocratic government, would know what was right anyway. The will of the people would represent reason, which on the other hand would break through at its full extent as soon as everybody had learned to read and to write. This was a widespread belief only a few decades ago. It was shown very clearly during the transition from the absolute to the constitutional monarchy. In the respective constitutions, people and monarch granted each other a vested right of common legislation. There were almost no directives regarding the contents of shaping the community; it was thought that, without doubt, the people would take care of the creation of appropriate laws.

As much as this ideology of freedom in a democracy may be only a formal one, as much of an extraordinary efficiency did it actually have. For, nourished by the lively consciousness of subjugation it grew again and again in the past, to become a defence and effective battle-instrument against autocratic, totalitarian and despotic governmental power. However, like every ideology also this one already had a good deal of utopianism about itself, when it was yet in its bud.

1. First of all we have to mention the principle of majority decision. The expression "people's government" in its strict sense is misleading. The governing and the governed never have been identic; not even in the smallest community. Social reality makes a modification necessary. Government by the people really can only be the government by a majority, which again may be more or less qualified, itself. Also, this majority is an open one; that means it is supposed to be unrestrained with regard to membership as well as to number. Only in theory everybody joins in governing; actually this happens only following the will of the majority. Whether someone wants to do that or not, is at his liberty.

The case that the minority should govern, does not lie within the object in view of a democracy. But since democracy is unrestricted in personal respects, also the idea that a majority, in the sense of the greater number of peers in the state is governing, is often merely fictitious. Everybody who knows the practices of modern plebiscites, will see an extraordinary wide margin of variability already in the presupposition for the forming of a will. Freedom in a democracy always also includes the liberty to participate

or not to participate in this democracy in forming the majority will. Thus, also in one of the cradles of democracy, Switzerland, there are variations as for the participation in plebiscites, which lie between 90 and 10 percent. The majority only is a true one, when everybody, who is politically capable, actually participates in forming a will. However, due to the practices in Western democracies it happens again and that, for want of participation, the principle of the majority governing can be reduced to a ridiculous relativity. For if only about 10 percent vote on an issue, more than half of that percentage is, in fact, the "majority". In this case the formal principle of majority decisions turns into its contrary : actually it is a minority who governs. Why? Because the very essence of democracy includes the freedom of participating in forming a will; and if there is only a minority which participates, only the majority of this minority, and not the majority of the whole, is the one who makes the decisions. From this situation to the regime of a small group or a single person, that means to the transition of democracy into autocracy, the way is not very far.

The structure of the modern state is very favourable to such tendencies. In every state there are rather strong and rigid bonds to groups within political parties, labour-unions and representative bodies of different professional interests. Public life is extremely differentiated, vital accumulations of interest bring about more and more unions and organizations within a state. Those groups, whose fields of interest are affected, are trying to get influence in the will forming process. The political questioning becomes more and more specific, and often reaches the individual only by way of bonds of common interests. Questions of a general interest which would be evident of interest for the citizen, are very seldom. Another consequence of such conditions lies in the fact that a much more differentiated and special knowledge is required from the citizen, which often just expects too much of a person. Modern democracy, therefore, is only a general democracy in regard to its object in view; in the practices of the European states of today it appears extraordinarily differentiated and tied up in organizations.

Plebiscites and people's referendums are therefore not only very limited as institutions in the European democratic constitu-

tions, but also place very seldomly in practice. In some states, where they are provided for, they are nevertheless hardly practised, as for example in Austria. Even in Switzerland, which can be called a standard example for a good democracy, the sociological and political limitations of the conception become apparent through the true majority rates. This can be shown in a practical example. A plebiscite is to take place in a city about the purchase of a device for decontaminating gas. Immediately pro and contra groups are formed. The citizen is getting drowned in opinions of experts and non-experts, in relevant and merely demagogical arguments. Mail delivered pamphlets point out the technically and financially interesting facts and grade them. The opinion that the project cannot be carried out because of technical difficulties is met just as frequently as the contrary point of view; the argument that it would cost too much stands against the conviction of its rentability. No wonder that, after the democrats have been belaboured in such a way, only 10 percent go to the polls, and thus a real minority creates the decision. Maybe the explanation lies in a general voting-weariness, but may be also in the conviction of the lacking special knowledge.

2. The strong utopian touch of democracy is also shown in another respect. *Direct* democracy is not realizable. The past century proves that as well as our own time. Democracy through representatives has prevailed all over the world, restrictions are insignificant. The rulers (the people) allow a few representatives to govern them. In a majority-conception, which on principle is an open one, the many elect a few. It is true, those few cannot claim to be the bearers of law and power ("their rights are derived from the people"). Nevertheless, law and power are at their disposal. The representatives make the law, and they enforce them legitimately, because they have been appointed to do so by the legitimate bearers of law and power. The relativity of the ideal conception which results from such a practice, becomes even the more evident as soon as those, who have been delegated by the people, elect representatives themselves. How far the reduction of the conception actually goes, is shown by the election requirements in the two extremes, majority election and election by proportional representation. If, for example, a representative is to be elected for a constituency,

and if he needs a relative majority to get the mandate, it is possible among a larger number of political groups for a negligible minority to get the representative while the real majority will not be represented at all. This can be explained by another aspect of freedom in European democracy; the idea that democracy is also open to parties : it makes the free founding of and the competition between a larger number of political parties possible. Similar phenomena may appear in the system of election by proportional representation, if the election arithmetic allows the constituting of an improper majority, on which the representation is based.

Also in a democracy by representatives participation in the election is of importance. If only about 60 percent of the citizens go to the polls, the image of democracy becomes rather disillusioned. The only thing remnant left over from the democratic principle may become a formal legitimation for a few, who, in fact, govern effectively. Social reality reinforces this situation decisively. For, often the few representatives are representatives of all only on paper, that is in the charter of the constitution. Many times they are dependent mediators of specific groups, which themselves are supported by the power of the parties, organizations and the economic system, and who represent specific, particularistic interests, which often conflict or compete with the general interests, or at least with the interests of the majority. What often becomes apparent already in the concepts of constitutions, is shown with alarming clarity in social and political reality. A government by the governed, even by the way of representation, can hardly be perceived; in fact, only a few rule. Where then, is the difference between this one and other forms of government? Merely in the ideology? If democracy is not lived up to, if the politically qualified do not participate in it, if they do not use their liberty to participate in the forming of the will of the state, this question will have to be answered with a plain "yes" : for then, those will rule, who prevail and hold their grounds, who acquire and who, in the eyes of the public, seem to have the full democratic legitimation for doing so. Those determine the fate of the state as they please. Under such circumstances, the ideology of freedom can no longer be talked about in the sense of liberty from one or a few ruling cliques or from the regime of an individual person.

3. It has already been, pointed out before that the human component is a vital factor in the weakening of democratic structure. In the democratic conception every single man is sovereign, no matter, how high his mental gifts and his abilities are. Judgement and the weight of his vote are in no relation to each other. This leads to average capacity and mediocracy. They become the only important gauge and often they hamper progress and development: Here the reverse side of the difficulty becomes apparent. The tendencies of modern democracy to weaken the principle result to a good deal from the realization that majority and average stand up against quality and progress. It would be too simple to excuse the dispositions in a democracy for government by a minority merely as resulting from the striving for power by a few groups. Since a modern and differentiated society needs to have experienced leaders, it has to put this leadership into the hands of representatives. Due to such opposing tendencies, democracy has to become a rather cumbersome form of government which at the same time supports and hampers its political leaders.

III

Yet, even though the conception of democracy is an utopian one in its origin, it nevertheless still contains one supporting idea which becomes apparent in the social reality of today, and which will also be able to stay firm in the future. This is the idea of *legitimation*. For even in their extremes the democracies by means of majority decisions and representatives have got the peculiarity of being renewed constantly. Thus, elections and peoples voting remain the original and most important reservation of democracy. The people legitimate the regime and may withdraw this legitimation again. However, also here the common practices make us resigning to some extent. Potentiality often is stronger than actuality. The persistence of parties and politicians and the difficulties in founding new parties must not be undervaluated. Above all, especially not, if the electoral system provides strong starting positions for the political parties, as it is, for example, the case in Austria, where the voter actually can only vote for his party. It is true,

there exists the system of a loosely bound list, but the voter himself sees no reason, why he should take advantage of his liberty of ranking and cancelling.

And still, the thought of legitimation is a fortification of democracy. It has got its original root in the ideology of freedom, and therefore always becomes alive again. For, like the latter, it implies the postulation that only those should be allowed to rule, who have a democratic legitimation. Therefore, it also opposes so called "pressure groups", on principle. The idea of legitimation gets a significant, realistic meaning always, when there is a danger that the government might turn into subjugation of one-sidedness, as it had existed at the time of the rising of democracies, and which reason and had been fought. Then legitimation by means of free elections is the legal way to deprive those who govern of their offices, and elect new representatives to become the new bearers of power and law.

The history of some European democracies, though, shows in a downright fateful manner, how, after the early show of enthusiasm and activity, indifference and unconcernedness can grow among the citizens. Sometimes the consequence was an almost complete vanishing of the idea of legitimation, which allowed the representatives to usurp power by taking law into their own hands, and in its last gasps democracy, or what remains of the effort towards it turns into the forerunner towards of the totalitarian state and dictatorship. The rise of Nazi-Germany provides the most vivid illustration for that. Democracy was only the means, the goal was the totalitarian state. Such phenomena are intelligible, for in a democracy, where the form of government is not lived up to consciously, antagonistic forces must get the upper hand. Their striving is encouraged by a longing for a strong state authority, which as such is only very understandable in a democracy. However, this seeking for a clear and strong authority often includes more than mere resignation in regard to democracy. Actually it maybe betrayal of the idea of freedom, after the realization and the guarding of this idea has been allowed to become one's conviction.

Democracy of the Western type induces to political inactivity because of its almost unlimited liberty of participation in forming the state-will. There are only a few regulations which commit a

person to participate in elections. Western democracy induces to inactivity, because it grants the citizen the liberty in his decisions, which he is seeking, but for which again and again he loses the esteem. It seems as though man had more concern for his laziness; maybe that today ideal concerns are of no value to him any more, because they do not seem measurable in comparison to the problems of prosperity and individual wealth. This is the scenery-setting for the last levy of a democracy, for the last democratic round, for a vote in order to install an autocratic regime, which from then on will sustain itself. It needs no more democratic elections for further legitimation, because it derives its authority from its power, as soon as it has gained control. Such a last vote in a democracy is nothing but the legitimation of "unfreedom", a perversion of democratic freedom in the full sense of the word.

IV

Now, a few statements about the connection of freedom and democracy in regard to the individual, to the free selfdetermination of the individual, the so-called personal freedom. Also the utopian content of this conception has become apparent in our times. Like any other form of government, democracy is a historically developed, organized form of corporate life among people within a community. Thus also for this form the element of order is essential. Social activity without order is utopical one. For, where ever people live together, there have to be compromises made between the individual interests and those of the community; if necessary, even by means of enforcement. Such compromises can eventually only be realized within a legal order: Therefore, also in a democracy law must retain its function, including its binding effect. It is even believed today that law, that includes in itself certain institutional devices and securities, such as the institution of division of power between the legislation, administration and the judiciary, is an essential attribute of democracy, because it grants liberty to the individual. This conception is identical with the old conception of Roman freedom, which states that the freedom of a Roman citizen is based upon the laws, which he has made him-

self. But also Montesquieu meant the same thing, when he said that nobody should be forced to do anything which the laws do not oblige him to do. This idea illustrates the meaning of freedom with regard to the state. It means the liberty of the citizen to participate directly or indirectly in the making of the laws.

The realization of democratic government and the destruction of autocratic, the historic turning point for the rise of modern European democracy, therefore was always accompanied by the awakening from a democratic dream of unlimited liberty. Soon it became evident that it was not enough just to change the holder of power and law. With the holding of power and law their execution is necessarily connected within a longer period, power has to be used according to a well-devised and uniform conception, if it is to work efficiently. Therein, another utopian angle of democratic freedom is shown. Government by the governed should actually be a liberation towards absolute liberty. Theoretically, since the two are identical, there can only be one will, and, theoretically, therefore enforcement would be unnecessary. Such a perfect conformity, however really can never exist, since it would imply an unanimity, which in regard to free decisions, is utopian without any doubts.

For this reason, two things were pointed out already in the first democratic constitutions of the past century. Once, there is the acknowledgement of an order, in the sustenance of which the people should participate, and on the other hand there is the acknowledgement of guaranteed individual liberty, within this order (by way of the right to participate in the forming of the state-will), as well as in respect to this order (by granting a private sphere within the fundamental rights and liberties of man). The conceptions of the realization of the new form of government where, as far as its contents were concerned, only very faint. In the main, people were satisfied with the objects in view, that is to guard the complex order. It is in this sense that we also have to understand the expression "nightwatchman-state".

Therefore the bud of the development towards the modern shaping of a democratic order was concealed at first. Only to hold the power and the right to make laws seemed to be of any importance. But soon it turned out that it was not enough, if the object

in view stood merely for the safeguarding of order and granting of certain liberties: existing strong positions in society, above all in the economic sector, were not only confirmed by such a democratic conception, but even enjoyed a qualified protection. Even though the "laissez-faire - laissez-passer" of the liberal democracy was meant to be valid for everybody, it did not work, because the actual social starting-positions were much too unequal to bring about the immediate realization of the democratic ideal of at least relative equality. One does not have to be a marxist in order to know that capital means power, which, as a matter of fact is often actually stronger than legal power, as it affects the interests of the individual much more. But, if capital means power, an unlimited guarantee for freedom is the safe-conduct for the capital to act recklessly. In this sense the protection of private property, which is granted on principle, can only be granted to somebody, who already possesses property, and it becomes the more efficient, the greater this property is. The definition of property in the Austrian Code of Civil Law only seems to illustrate the truth of this statement: "Property is the right to dispose of the using and the substance of a thing as one pleases, and to exclude everybody, else from it." — Freedom, if understood in this sense, means that this fundamental right of man grants liberty from public order, guaranteed, unlimited freedom.

The social bindings were loosened only in their extremes, primarily in the field of agricultural order. Like in other political concepts, also here the strong connection to a lived tradition turned out to be an unsurmountable obstacle. The primary goal, the abolition of autocratic government, stood out in front of all others, and the necessity of shaping the social order was hardly realized to its full extent. Even though personal and political freedom are essential in a democracy, they are still only the formal starting-point for organizing life within social and political activity, which really is the foremost and fundamental principle. Equal liberty for unequal social premisses.

Thus, the institution of democracy also means a guarantee for the existing social distribution of power. But eventually, it was realized that it was not enough just to sustain order: it also had to be formed in some way. The order of bearable economic compromise and a realization of social justice, which today are very popular

objects in view, became to be realized more and more. This is illustrated very well by the development within the 20th century. The economic situation drove towards a change in the sense of relative democratic equality. The structure of order of the past century was broken. The agricultural society, whose structure had been well differentiated, was displaced by a rather anonymous industrial society. The simple and comprehensible courses of economy and life underwent an immense disintegration and differentiation. Thus, also a democratic legislator could not stay indifferent. More and more he had to regard his "nightwatchman" - role only as secondary, while his prime goal had to be the guidance to organizing the community. Besides the password of individual liberty, there was, therefore, the call for individual security. The tension between freedom and commitment became apparent more and more, and a social compromise had to be found. The phases of development within protective labour legislation and social policy, economic and financial legislation, show in all European democracies typical stages of such a social compromise. Behind the controversies within those fields of legislation stand social and economic theories, whose extremes are illustrated by the slogans: liberalism versus socialism, capitalism versus collectivism, private enterprise versus planned economy. In their extremes they hardly have a final chance of realization in Europe; also as seen from Austria's viewpoint. But the historical developing process shows examples for approaches to one or the other form, depending on the impetus of political movements. Yet, it also shows that, as soon as legal or social reality approaches one of the extremes, individual misery, constraint and suppression grow to become unbearable, either because of the law, or merely because of actual positions of power. By today it has been proved that in any case of extremism the individual is the victim: either he is the victim of an economically powerful private man or of the collectivistic state capitalism of a totalitarian order. The natural conditions of man and mutual participation drive towards medium moderation; even more so in democracies of the Western type than in other states, because they compromise in order to reach their objects. This is proved by examples of unlimited economic liberalism as well as by examples of collectivistic state-capitalism.

The practices of state legislation in European democracies have been developing towards a compromise between freedom and commitment on a middle course, more and more, especially after the second World War. Also in theory moderate points of view have been acquired; depending on the political starting position neoliberalism and social marketing are talked about on the one hand, and competing socialism on the other. And it seems as though the different basic ideas about social conceptions of order had approached each other to the point, where is no longer any difference, between them. This may be true in many aspects of social order, but it does not hold good in regard to the constitutions of the European democracies. These contain a definite basic decision, which ranks freedom as the dominating value over security. Considering the development towards a compromise between freedom and commitment, the layman may ask, how the constitutions can adapt to such changes, even though they show clear basic principles. Some of them (Austria and Switzerland) still contain the conception of the Rights of Man as formed in the past century, others expressly oblige themselves to the principle of social state (the Federal Republic of Germany, Italy). Nevertheless, social compromise is no stronger in a state with an express obligation to the modern social state than in states with the old catalogue of the Rights of Man. The juridical answer is not hard to find. It lies in the so-called reservation by law itself. Thus, for example, the Austrian constitution states in Art. 5 of its catalogue of the basic rights of every citizen: "The property is inviolable. An expropriation may take place only in those cases and in such a way, as the law lays down". The Rights of Man of Bonn say in Art. 14 (1): "The property and the right of succession are granted, contents and limitations are laid down by law". That means that the Constitution points out the principle, which has to be recognized as a basic decision for freedom in regard to property. At the same time the legislator gets the authorization to restrict this basic decision by law. And it seems as though the constitution grants the legislator an almost unlimited liberty to regulate the economic and social order, because all the economically relevant Rights of Man are drawn up the same way. Though, the appearances are deceptive. Even though this reservation by law can be formulated in a most general

way, there is an absolute limit for the legislator in the institution itself. There may be restrictions laid upon property, but it never may be abolished; and even the restrictions have got their limitation in the obligations to bring about a compromise between common and individual interests. Thus, the legislators of the European constitutions have provided the opportunity for the legislator of the day to find a compromise between liberty and commitment according to the respective needs of the time.

From this we can see that these reservations by law in its general formulation can be useful for the liberal "night-watchman-state", as well as for the modern social welfare state. It means free space for decisions of economic policy within its widest limits. Thus, a kind of a social liberalism could develop, both, in theory and practice, in Austria, while the catalogue of the Rights of Man has remained the same. Behind this development there still stand invariable the revolutionary, democratic password of the safeguarding of personal freedom and independence. It has outlasted all hard times, the wars and the post wartimes, the times of moderation and of totalitarianism and economic leadership. The sentences of the definite confession to freedom are still in the constitutions, and have gained new power. They still are of foremost importance: restrictions within the reservations by law are only subordinate.

A trend "towards forming and maintaining an appropriate social order" (Forsthoff) in the development of law and economy has been unmistakable. Freedom has been joined by commitment, above all in the field of economy, to grant to the individual a guarantee of living opportunities. For, of what use is an unlimited "golden" freedom, if the mere living existence is not provided for? Pensions, social welfare work, furtherance of housing constructions, equalization of the burdens of families, and social insurance, they all mean security, and they presuppose commitments. The rights of liberty are of specific value only for a relatively secure material living basis. The compromise between freedom and commitment is inevitable for any legal order. For the European democracies the extent of this compromise is decisive. In their conceptions of order commitment ranks after the freedom of the individual. It is one thing, if property is restricted, and it is a different thing, if liberty, is restricted and social commitments are imposed, and it is

something else again, if those commitments become so frequent that they finally mean nothing less but the destruction of the conception of order. A commitment to a collective community would be definitely exceeding the bounds which were set up the constitutions, and which still have to be considered binding for the European democracies. There is just one essential difference between the restriction of liberty and its destruction by breaking it up into collectivistic commitments; that is, the difference of the European Western democracy in comparison to the Eastern type.

V

In comparison to its ideological appearance, the idea of freedom, as it has been described above in a two fold way, has changed very much in the practices of lived democracies. It has lost much of its luminosity. What appears as freedom by way of democracy and within a democracy, often turns out to be nothing but simply the problem of freedom within any state. The compromise between freedom and commitment is not a specifically democratic request. But it has got unequally more significance for a democracy than for any other form of government, because only democracy is the form of government — as seen with regard to the design — which lacks the compulsion of total command over the individual, whose means of coercion are obliged to tolerance. In autocratic states the threat to freedom, even if borderly the unbearable, can be neutralized by a reckless application of the most brutal, despotic means of coercion which forces the citizen to renounce resistance.

On the other hand, democracy contains in its ideology of freedom the legitimation of independent activity, to it the difference between a social and a private sphere is essential. Therefore it is more susceptible to excess and more threatened by inner decay and revolution than autocracy. For, this is the peculiar thing about democracy that its participants have got the opportunity, the liberty to participate in determining the extent of their freedom and their commitment. The individuals have got the liberty to take care that no excess takes place. At least, no excess of commitments, because today we hardly can be afraid of an excess of freedom.

This shows that also with regard to the individual democratic freedom had to prove itself to be utopian to some extent. Nevertheless does it contain an important and realizable core, which has to be maintained and protected, if the whole is not to be lost. However, this core is not easy to conceive, and it is hard to describe. Historical experience, time-consciousness and comprehension of values reveal it. They show its outlines and show, where the endurable limit lies between freedom and commitment. There is no mathematical formula for this. During all developments and changes of state orders in emergency and peace times the main requirement is keeping alive the consciousness of freedom in the individual, and giving him the opportunity to live within society according to this consciousness of freedom and according to his ideas and his plans. As soon as this consciousness of freedom is lacking, the individual gets absorbed in a social collective and lost in the anonymous nonentity of an amorphous society.

VI.

The tendencies of development in this direction become apparent very distinctly in Europe. And it seems, as though the individual would stand also of, as though he would let development drift until organization and commitment by the state grow so immensely that they stifle the freedom of the individual. Where that leads can partly be learned from the experiences of the past, partly from the examples of other states. At the end these would be the citizen as an organ of the state, the member of social and political community as a public and responsible to the state servant in his main scopes of life. For him freedom would only exist in the philosophic sense, but not in the social and political one, because the collective knows no individual freedom.

There is enough reason for vigilance and warding off these extreme tendencies today. The threat for the minimum of subsistence of freedom is growing to an alarming extent in our modern society. Organizational fetters to other states and the submission to foreign authorities, which results from them, become larger and larger. The state functions become more and more extensive, and an inc-

rease of constraint is inevitably connected there with decisions and dispositions on the highest political level are made is possible to a large extent by means of legal permanent obligations. Undemocratic power groups and communities of interests compel their entrance into the state structure. Social and economic forms become more and more institutionalized and eventually solidify. Bureaucratism and anonymity infect social life more and more, and natural structures of order as for example the family lose their substance. At the same time emotional security, which provides fertile soil for individual freedom, is diminished. Regulations and reglementations grow constantly, differentiations become more and more difficult to discern. Life within society has become incalculable, forecasts can be of value only for relatively short periods of time. The individual can hardly see any more, where this is driving. Variety and differentiations make man uncertain of himself. If he can neither conceive the whole nor his own position within the whole, nor his own position within the whole, he also cannot have the impression of being free any more; for can only be who can live consciously. The individual cannot live consciously in an uncertain and unintelligible atmosphere; he is left alone with his fears. During the time of serfdom it was shown where it leads, when freedom is exchanged for security. Free farmers once submitted themselves to bondage, they sold themselves to the landlords by binding themselves to deliver a steady portion of their work's yields — so the landlords would take over from them armed support and military service in return. This became the legitimation for the landlords to govern the bondmen most recklessly.

Even with other stipulations are we not also today, on our way into a kind of new bondage, not in regard to a landlord, but in regard to the institutions of society, in regard to the state in its complex organizations of corporations and associations, in which we necessarily have to be some kind of unionists.

And let us compare : What the serfs work yielded because mainly a profit for the landlord. How about the profit of man's work today? Today economic permanent obligations increase, basic fees have to be paid in addition to the rates for actually consumed products; for electricity, broadcasting, welfare work for the sick, old people and the unemployable, for unemployment insurance

and furtherance of housing construction, for the membership to professional and other corporations, and last not least to the state by way of taxes and duties the individual has to pay additional fees without gaining the impression of an immediate exchange of rendered services and equivalent returns. We have not reached a state yet which makes the individual work for society and its institutions only, but it still would be interesting to find out, how much of his income actually remains at his free disposal, for his undiminished benefit.

The farther this development proceeds, the more is the individual condemned to renounce developing his ownself, because he has to make his decisions not for his own sake, but only for the sake of society. Of course we must realize that society at its present stage of development necessarily calls for such developing tendencies. — But maybe that from this development results the longing of the individual for material safety and security. In its intensification it is the root of the increasing selling off individual freedom. History shows that in those cases the road was cleared for autocracy and totalitarian government, where the consciousness for democratic organization of mutual participation and its supporting idea, that is individual freedom in regard to the state and to the individual, vanished.

Thus the possibility of the individual to arrange and organize for himself, becomes more and more limited, and the will to retain this possibility becomes weaker and weaker. What seemed to be a secure, self-evident stock, the freedom of European democracy as it has been described above, is threatened eminently today. Not only, because in general the consciousness of belonging to a state shrinks more and more, but also, because democracy with its structural weaknesses more than any other form of government offers points of attack to destroying forces, violence and power factors. Those destructive forces often turn out to be much more vital and efficient than the democratic ones which are obliged to tolerance, because they shy at no means and disregard the laws which the citizens have set up in order to be able to live in liberty.

Whoever takes democracy seriously, he has there in to realize an invitation to reflect. The more the people in a democracy live

and act with a living consciousness of freedom, the better its countenance is guaranteed. Many people may see redemption simply in the liberation from democratic freedom for complete commitment and security, but who really chooses this alternative, also has to realize that at the same moment he exchanges independence against bondage and renounces the possibility of fulfilling his nature in the venture of freedom.

Together with the courage and the action for freedom European democracy rises and falls.
