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FREEDOM IS A THEME ONLY

*Stephen J. Safranek**

The Theme is Freedom is M. Stanton Evans' recent attempt to "set straight accepted" but "mistaken notions about our country, its institutions, and its freedoms."¹ Evans wants to show how freedom was developed in this country—based upon the principles developed throughout history. This is the task Evans sets for himself, and the book successfully accomplishes this task. *The Theme is Freedom* is replete with interesting historical information and a useful critique of many current views of how the people of the United States have been made free. Although Evans does not clearly set forth the means by which he will accomplish his task, his approach is generally straightforward. Essentially, Evans sets forth the historical development of freedom as it relates to the United States and our peculiar institutions. This approach begins with a discussion of what freedom means and how the idea of freedom developed. Then, in what are the central chapters of the book, Evans shows how the freedoms developed in the two millennia before the founding of America led to the specific incarnation of freedom found in America. Finally, in his concluding three chapters, he discusses the way in which modern society threatens that freedom—because of its view of the establishment clause and economic freedom—and how freedom can be recovered.

Evans looks at the historical documents, draws reasonable conclusions from them, and sees the history of the development of freedom and this country in a way certain to annoy some. However, whether or not one agrees with Evans, one can read this book and have a firm understanding of why conservatives are unhappy with the way things are in the United States. In short, *The Theme is Freedom* is a useful source for a readable view of principled conservatism.

This book serves as a nice contrast to books such as George Will's *Statecraft as Soulcraft*² and Barry Goldwater's *The Conscience of a Conservative*.³ Unlike such works, Evans' book is not concerned with devel-

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1 M. STANTON EVANS, *THE THEME IS FREEDOM*, at xi (1994).

2 GEORGE F. WILL, *STATECRAFT AS SOULCRAFT: WHAT GOVERNMENT DOES* (1983).

3 BARRY M. GOLDWATER, *THE CONSCIENCE OF A CONSERVATIVE* (1975).

oping the philosophy of conservatism, although Evans does defend it. Instead, he explains historically how freedom developed in the United States. This historical review will be of interest to many because of its ease of reading.⁴ However, this strength is also the book's weakness. Although Evans makes a good historical argument, he is on less solid ground when he tries to explain how freedom was or is being lost and how it can be rekindled. It appears that Evans thinks that religion is the key to re-founding this country and that the religion of the Old and New Testaments is the religion that can reform society. Yet, he never shows why or how this reform can happen, despite his obvious discontent with the current state of government. Is America, like England, destined to become a country where "freedom" is slowly replaced with coercion?

I. OVERVIEW

The first chapter of this book begins with the dramatic collapse of the Soviet Union and its lesson for the United States. In "The Liberal History Lesson,"⁵ Evans notes that the Soviet Union was the archetype of central planning—there was no limit on the power of the central government. In contrast, the tradition of the United States, the clear winner of the Cold War, "is, precisely, the idea of imposing limits on governmental power, in the interests of protecting freedom."⁶ This is the key recurring theme in this book. For Evans, the key means by which freedom can be ensured is by limiting governmental power.

Evans recognizes that the common response to conservatism is to challenge the pairing of libertarian economics with social conservatism. He faces this issue squarely and claims that the libertarian economics he values is dependent upon religious values and traditional practice for its survival.⁷ He thinks that one can be both an economic libertarian and a social conservative. Indeed, he argues in this book that the two thousand year tradition of Western Civilization was based upon religion and that the religion of the West played a decisive role in creating the free society founded in 1787.

Evans argues for this premise for the next three hundred pages. He recognizes that how one views the founding of this country and how one views the individual will shape one's belief as to the kind of

4 For a much more thoughtful and complicated review of conservatism that begins with Edmund Burke, the key text is RUSSEL KIRK, *THE CONSERVATIVE MIND: FROM BURKE TO ELIOT* (7th ed. 1986).

5 EVANS, *supra* note 1, at 3-21.

6 *Id.* at 14.

7 *See id.*

country "America is, or should be."⁸ He attempts to prove that true conservatives embrace free institutions—churches as well as businesses—and that economic liberalism arose out of the churches. It was not freeborn from the mouth of Adam Smith.

Evans chooses what he hopes is a non-controversial view of freedom, which he views quite simply as "the absence of coercion."⁹ Such freedom, he thinks, has its genesis in Europe and is clearly focused on the individual whose liberty is "fenced off by the equal liberty of others."¹⁰ Although Evans regularly uses the Puritans as a key example of the freedom that developed in America, he regularly notes that the special form of freedom found in this country was dependent upon a history of freedom that grew out of the Middle Ages as found in the writings of Augustine of Hippo and Thomas Aquinas.¹¹

One of the first misconceptions that Evans seeks to debunk is the view that Christianity is a repressive religion and therefore is antagonistic to freedom. Among the criticisms expressed against religion is that it is superstitious, and that those who espouse a strong religious view are especially oppressive. The critics of religion cite the Enlightenment as the key historical time period for modern society that led to the growth of democracy in Europe and eventually to the founding of the United States.¹² Evans wants to counter this notion. He faces a difficult and uphill task, especially in today's climate where the "Religious Right" and anyone who has religious beliefs is seen as a threat to freedom. Certainly, Evans does not and cannot counter the fact that it is religious conservatives who appear to be those most interested in creating laws that will rein in what are seen as societal excesses such as teenage pregnancy, crime, abortion, and divorce. Instead of addressing this problem directly, Evans notes that the United States was born from a history of religious people. How or why religions now seek to use state power to rein in perceived excesses is not dealt with in this work.

Instead, Evans begins with the first principles of modern society that arose from the darkness of the ancient world. One of the most interesting points that he makes in his chapter titled "The Age of Despots"¹³ is that many think that tolerance is the same as relativism, that

8 *Id.* at 15.

9 *Id.* at 23.

10 *Id.* at 24.

11 *See id.* at 30–32; *see generally* THOMAS AQUINAS, TREATISE ON LAW (Gateway ed. Regnery Publishing, Inc. 1996) (1947).

12 *See* EVANS, *supra* note 1, at 39–40.

13 *Id.* at 39–56.

is, that one value is as good as another.¹⁴ Unfortunately, this issue is quickly considered and summarily answered. Evans is correct in noting that relativism as a principle is like any other first principle that cannot be proven. If relativism is the key principle for free societies, which Evans thinks it is not, then slavery and every other evil are incapable of being effectively reviewed. For relativists, a society that allows or embraces slavery or any other form of barbarism is no better or worse than a society that rejects such a state of affairs. This is patently wrong. If, as is universally thought, freedom is better than slavery, we need to understand why and how this key principle came to be recognized.

Evans paints a clear picture of those societies and thinkers who have failed to recognize the value of individual freedom. In modern times, the gulag as well as the forces of Hitler's Nazis provide a clear picture of those who thought that the individual had value only in light of the state. These societies, now mostly discredited, were able to repress the individual because they were built upon a view that the state was the absolute.¹⁵

Christianity, contrary to modern views, is the key historical religion that allowed the development of the individual. As Evans notes, Christianity saw that each person is endowed with infinite value.¹⁶ Precisely because of this value, no person can be seen as a mere part or cog in the state. Instead, the state is seen in relationship to the individual. Evans notes that Christian societies hold fast to absolute values of right and wrong precisely because each person is given a real and absolute value. When relativism takes hold, the necessary consequence is authoritarianism. This is because someone or something replaces each human person as an absolute value. This newfound value may be Nietzsche's "superman"¹⁷ or it may be the state. But in either instance, the consequence is the repression of the individual.

The theory of natural law, which holds that each individual has a God-given value and that there are unwritten laws under which every person, even kings and princes, must act, is disregarded today. In its place are a variety of views including "natural rights." These views have generally built upon the natural law tradition, but have jettisoned certain aspects of it, usually the religion. Evans uses his chapter entitled "From Champagne to Ditch Water"¹⁸ to disabuse the

14 *See id.* at 42-43.

15 *See id.* at 50.

16 *See id.* at 309; *see also* MARTIN LUTHER KING, JR., *WHY WE CAN'T WAIT* 82 (1968).

17 *See* EVANS, *supra* note 1, at 53.

18 *Id.* at 57-74.

reader of the value of replacements, noting that people usually want to preserve civil liberties or some other aspect of human liberty without the baggage of natural law.

Evans critiques the "natural rights" developed by followers of Locke. Without naming them, Evans takes clear aim at the followers of Levi Strauss,¹⁹ the famous political philosopher from the University of Chicago, whose followers have had a tremendous impact on the resurgent Republican party and who are often known as neo-conservatives in contrast to the paleo- or traditional conservatives. The problem with the supposed logic of a Locke or the utilitarianism of a Bentham is that the positions of these philosophers rely for their presuppositions upon what is evident to their interlocutors. What is evident are the values handed down for centuries in a religious tradition. Because of their detachment from history, the principles of a Locke or a Bentham can end in the assertion of power over the individual because both utilitarianism and the social contract presuppose moral citizens. Bentham and Locke also presuppose the idea that the people can regulate their lives.

One of the key principles of freedom is the people's ability to regulate their lives as agreed.²⁰ In one of the most startling aspects of this book, Evans asserts that we no longer have such a law, that is, a Constitution.²¹ The reason such a change has come about is because members of Congress never ask whether or not an action is constitutional, but ask instead, whether or not it is good or bad. This same reflex has infected the judiciary. What was once a highly conservative document, Evans argues, has been made into a meaningless text. With a Constitution that grows over time and with a view of congressional power that allows laws for the general welfare, the basic division and separation of powers under law no longer can be held to exist. Today, the United States is a country whose powers are unlimited. Evans uses chapters five through fourteen to show that this result is not a natural outgrowth of what had been built. He uses his final chapters to show some of the consequences of this development.

19 See LEO STRAUSS, *NATURAL RIGHT AND HISTORY* (1970). This book provides a comprehensive outline of Strauss' views on natural rights.

20 See JOHN COURTNEY MURRAY, *WE HOLD THESE TRUTHS* 18 (1960).

21 EVANS, *supra* note 1, at 67.

II. THE CONSERVATIVE TRADITION

A. *The Background*

"The Uses of Tradition"²² is the key chapter wherein Evans sketches the three key components of the conservative tradition of the United States. The American experience grew out of three interrelated principles: 1) limits on the power of kings; 2) the rule of law; and 3) the consensual development of the law.²³ These three key components of the American notion of freedom were distilled by the Founders out of the medieval and English traditions. Interestingly, Evans notes that just as the Americans were embracing these three notions, the English themselves were abandoning them.

One of the key components of the consensual English tradition was the common law.²⁴ Here Evans notes how the great legal expositor of the common law tradition, Sir Edmund Coke, had described the common law as the accumulated wisdom of many years and many persons. The value of the common law was that it provided a check upon the powers of the state. Although the common law was sometimes haphazard and intricate, these very weaknesses worked as a deterrent to those seeking to usurp the freedoms of others.

Unfortunately, Evans does not here explore how the great developer of the common law tradition, England, so easily gave itself over to the power of Parliament as the ultimate arbiter of the law.²⁵ If indeed the English tradition was the basis of our founding, why was it that the English so easily lost their way? Why is it that the current direction of the United States and England, both of which Evans would argue are not under a constitution, is not, in fact, a continuation of the tradition? Evans' attack on the problem and the concerns for unlimited power are both well taken. However, he fails to show why or how the American founding was able to avoid or overcome the problems that overcame the English common law tradition or how America, seemingly having lost its way, can recover what has been lost.

In this chapter, though, Evans makes one of his most interesting historical points. He argues that the American revolution was essentially a conservative movement. The revolutionaries were trying to preserve the tradition that was lost in England. It is here again that Evans looks at the common law and notes how this common law tradi-

22 *Id.* at 75-94.

23 *Id.* at 78.

24 See SIR DAVID LINDSAY KEIR, *THE CONSTITUTIONAL HISTORY OF MODERN BRITAIN SINCE 1485*, at 294-95 (8th ed. 1966).

25 Keir chronicles the incredible instability that took place in England for the 75 years before 1714. See *id.* at 289.

tion was a perfect foundation for free markets. In his view, the common law is a slow development of law over time that by its movement and indirection is essentially the same as the free market. Through the slow development of law, persons accede to changes which are made as needed to deal with the changing environment. The common law is the custom of the land: the most perfect law. It further inculcates spontaneous development of practices and institutions based upon the assent of many through the ages. The order of the common law, then, like the order of free markets, is such that it is designed from the bottom up and is therefore more perfect and ordered than if done in any other fashion.²⁶ Evans recognizes that the English did eventually lose this tradition. The demise of the tradition in England and the retention of it by the early Americans was due to the absolute values found in religion. It is religion that serves as the source of absolute values, and it is religion that ultimately created the specifically American experience.

Evans discusses how certain religious beliefs led to the development of the American experiment. One of the key beliefs of the Christian tradition is the notion of man's sinful nature. This "pessimistic" view of human nature is the subject of the chapter titled "If Men Were Angels."²⁷ While some claim that this pessimistic view of human nature leads to the demand of religious conservatives for an authoritarian government, Evans notes that conservatives imbibed with Burkean notions know that the sinfulness of the ruled also encompasses that of the rulers. Therefore, government needs to be fenced in with religion, custom, morality, and law. Certainly, if virtuous people govern, government is better. However, given the state of mankind, especially from a Puritan perspective, power was to be carefully controlled. The Puritan and American experience, unlike that of the French Revolution, did not view government by the people as perfect.²⁸ Instead, it recognized that the very nature of power is corrupting and that all power must be circumscribed by a variety of tools. This was one of the key worries of the Anti-Federalists as they argued against the exercise of power by the new federal government.²⁹ Cer-

26 See EVANS, *supra* note 1, at 89-90.

27 *Id.* at 95-112.

28 See EDMUND BURKE, REFLECTIONS ON THE REVOLUTION IN FRANCE 51-53 (heirloom ed. 1965) (1872). Burke notes that when, as is usually the case, the leaders became motivated by "sinister ambition," it led to the problems in France because of the composition of the government. *Id.* at 53.

29 The entire *Federalist Papers* is an argument about the power of the federal and state governments. Madison explicitly notes how the government was limited in its powers. THE FEDERALIST No. 39, at 240-46 (James Madison) (heirloom ed. 1966).

tainly, such a government was to be run by the same sort of persons who ran the state governments. Therefore, it could be argued that it was no more dangerous than were the state governments. However, the Anti-Federalists argued, and prevailed on this point, that the power of the federal government was so great that it needed to be controlled.³⁰

The value of the American system was not that it created some sort of virtuous Greek state. Instead, it provided order within which people could go about their business. Although such a system of government could not prevent unvirtuous action, it could prevent unethical persons from wielding unlimited power over the citizens. In addition, the Founders clearly saw that such a government could only be established and thrive if the people were virtuous. If such virtues were lacking, it was not within the capabilities of the federal government, or any government, to create such virtue.

Although religious values seem well founded in this country and Evans thinks that the average American is a Christian, he believes that a new paganism is emerging in this country. One of the pervasive ideas throughout history has been materialism. Under this view of reality everything is determined by material wealth. Material conditions determine who will succeed and who will fail in life. All poverty, all crime, and all change can be explained in material terms. Consequently, every problem can be solved if enough material resources are used. Thus, we often hear the refrain: We can place a man on the moon, but we cannot eliminate poverty. It seems that if we can do the former, we must be able to do the latter.

Evans worries about this approach to reality. First, if we are essentially materialists, then the state may be tempted to use material resources—one of the few ways in which the state can really project power—to solve the problems created by material shortages. If we have poverty, create government programs to stamp out poverty. In addition, if material reality is all that exists, then there is no room for spiritual freedom. Consequently, materialism will become the all encompassing religion ruling society.

The American society of the twentieth century is closer to the pagans than it may think. For Evans, the green movement is essentially a pagan movement with mother earth as the new goddess. In addition, he notes that many of the most divisive moral issues facing

30 See 1 *THE COMPLETE ANTI-FEDERALIST* 30 (Herbert J. Storing ed., 1981); see also *THE FEDERALIST* No. 84, at 510–20 (Alexander Hamilton) (heirloom ed. 1966). Although the Anti-Federalists prevailed, the federal government has taken on virtually unlimited powers.

this country today such as abortion and homosexuality, pit the neo-pagans against Christians. In such cases, the so called neo-pagans often cite the history of Greece and Rome as examples wherein abortion, homosexuality, and euthanasia were practiced.

These views are today often inculcated in students under the guise of the need for a non-judgmental society. Yet, Evans thinks that these positions are essentially religious in nature; that is, they are not subject to dispute but rely upon certain accepted first principles. These values can be and are taught in schools, yet the Bible is not because such education would violate the separation of church and state. Thus, neo-paganism is making serious inroads into modern life.

B. *The Christian Medieval Tradition*

Given this background, Evans begins his historical argument in favor of the American experience and its aspirations by considering the course of human freedom. As he stated at the outset, the key issue that he wants to explain and defend is that of human freedom.³¹ This, for Evans, is the key political issue. In considering the rise of such a notion, Evans notes that it is of relatively recent origin.

In the ancient world, to which we so often look, the notion of human freedom was lacking. In that world, the ruler had unlimited power, both temporal and spiritual. In addition, the world was full of bloodthirsty gods who ruled by will. Slavery and infanticide were the norm. Each human being was seen as part of the state and subservient to it.

The Christian era changed this world view. Under Christianity, nature is ordered by God, and the fact that each person is totally dependent upon God and will be judged on the last day makes each of them far more similar than different. Indeed, Christianity created a worldview never before seen.

Christians held that not only is every common person under the law, but so too is the king.³² Moreover, it was not the role of the king to be the interpreter of the law. In the Christian world, the king was not only under the law, but the exercise of his power could be criticized by those who claimed to understand what his duty was under the

31 A good contrast with Evans' approach can be found in ROBERT P. GEORGE, *MAKING MEN MORAL: CIVIL LIBERTIES AND PUBLIC MORALITY* (1993). George notes that the ancient tradition, which he defends, relies upon Aristotle who thought that the government should make men good. In fact, this is the "central purpose of any genuine political community." *Id.* at 22.

32 See EVANS, *supra* note 1, at 145. For an excellent discussion of this idea, see ERNST H. KANTOROWICZ, *THE KING'S TWO BODIES* (1957).

law.³³ This placed a far greater degree of restriction on the king than had been common in the ancient world. Additionally, each person is equally a child of God with the king. It is understandable why in this world slavery was eventually eliminated, whereas it had only grown and flourished during the long history of both the Greek and Roman worlds.

This understanding of the relationship between persons led quite naturally to the world that was established in medieval christendom. Contrary to popular understanding, the medieval world was rich in freedom as understood by Evans. Grinding poverty may have existed. Yet, under medieval notions, the relationships between lords and vassals and the common people were full of obligations. These obligations were mutual insofar as the failure of one side to fulfill its duty resulted in the other side being freed of its mutual obligation. Evans gladly notes that the single most famous document limiting the power of the king arises in this age, the age of Magna Carta.

Strangely, we do not think of the Magna Carta as a medieval document. Indeed, it is not commonly referred to as such, and this reviewer has never seen it referred to as a typical medieval document. Yet Evans treats it as such. He claims that the "foremost political concept of the Middle Ages was constitutionalism."³⁴ The Magna Carta was a type of this age. It was a document created by Catholic clergy and feudal barons setting forth what the king could and could not do. The king, as a result of the Magna Carta, explicitly acknowledged that he must act pursuant to law and upon consent. This was a result never seen in the ancient world. For Evans, the Magna Carta shows the greatness of the medieval world that is so often misunderstood and nearly always referred to in a negative light.

The Magna Carta was created and thrived in a world where the social compact was well established. Locke did not create this view, but instead merely captured what was well understood at his time. Evans notes that the entire view of relationships in the medieval world was one where obligations were mutual. Of special importance in this era was the obligation involving taxes. The Magna Carta and the subsequent conflicts between Parliament and the crown emphasize that taxes were only to be given in exchange. No general power of taxation existed in such a world.³⁵

33 See KEIR, *supra* note 23, at 34–35.

34 EVANS, *supra* note 1, at 151.

35 See KEIR, *supra* note 23, at 10–16.

C. *Pre-Founding America*

In his chapter entitled "The Dissidence of Dissent,"³⁶ Evans describes the America of the pre-revolutionary period. He notes how the settlers—large numbers of whom were Puritans—had created what Evans thinks was the best government. Having fled a country that had refused to recognize their freedom, these early settlers developed a theory of constitutionalism: "power wielded by consent, annual elections with an expansive franchise, . . . local autonomies and a Bill of Rights."³⁷ The Puritans were the persons most responsible for this development. Evans argues that their "covenantal theology" was critical to the formation of America as we know it.

Puritans maintained that the people were to choose their leaders. Consequently, they had a strong view of the role each individual would play in the church and in the polity. Evans states that twenty thousand Puritans fled England to America between 1629 and 1640.³⁸ This is astonishing. The people who came were usually led by educated ministers. In virtually every instance, these people formed the social contract of which Locke would later write. These contracts allowed voting on a scale unseen in any known history.

The Puritans had a long time to graft onto America. We often forget that approximately one hundred and fifty years separate the founding of the American colonies and the Revolutionary War. During this time the colonists, Evans argues, were actually more traditional than the English themselves. Moreover, the revolution was itself a well ordered conservative movement. In support of this thesis, Evans notes that the soldiers who had fired on the civilians in the so called "Boston Massacre" were either found not guilty (six) or let off with light sentences (two) by the supposedly outraged colonists.³⁹ This occurred shortly before the war. Certainly such an outcome contrasts sharply with the untold carnage that accompanied the French Revolution.

The long time frame during which the colonists grafted themselves onto the North American land gave the colonists certain expectations. One of the long standing traditions in the colonies was that of self-taxation. This tradition had never been challenged until shortly before the Revolutionary War. The British, in part hungry to pay war debts, but even hungrier to assert their power, began to hold that Parliament could do what it willed, including taxing the colonists. This

36 EVANS, *supra* note 1, at 185–203.

37 *Id.* at 201.

38 *See id.* at 191.

39 *See id.* at 205.

attempt to exercise unlimited power, rather than the taxes themselves, inevitably led to the war. It was the Americans who, in accord with hundreds of years of English tradition, held that they could not be taxed by a Parliament which did not represent them.

The Declaration of Independence was a logical outgrowth of the situation in which the colonists found themselves. This document is of the same genre as the Magna Carta. The colonists spent two-thirds of the document reciting the abuses committed by George III. The most famous passage of the Declaration, "we hold these truths," was based upon the principles that had undergirded the colonists since they set foot on American shores: that God has created men equal, and that government is based upon consent. The importance of God in that document cannot fairly be ignored. These were clearly a religious people.

Having seized their independence, the Americans now had to fashion a new government. The genius of the Constitution was two-fold. First, it was a written document, thereby meant to provide a source of stability and clarity that would otherwise be lacking. Second, it depended upon two types of checks—those between the various branches of government and those between the states and the federal government.⁴⁰ It was impossible for the Founders to foresee what would transpire with regard to this document during the ensuing two hundred years.

III. MODERN PROBLEMS

Having shown the extent to which the American enterprise was built on historical and actual notions of limited government, Evans concludes his book by looking at where we are today. He takes up two issues, religion and economics, and shows how the modern world has so thoroughly destroyed the notions that were developed for hundreds of years and clearly established in the Constitution.⁴¹

First, Evans looks at the "establishment of religion" problem in America. He notes that in 1775, no fewer than nine colonies had established religions.⁴² South Carolina's 1787 constitution stated that the Christian Protestant religion shall be deemed the established religion of the state.⁴³ Despite these historical facts, the Supreme Court has incorporated the establishment clause vis-a-vis the states so that establishment problems face all governmental bodies. Clearly, Evans

40 *Id.* at 261-64.

41 *Id.* at 270, 289.

42 *Id.* at 275.

43 *Id.* at 276.

is correct that the Supreme Court had to stretch to do so. However, he does not set forth what can be done now. What can or would happen if the states were allowed to establish religion as they wanted? Given the tremendous power of the purse exercised by government, the role of the state in squelching or influencing religion is far more expansive than could ever had been imagined in 1787. What can be done?

Similarly, Evans critiques the loss of economic liberty in the United States. Economic liberty is essential for a free society, and in Evans' view, it is recommended by religious precepts.⁴⁴ Economic freedom is indeed the single most common way in which the citizen expresses himself or herself. It is as worker, not as writer, that most individuals in a society express themselves. Yet, the liberty of the press is given far more extensive protection than that of economic liberty.

IV. CONCLUSION

Although Evans extensively critiques the state of affairs in which Americans find themselves, he provides few easy solutions in *The Theme Is Freedom*, when he provides any solutions at all. Evans argues that the problem America faces is religious.⁴⁵ Until a recovery of religious faith occurs, freedom cannot be created.⁴⁶ In addition, Evans argues that we need to curb federal power and develop a rule of law.⁴⁷ In this regard, Evans makes a most telling point about the state of affairs in America—today the key issue in politics is not on the limits of power but on who will wield that power.⁴⁸ Unless and until that view of power, and the demise of religion, is changed, the theme may be freedom, but its development into a full story will be unfulfilled.

44 *Id.* at 290.

45 *Id.* at 323.

46 See also ROBERT H. BORK, *SLOUCHING TOWARD GOMORRAH* 336–39 (1996). Bork sees a robust religious community as one of the key antidotes to the current decline in American life. *Id.* at 336.

47 EVANS, *supra* note 1, at 323.

48 *Id.*

