**liberty/自由(Zì Yóu)**

|  |  |  |
| --- | --- | --- |
| European Perspective | Erik Guignard | 24 Mar 2022 |

The concept of liberty or freedom, seemingly simple, is, in fact, very complex by the extension of its field and its variability according to eras, individuals, civilizations. It is, after centuries of philosophical contributions and ideas, inherently polysemic which makes translations tricky, ambiguous and often misleading.

*The concept applies to individuals* : It may be the inner freedom about somebody independent of external factors, mark of serenity and wisdom, (xiaoyao cf Pr. BAI Gang) or more selfish (Ziyou 自由 cf Fan Yu translation since the 1900’s) "I do, I say, what I want", even "I am free to live, or even to die, as I please" ; to *members of a Community* that enacts its own rules and conventions ; to *subjects, citizens of a state* edicting, within a legal or customary framework, rights or spaces of freedom more or less extended...

Except in its spiritual conception and withdrawal from human world as Robinson Crusoé, no freedom may be conceived actually without relationships with a large variety of limits or constraints. It might therefore be useful to recall the emergence of the concept and to propose several glances that will allow, such as the crossings of lines in maritime navigation, to illuminate its contours.

**Freedom, an age-old concept**

A first look, that of E. Benveniste[[1]](#footnote-1), proposes an analysis from its variations within the Indo-European languages which allows to have a look into the prehistory of the Indo-European puddle of the Indus and the Urals, from Gibraltar to the Hebridean Islands...

While these languages do not have a common designation for the concept of "freedom", the "free/slave" opposition is common to all Indo-European peoples.

In Greece, the free man *"eleutheros"* defines himself in opposition to the *"doûlos",* slave man. Rome distinguishes between the "liberi" and the "serui", India between the "*arya"* and the *"dasa"* (slaves and foreigners).

On the other hand, Benveniste emphasizes the proximity, which varies according to language, between the verbs "increase, grow" and a community "people, personae", and “liberty” with the root Leudh- (grow) and the German “Leute” people.

\*In Latin, liberty refers to liber 'child' and thus to intergenerational family relations giving protection against obedience.

\*In French, according to Heinz Wismann : *"the etymological meaning of liberty, is related to the relationship of the pater familias to his sons : One is free insofar the father protects him”.* In the background, the guiding idea of a reciprocal counterpart of authority, so that freedom is not exclusive nor opposed to respect for patriarchal authority.

\*In Germanic, the kinship between *"frei",* being free, and *"Freund"* (friend) evokes, for its part, a freedom linked to the belonging to a community, alive since sacrificing, according to Roman sources, to *"Libe*r", god of fertility alongside his parèdre[[2]](#footnote-2) . Heinz Wismann add "*the German term Freiheit comes from the bond of friendship established between brothers who, in the event of war, chained themselves and thus rushed against the Roman legions : Freedom or death”!...* As the present republican motto of Greece still says!

This perspective is not unusual nor new!

\* Confucius, when the Duke of She declares *“the righteousness of his clan such that, if a father steals a sheep, his son will testify against him*”, declares*: "In my clan, righteousness is different, the father conceals his son, and the son conceals his father: this is where righteousness resides”.[[3]](#footnote-3)*

Witness to a hunting community, Levi-Strauss, relates: “*Among the Nambikwara, the acceptance of the chief's authority is closely linked to the realistic, rational, choice of substituting individual security against collective security “;* his authority is effective, as long it is accepted by all and inscribed in a relation of reciprocity.

To sum up, in these contexts, a community of free people is not a mere collection of isolated individuals - this would mean a gathering of slaves or foreigners[[4]](#footnote-4)- and freedom should not be understood in the sense of an universal human right of unconstrained actions, prevailing to social rights or duties, because it means, first of all, the capacity to develop harmoniously one's possibilities within a more or less extended group (family or village, …).within a lineage continuity, inclusive of respect for legitime authority and fraternity between free men.

**Freedom, a medieval concept**

In the Middle Ages, the concept of freedom is henceforth inscribed in societies that build States under the guise of Royalties or Empires who fight to assert their pre-eminence and consolidate their territories, while religious freedom becomes, with the emergence of Protestantism, a major source of protest[[5]](#footnote-5) and conflicts of extreme violence. Attempts at peace are therefore multiplying, of which here are two examples:

In the Germanic Holy Roman Empire, a tradition developed around international treaties (Augsburg Compromise in 1555, treaty of Westphalia in 1648 , ...) to establish a freedom of religion in return for the *right of princes* to impose their religion on their subjects and the *right of subjects, "jus emigrandi"*, to emigrate abroad among co-religionists, the whole articulated around the principle *"cujus regio , ejus religio"*, a compromise between the affirmation of state unity and that of religious freedom.

In France, the “Charter of Nantes” grants, in 1548, the *freedom of conscience* and established a coexistence between the two religions, catholic and protestant, under the authority of the king, an original but brief attempt since, in 1625, the Cardinal de Richelieu wrote "as long as the Huguenot party remains, the king will not be absolute”. The charter will therefore be revoked in 1685, even the right of emigration yet sealed by international treaties...- Religion must then remain a strictly private matter, "devotio privata", all assemblies being forbidden.

**Freedom, a fundamental Right?**

With the writers of the Enlightenments and the loss of confidence of the people in the ability of their governments and state religions, to ensure security, well-being, and equity, new dimensions of individual 'freedom' appears, step by step, not without episodes of extreme violence and fratricidal conflicts. Here is an example, with the french sequence:

-1787, the King recognizes the civil status of Protestants...

-1789, `The Republic votes the “Human and Citizen Rights”, declaration of the *free determination* of peoples and men who are *born "free" and "equal in rights"*. Freedom is now asserting itself as a personal "right" alongside property, security rights and resistance to oppression[[6]](#footnote-6) *: "No one should be worried about his opinions, even religious ones, as long as their demonstrations do not disturb public order...” (Article X)* *"... except to answer for the abuse of this freedom in cases determined by law" (Article XI)*

-1791, the Constituent Assembly recognizes freedom of worship : *"Congress will not make any law giving preference to a religion or prohibiting free exercise, restricting freedom of expression, freedom of the press or the right of citizens to assemble peacefully..."*

-1802 (Concordat) there is no longer a State religion, even if the Catholic religion, remains, as a large majority, under the authority of the pope. Church life is regulated but without the recognition of a central authority (synod) for Protestants.

-1881, Printing and bookstore are free : any periodical or periodical can be published, without prior authorization and without a deposit of a bond (only on pre-declaration)

-1905,: *Laicity (*neutrality, separation, secularism of the public sphere) hence appear as the instrument of the freedom to believe or not to believe, to practice and change religion : “*give back to Caesar what belongs to Caesar ' ... and to God what belongs to God"[[7]](#footnote-7).*

After World war II, more civil and political Rights and freedoms are internationally recognized as “fundamentals”, more or less compulsory.

This new, highly political, meaning of “freedom” after being stated in England spread in France and the United States[[8]](#footnote-8) ; it is the symbol of the France motto, « Liberté, Egalité, Fraternité », and that of the "Statue of Liberty" gifted for the 100th celebration of the United States’s independence and for the “*liberty enlightening the world”*, celebration of freedom of all nations...

Last born in the economic sphere in favor of free trade, neoliberalismproposes in the 1970’s the disappearance of state regulations, charged to impede the expansion of trade and the happiness of the nations.

What, then, about a translation into Chinese of the concept "freedom", in this context which identifies the individual as the main political subject?

Jérome Blutel quote Prof. Zhao Tingyang : *"Since the "May 4 Movement" of 1919, critics have regarded Chinese culture as opposed to the freedom and rights of the individual.(...) The reality is that because it does not take the individual as the political unit, the problem of individual freedom does not arise”* … Hence, the risk of misunderstanding in any attempt of translation…

*\*. \*. \**

Is the present concept de freedom at the dawn of a new viewpoint?

May be, but with the avoidance of two pitfalls, courts inflation and growing power of minorities:

\* The trade-off between the selfishness of individuals (consumers) through the prevalence of fundamental freedoms over collective responsibilities and the need to ensure a peaceful cohabitation of communities with antagonistic values leads to judicial inflation and hyperactivity which empower the interpretative power of (nonelected) judges and courts at the expense of the legislators.

\* The power of the majority is the new power to be destroyed... to the benefit of the power of minorities (victims' associations, trade unions, LGBT lobbies + media, WOK’s ....) with the same effect of clogging up the courts.

Pr Pena Ruiz suggests, with a balanced vision between individual freedoms and collective rights *: "I believe that freedom without conditions is absurd. I even reject the idea that freedom should be without norms".*

Without questioning the importance of individual fundamental liberties, even Democracy will have, not only to protect, but to sets limits on individual freedom, at least, *“those of the common welfare”.*

*\* \* \**

May I conclude with Stephan Zweig, quoting Pr. Michel Terestchenko : "*I begin to realize that real sympathy has nothing in common with an electric current that you can turn on and off at will, and that caring about the fate of others takes away some of your freedom"…*

*\* \* \**

1. Emile Benveniste Le vocabulaire des institutions indo- européennes, Les éditons de Minuit 1969 [↑](#footnote-ref-1)
2. Liber, an ancient italic rustic god, presided, with his paredra the goddess Libera, for the release of the male and female components of the new generation. The exact origin of its name is uncertain but could be translated into abundance or fertility. Liber was later assimilated to the god Bacchus / Dionysus mythologica.fr/rome/liber.htm [↑](#footnote-ref-2)
3. Translation proposed by Jérôme Blutel [↑](#footnote-ref-3)
4. In Athens, only free persons could be “citizens”; only men with both parents "citizen" parents, could be free which Aristotle could not avail himself of [↑](#footnote-ref-4)
5. Prof. Pena Ruiz recalls in particular the librorum prohibitorum which is the list of prohibited books promulgated by the Council of Trent in 1564 and “put on the index” and so therefore of their authors *Dante, Abélard, Descartes, Calvin, Diderot, Bayle, Bacon, Érasme, Galilée, La Fontaine, Lamartine, Kant, Mo,ntaigne, Malebranche, Montesquieu, Pascal, Spinoza, Rousseau, V.Hugo ,and, of course, Voltaire, …* [↑](#footnote-ref-5)
6. [↑](#footnote-ref-6)
7. This was already proposed by Pope Gelasius I in the 3rd century … nowadays, out of 195 states, only 41 still refer to a state religion (23 of which are Christian, 28 Muslim). [↑](#footnote-ref-7)
8. it is now inscribed in the national Constitutions of 22 countries *(generally in English or Spanish, two in Latin, one in Swahili, two in Arabic* [↑](#footnote-ref-8)