

Liberty and Responsibility

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journals.sagepub.com/home/dio**Marianne Bastid-Bruguière**

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Abstract

Although China adopted in 1948 the Universal Declaration of Human Rights largely inspired by her delegate Zhang Pengchun (1892–1957), individual liberty remains a key issue in cultural dialogues between China and Europe. However, culture is an ongoing process with no territorial boundaries, affecting every human being differently. European freedom is becoming increasingly restricted the more it focuses on meeting social and environmental needs. More broadly, the concept of responsibility that expresses solidarity between humans, belongs to all cultures and could provide the common norm of a global ethic.

Keywords

Human rights, individual liberty, freedom limitation, responsibility, global ethic, Zhang Pengchun, Jean-François Billeter

For over four centuries, we have read floods of literature describing the similarities and commonalities shared by the cultural traditions of China and Europe. During this long period, we have read equal floods of literature stressing the superiority of one or the other cultural tradition, not to mention the floods of literature pinpointing every difference between the two and discussing their incompatibilities. In my view, all this literature belongs to our common modern global culture. I shall not go into its philosophical grounding or legitimacy. It is part of transcultural interaction, which is a key constituent in the process of culture. Culture is not a box or a suitcase containing some safety kit which you carry along, it is an ongoing process affecting everybody continuously. The image of flowing rivers used by Torbjörn Lodén is very well-chosen. We are all like drops of water in the rivers, unable to keep any purity or integrity.

What I shall try to do briefly here is to look at where we stand now in this flowing process, and to explore what the real prospects are regarding the emergence of a global ethic.

In the dialogue between the so-called Chinese traditions and the so-called European or Western traditions, the key issue regarding recognition of common values has always been the definition and understanding of individual human rights. China took part in the drafting of the Universal Declaration of Human Rights in 1948. The Chinese representative on the draft committee, Zhang

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Pengchun (1892-1957), was a professor of philosophy at Nankai University, trained by Dewey at Columbia; he was also a playwright. From 1942 onwards, he had served as a diplomat in Turkey, where he lectured on commonalities and reciprocal influences between the Islamic and Chinese cultures, and on the relationship between Confucianism and Islam. He played a major role in the drafting of the 1948 Declaration (he was vice-chairman of the drafting committee), insisting that the notion of human rights was borrowed from China by 18th century European philosophers of the Enlightenment period. To make the document more universal, he insisted on the removal of all religious references, and he used aspects of Confucianism to settle stalemates in negotiations. China's National government adopted the Declaration in 1948. The government of the People's Republic of China followed suit, after winning the seat at the UN. But since the Declaration is not a treaty, it entails no binding obligation. In fact, there has been much Chinese criticism of international human rights norms in mainland China. The PRC government has even shifted from its defensive posture on the U.N. Human Rights Council, which consisted of trying to block international criticism of its repressive human rights record, to an activist role, promoting interpretations of national sovereignty and of non-interference in internal affairs that weaken international norms of human rights, of transparency, and of accountability. However, the problem is not only official propaganda, and its white, blue, or yellow books on the progress of human rights in China. It lies at a deeper level. The ideas, beliefs and customs underlying the whole construct of human rights are unfamiliar to a very large number of Chinese on the mainland for lack of general access to reliable information or education on that topic. The stumbling block is the issue of individual liberty.

In a small book published this year, the Swiss sinologist Jean-François Billeter has a very convincing historical explanation of this feature, which combines, first, the fact that in China the state has grown as an extension of the family; second, the fact that there has always been since Zhou times a sharp dividing line between a small elite world with a strict hierarchy, on the one hand, linked by a precise sharing of privileges and by rituals and family ties and, on the other hand, the mass of subjected people, who were very diverse in their social institutions, customs, and religious practice and who could live freely as long they accepted the status quo; third, the fact that political power has always been conceived as unique, supreme and indivisible.¹ To this historical setting, Billeter links the fact that there has never been in the Chinese past the idea of an autonomous subject, nor the idea of liberty. The absence of the idea of liberty does not mean at all, in his view, that there was no actual freedom, but the absence of an idea of liberty has important consequences. The conception of the subject, which was shaped in the 3rd century and remains basic and central in Chinese thinking until today is that to act efficiently and rightly, the subject should surrender his ego and allow the forces that move reality (called *wu*, 無, or with other names) to operate through him. He should make himself impersonal so that impersonal forces may become manifest. If the subject remains egocentric, selfish, individualistic, these beneficial forces cannot operate. The need for individual independence and autonomy has been strong, but remained expressed in a negative way, as eremitism (*yinshi*, 隱士). Chinese people who have adopted a liberal view of liberty are still a minority, although a growing one.

However, we should remember that from the very birth of human rights and individual liberty principles in the 18th century, there has been in Europe steady philosophical and legal criticism by famous thinkers, beginning with Burke in 1790. Since the 1980s many European legal specialists have pointed to the obnoxious, absurd, or unfair effects of the subjective view of individual liberty and rights in Europe. They have denounced government ruled by judges, and especially the European Court of Human Rights. There is now, in recent years, a strong current for limiting liberty in the economic, political, and social field not only in a traditionally conservative stream of

opinion, but also among noisier populist parties and constituencies, among Trumpists in the United States, and in what are called “illiberal democracies” in East European countries such as Hungary and Poland, and also in Venezuela and India. In the social media and on the public stage, many of those stand against abortion, same sex marriages, medically assisted procreation, and immigration. They stand against what they call “libertarian liberalism”. Conservatives see the postmodern West as aiming to expand globalisation and individual emancipation as far as technologies will allow. They hold that limitations should be imposed for anthropological and ethical reasons. They see global culture as too individualistic and materialistic, as pushing individual liberty to frightening extremes, and destroying social and human links. Illiberal democracies refuse to consider individual liberty as the highest aim; they value links to the motherland, to the family, and the sense of duty and faithfulness. These ideas should be seen within their economic, political, and social contexts. In Eastern Europe, for example, there are historical reasons as local, traditional culture was the only self-protection for national survival under communist rule.

However, it is not true that liberty is unlimited in liberal democracies. Actually, freedoms and prohibitions do not apply to the same matters as they did sixty years ago. Populists will resent not being allowed to smoke in restaurants as they could do in the past, or being forbidden from hunting wild ducks. Recently, security measures for coping with terrorist threat and with the pandemic have aroused strong protest in liberal democracies. Prominent liberal lawyers, intellectuals, and politicians have warned that criminal law has changed into a security system that violates all fundamental individual rights and limits the power of the judiciary and its protection of liberties. Some fear that the way in which urgency has become an everyday fact may lead very soon to “soft totalitarianism”.

If we look at the present situation in the Western world, the major problem is no longer to grant one small group or another more rights. Most individual freedoms have been severely restricted because of the pandemic. It might be provisional for a few more months. Nonetheless, some legal specialists, intellectuals, NGOs, political circles, etc., suggest that the notion of social interdependence should balance the emphasis on the individual. Many individual liberties will have to be restricted permanently because of the collective need to alleviate the effects of climate change. If one considers the rules for building, leisure, and production that pertain to the alleviation of the effects of climate change, it becomes apparent that they all define duties, not rights. Environmental protection has further been included as a requirement in the constitution of many European countries and is now a source of constraints and obligations. The reports on the necessary measures to be taken in the next five years show that the agenda will impact economic activity as well as everyone’s private life (night-time heating cut, limited space per person, no private car, no urban private transport, limited meat and clothes consumption, no ordinary travel by plane). A new system of conditional liberty is at hand.

The detailed rules and laws of this system may be local. What we are looking for here is a global ethic, that is, norms. It is ethical beliefs which can make people accept limitations on their individual rights. Responsibility is a notion that belongs to all cultures. It is not only an expression of the social link between humans, but also of the capacity of individuals to act, to start something on their own, to express their capacity for liberty and autonomy. In order to balance properly individual liberty and solidarity, the slide perhaps should shift towards responsibility rather than individual emancipation and enjoyment. Some people advocate renunciation and frugality. I believe it may apply to the happy few, but not to the much larger number of the have-nots. It cannot be universal. Responsibility is a better deal.

But, as Göran Collste points out in his paper in this issue of *Diogenes*, the problem is communication. How can we spread such consciousness to a broader public? Social media and associations

could be a tool. Efficient spreading of moral values works by imitation of others' practical actions or behaviour, not just purely by academic discourses.

Note

1. See Billeter 2020: 24–25, 61–66, 101–125. This book expands and systematizes approaches drawn from his earlier books published by Allia.

Reference

Billeter J-F (2020) *Pourquoi l'Europe: réflexions d'un sinologue*, Paris: Allia.