

# Freedom and education: foundations of human rights in J. Hersch

## ABSTRACT

*Freedom and education:* the Foundation for human rights in J. Hersch

The Geneva philosopher J. Hersch says that freedom and education are important foundations for human rights. The capacity of freedom is the essential property of humans and people actually exist as such when the concern that capacity to freedom, creating consequently his own humanity. Education is another essential foundation because it allows every person to respect each other as an end in itself, in the belief that more is the one that offers the conditions personalistic anthropological pedagogy and the most effective social and ethical respect for inviolable rights of the human person and non-negotiable.

**Keywords:** liberty, education, human rights

## 1. Introduction

The fundamental theme of our age is the fundamental theme of the story: that of man's destiny and its inviolable rights. The problem is knowing if the being to whom belongs the future will continue to be called and be truly human, and to what extent it will be possible to release human rights from our tradition of political culture and affirming them on a planetary scale. We are witnessing a dehumanization processes in all fields of culture, morals and the social, legal and political, and

meanwhile is the moral conscience that is foreshadowed, for they need, now, more than ever, an awakening in the same subtended by a strong commitment to education so that there is a compass to guide human life toward those values and to respect the constituent foundations of rights be person. In this respect we believe may be useful reflections of Jeanne Hersch, ideally start from this “gesture of freedom”<sup>1</sup> that philosophy in Geneva, already played in Europe in the years of his teaching from the chair of Geneva, performed by breaking the magic circle of pure philosophy, and opening at the same time his mind to listen to the voices of the world and history, also and above all of the voices of the world and of history, especially of the voices of the «without language» to use an expression dear to Simone Weil.

In 1968, on the occasion of the celebration of the twentieth anniversary of the Universal Declaration of human rights, had spread the suspicion that, human rights are a western idea only, christian and humanistic tradition-bound. Solicited by that complaint, the philosopher J. Hersch became the promoter of a collection of testimonies from different cultural traditions in respect of human rights, thus an ethnic and ethnographic experiment of great value. He asked the representatives of all countries to send texts taken from their traditions and anyway before 1948, «in which, in their view, manifested, in any way, a way for the rights of human beings». The resulting comforting consent, documented by the ensuing publication namely a valuable essay entitled *Le droit d’être un homme*<sup>2</sup>, translated into many languages.

The consensus was around human rights, with the search for Hersch, apparently today is compromised by an uncontrolled proliferation of

<sup>1</sup> Cfr. J. Hersch, *L'exigence absolue de la liberté. Textes sur les droits humains* (1973-1995), a cura di F. De Vecchi, Metishesses, Genève 2008.

<sup>2</sup> Cfr. *Le droit d'être un homme - Anthologie mondiale de la liberté*, Unesco- Payot, Paris-Lusanne; tr.it. E. Marini, SEI, Torino 1973, poi Mimesis, Milano 2015. It's an interesting collection of texts, prepared under the direction of J. Hersche, which would now rethought and who picked up a significant consensus around the Declaration of human rights of 1948. That collection was the empirical basis of reflection that led the Geneva based human rights philosopher until the last days of his life. From distant countries and more remote from the few arrived in Paris the thoughts through which man has proved himself, in his inviolable dignity (Cfr. J. Hersche, *I diritti umani da un punto di vista filosofico*, tr.it. di F. De Vecchi, Bruno Mondadori, Milano 2008, p.61).

rights, fostered by the mass. Concerned moral issues and the rising individualistic approach to the topic concerned. The responsibility can be detected in the detachment of the rights by reference to objective measure of natural law as noted Benedict XVI on the occasion of a speech at the UN General Assembly in 2008, the year of the sixtieth anniversary of the proclamation of the United Nations. On that occasion, Pope Benedict XVI said: «these rights are based on the natural law inscribed on the human heart and present in different cultures and civilizations. Remove human rights from this context would mean restricting their scope and give in to a relativistic conception according to which the meaning and interpretation of rights could vary and their universality would be denied in the name of cultural contexts, different political, social and even religious»<sup>3</sup>.

According to Ratzinger subjective rights have their basis in objective law: natural law. The desire for freedom and the defense of it, always operating in the heart of man go to a natural law, and together combine to determine its contents. The transition from immediate practical experience to natural law requires the mediation of culture. Only through the mediation of cultures and their comparison natural law becomes known; Therefore the recognition of cultural mediation of moral conscience and therefore also of the legal does not mean *ipso facto* negation of every natural law.

## 2. Freedom and human rights

The Hersch philosopher's reflections on the relationship between freedom and human rights stem from questions that the thinker arises, such as: what is the Foundation of human rights? How this Foundation can be both absolute and plural? In that sense we can speak of the universality of human rights? Universality is only the West? What kind of rights are? What they mean? What is the strength of the universal declarations? Are all key issues and Hersch responds from his idea of freedom. Given that Hersch was a student of Karl Jaspers and having deepened Bergson's philosophy, it can be said that his philosophizing on

---

<sup>3</sup> Benedetto XVI, speech at the UN general Assembly, 2008.

the experience and “by the evidence of things seen and experienced” as she herself says<sup>4</sup>.

Hersch locates the absolute and universal human rights foundation in the experience of one’s own ability to actualize and affirmation of freedom of every human being. The philosopher defines this absolute need for deep, emotional and personal experience and research the terms discount and development of concrete and real freedom<sup>5</sup>.

According to Hersch you can understand the Foundation of human rights only taking the philosophical point of view thus trying to locate the “raison d’être” of human rights and therefore the need for absolute, constitutive of every human being, to be recognized as free. Freedom is in the Centre of *human rights from a philosophical point of view*<sup>6</sup>, Hersch, in fact, speaks of liberty as capacity and specifies that the capacity of freedom is the essential human property that sets it apart from every other living being<sup>7</sup>.

In that capacity, freedom is the order of the possibility and not the factuality, because all human beings are universally free in power while they’re free to done to the extent that everyone makes, creates and implements in its own way the staff capacity for freedom. If it is true, as it is true, that freedom is the essential property of humans, we can say that people actually exist as human beings when the concern that capacity to freedom, by discounting their humanity. The words “freedom” and “humanity” and “human” and “free” are equivalent and will involve each other.

Freedom and equality are not a given, but an ideal to be pursued, not a being but a need. Even existence for Hersch and another word for freedom and the verb “exist” for the genevan philosopher has an

<sup>4</sup> Cfr. J. Hersch, *L'illusion philosophique*, pref. di K. Jaspers, Plon, Paris 1995; tr.it. di F. Pivano, *L'illusione della filosofia*, Bruno Mondadori, Milano 2004<sup>2</sup>, p.30.

<sup>5</sup> Cfr. J. Hersch, *L'exigence absolue de la liberté*, cit., p.104.

<sup>6</sup> Cfr. J. Hersch, *I diritti umani da un punto di vista filosofico*, a cura di F. De Vecchi, Pref. di R. De Monticelli, Bruno Mondadori, Milano 2008; original title *Les droits de l'homme d'un point de vue philosophique*, Unesco, Genève-Paris 1990; pubblicato in seguito in R. Klibansky, D. Pears ( sons la direction de), *La philosophie en Europe*, Gallimard, Paris 1993, pp. 505-540; ora ripubblicato in J.Hersch, *L'exigence absolue de la liberté*, cit., pp.103-125.

<sup>7</sup> These beliefs are the leitmotif of the entire production and herschiana for a discussion on the development of this thesis and the idea of freedom, we return to a significant paper of F. De Vecchi, *La libertà incarnata. Filosofia, etica e diritti umani secondo Jeanne Hersch*, Bruno Mondadori, Milano 2008.

etymology which refers to the idea of a spring state and then to the ability of human beings to emerge from the causality of the laws of nature, to establish itself freely and humanly<sup>8</sup>.

Freedom is for Hersch “shaping a matter”, ability to act by exercising a grip trainer on reality. And the human being all the more intensely lives the more gives strength to his activity, to his work and then acts, knows, contemplates and creates. An act which means do creatively: a *praxis* that is both a *poiesis*. The absolute freedom is the Foundation of human rights. The human involved in human rights is the ability of freedom that is the Foundation of human rights or, even better, a fundamental human right. This Foundation for Hersch is absolute and universal and is absolute because the implementation of the capacity of freedom and the affirmation of one’s own existence as a human being are an absolute requirement. If prevented from exercising its freedom and humanity, the human being is no longer and he has no chance to fulfil themselves humanly. It is universal, because the capacity of freedom is the constitutive property of all humans, as every human being wants to be recognized in this capacity so says Hersch: «Freedom, human rights foundation, is also an *absolute requirement* and *situation*. If it is not seen as absolute, it soon dissolves in consideration of causal sequences. If is not experienced in practice, which requires its countless data, it loses its reality up to abstraction emptier»<sup>9</sup>.

### 3. Freedom and education

Freedom and education are not irreconcilable; but they can and should coexist in the respect of fundamental human rights, which constitute the natural rights of man, that no authority can arbitrarily abolish, and respect the law, which is not a tyrannical imposition but an expression of the free will of the members. The person «as an end in itself» buy every social purpose, and as a result people’s rights prevail over every social disposition and condition the legitimacy; in fact the social being

<sup>8</sup> Cfr. J. Hersch, *Éclairer l’obscur, entretiens avec G. et A. Dufour, L’Âge d’Homme*, Lousanne 1986, p.53; tr.it. di L. Boella e F. De Vecchi; *Rischiare l’oscuro. Autoritratto a vita voce*; intr. di C. Boella, postf. di F. De Vecchi, Boldini Castoldi Dalai, Milano 2006.

<sup>9</sup> J. Hersch, *Lexigence absolue de la liberté*, cit., p.118; infra, p.89.

determines the human being, but a human being connotes humanly society in which it participates. With this you will not want to diminish the value of the company; here means the company as endogenous in person, not in the sense the immanence and monistic absolute idealism, but in the sense that the person contains within itself its social destination, nor could be fulfilled as a person if this would contravene his destination. Hersch affirms the importance of the community as indispensable to the realization of the freedom of the person and in this regard affirms that «it is necessary to recognize that the community is, in *many ways, indispensable* to the *individual* who is part of it, and the actualization of his freedom. It is the community which gives it in the past, culture, means to ensure material safety, human context, language, scope for action. It is also responsible for compliance with or violation of the rights of each and every one. It has therefore actually rights, but these are derived from those of the person and not the reverse»<sup>10</sup>. Hersch insists that freedom and education are linked in a relational paradigm and reciprocity and constitute the essential basis for a path of humanization and of respect for human rights. It happens to everyone if you can count on good reflection, in which those who are growing find authoritative reference guide imitative as adults but liberating.

All this requires a real commitment in the special conditions and personal and community educational responsibility that aims to make effective those principles which lead to the practical implementation of human rights. This does not allow us «to use a leaning towards Angelism that would allow us to escape the relativity of human condition»<sup>11</sup>. Instead the need for absolute respect for human rights engages us in our temporal condition «in efforts to be made step by step, in the course of life and history. In its and in concrete»<sup>12</sup>. Hersch is convinced that anthropological opinion better able to offer education prerequisites for a realistic profile of the subject to educate in today's cultural climate should remain anchored to the personalist tradition. For the personalism that person is 'an incarnate spirit» in the words of Mounier. There is, therefore,

<sup>10</sup> J. Hersch, *I diritti umani da un punto di vista filosofico*, cit., p.88.

<sup>11</sup> Ibidem.

<sup>12</sup> Ibidem.

scope for an evanescent anthropology; so is exceeded every legacy of dualistic separations between “soul” and “body”. In this direction should be the lesson of Hersch. In the compost synthesis of “soul” and “body” as well as in inextricable game of their mutual reciprocal difference lies the *unicum* of human being and so its oneness and uniqueness. The man has a soul and a body, and as a «living body and deadly belongs to nature. And nature is the realm of strength (...). Nature does not know the law or rights»<sup>13</sup>. If it were only a soul man «could ignore the strength, and be tempted to forget (...). Could dream of an Angel and should not worry about your rights»<sup>14</sup>. But as inseparable unity of body and soul he «lives his own humanity in the *intersection* of one and the other. The reality of nature, of factual, takes on decisive importance, and man needs to live *for* (...) aims of ends. *Want, wish, select, choose*. It and try to be a responsible freedom. Therefore, at the same time as the size of *intention, purpose* and *history*, introduces worldwide empirical realities of *rights* and the *right*»<sup>15</sup>. But this does not imply the detachment from nature, because if the right and rights were completely separate from the force would not have the same force and reality had nothing to human if it were not subject to the law. So, since man is unique to living this intersection of opposing kingdoms of nature and freedom, feel in him the need to safeguard his opportunities to make of himself what he is capable of becoming, by demanding the recognition of dignity because it is the only to aspire knowingly to a future.

A pedagogy of the person, therefore, holding very much alive the interconnectedness between body and soul, between freedom and education, based on this data to an educational project dedicated to the awareness that an education anthropological compelling concreteness part from an anthropological perspective “holistic”, where contemporary balance are *homo rationalis*, *homo spiritualis* and *homo sentiens*. So according to Hersch, for respect for human rights in the existential experience, which teaches to respect them in the exercise of a personal freedom and an educational responsibility that become *conditio sine*

<sup>13</sup> Ivi, p.60.

<sup>14</sup> Ivi, p.61.

<sup>15</sup> Ibidem.

qua non of an educational project to combat the risk of sleepwalking and keep alive the consciousness in order to enable you to understand how the figure “ethics must be” urging to adhere to good and related values, Plexus has corresponded with the unavoidable task of its humanization. For Hersch the freedom that is characterized as the key category of anthropology, remains the heart of the legal and ethical and pedagogical reflection. In fact, if education is intended to make the man what he can become, none of this can happen without that he prove an adequate commitment of freedom. But the path towards such a goal requires, in any case, two interconnected movements: the one (freedom from), of progressive distancing from alleys and conditionings, the other (freedom to), by striving for a well considered worthy of being pursued. Ultimately it is a *freedom to be freed*<sup>16</sup>.

Freedom and education are the fundamentals of human rights, and the genevan philosopher insists on universal education on human rights, inspired by the “ethical boundaries” that Jaspers was present when «recommended modesty (*sich bescheiden*) in front of the absolute»<sup>17</sup>.

This universal education, now more than ever, represents the biggest challenge for the man of the third millennium, if only for a moment, we look at the news, unfortunately marred by serious problems as hunger, refugee camps, without asylum boats swept away by the sea, blackmail, wars, persecutions, terrorism. And yet, says Hersch, «how to keep quiet when it sometimes seems that the root interior of human rights, this absolute root you say “you’ve gotta” or saying “no, at no cost” and that should be at the core of any human rights teaching is likely to atrophy? Without this root, continues the philosopher, rights lose all their meaning. You have to treat it, nurture it, stimulate it, while preserving and trust measuring an incarnation always imperfect and progressive, to be implemented in many ways and, in particular, with the legal instruments inspired by the Universal Declaration»<sup>18</sup>.

<sup>16</sup> Cfr. O. Dürr, *Educazione alla libertà*, tr.it., La Scuola, Brescia 1971. Si veda anche E. Calicchi, A. M. Passaseo (a cura di), *Educazione e libertà nel tempo presente. Percorsi, modelli, problemi*; Armando Siciliano, Messina 2008.

<sup>17</sup> Cfr. J. Hersch, *I diritti umani da un punto di vista filosofico*, cit., p.102.

<sup>18</sup> *Ibidem*.

## Bibliography

- Benedetto XVI (2008), speech at the UN general Assembly.
- Boella L. and De Vecchi F. (2006); *Rischiare l'oscuro. Autoritratto a vita voce*; intr. di C. Boella, postf. di F. De Vecchi, Boldini Castoldi Dalai, Milano.
- Calicchi E., Passaseo A. M. (a cura di) (2008), *Educazione e libertà nel tempo presente. Percorsi, modelli, problemi*; Armando Siciliano, Messina.
- De Vecchi, F. (2008) *La libertà incarnata. Filosofia, etica e diritti umani secondo Jeanne Hersch*, Bruno Mondadori, Milano.
- Dürr, O. (1971) *Educazione alla libertà*, tr.it., La Scuola, Brescia.
- Hersch, J. (1986) *Éclairer l'obscur, entretiens avec G. et A. Dufour, L'Âge d'Homme*, Lousanne.
- Hersch, J. (1990) *Les droits de l'homme d'un point de vue philosophique*, Unesco, Genève-Paris; in: R. Klibansky, D. Pears ( sans la direction de), *La philosophie en Europe*, Gallimard, Paris 1993.
- Hersch, J. (1995) *L'illusion philosophique*, pref. di K. Jaspers, Plon, Paris.
- Hersch, J. (2008) *I diritti umani da un punto di vista filosofico*, tr.it. di F. De Vecchi, Bruno Mondadori, Milano.
- Hersch, J. (2008) *L'exigence absolue de la liberté. Textes sur le droits humains ( 1973-1995)*, a cura di F. De Vecchi, Metishesses, Genève.
- Hersch, J. (2015) *Le droit d'être un homme- Anthologie mondiale de la liberté*, Unesco- Payot, Paris-Lusanne; tr.it. E. Marini, SEI, Torino 1973, poi Mimesis, Milano.
- Pivano, F (2004) *L'illusione della filosofia*, Bruno Mondadori, Milano .

