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The Concept of Freedom in the Anglo-American World

Gerhard Besier

Abstract

At the beginning of his second term as president of the United States of America, George W. Bush clearly referred to the foundation myth of his country – the „historic metanarrative“ of people emigrating to America in order to obtain – generation after generation – a piece of freedom. This freedom-project has not come to an end yet. Its development continues at home, but also displays unexpected powers abroad. In his inauguration address, at the end of January 2005, President Bush placed the elections in Iraq in a wider context, where...
nothing less than the democratization of the whole world is at stake. Concerning internal affairs, he plans to reform the social security systems. According to Mr. Bush’s convictions, all this can be achieved by only one historic force: “The force of human freedom.” By definition, he explains, freedom has to be chosen and defended by the people. It has to be maintained through the reign of law and by protecting minorities. In his proclamations, President Bush repeatedly refers to the founding fathers; he sees himself in one line with them. In contrast to this, Claus Kleber sees America’s recent crusades rooted only in the historic experiences of the 20th and 21st century.

Did America change its set of values fundamentally since the beginning of the 20th century? Did George W. Bush distance himself from the historic roots of his country? Anyhow, America’s historic metanarrative does not leave such an impression.

Dozens of books on freedom have been published in the last four years in the US. The end of this avalanche is not yet in sight. In 2003, Joy Hakim’s richly illustrated freedom-book was published with the subtitle “A History of Us.” George W. Bush and his wife Laura wrote a foreword to this book and thereby officially recognized it. The president’s foreword says: “Generations of American men and women have lived and died for their own freedom and the freedom of others. This has been true since our founding, but we all understand the importance of freedom even more after the terrible events of September 11th.” Then, Mr. Bush exemplary lists several major events of the American history of freedom – the War of Independence, women’s emancipation, and the establishment of equal rights for African Americans –, drawing the conclusion: “Our freedom belongs to each and every citizen of this country and with this blessing comes the responsibility to defend it.”

“Why”, the author Joy Hakim asks, „did men and women suddenly think they could rule themselves? What made them believe they could do without kings and emperors?” Enlightenment holds the answer to this question with Isaac
Newton’s discovery that the earth and skies are governed by verifiable laws. If the universe submits to reason, why shouldn’t it be possible to rule human society only by the help of reason and under those laws, upon which everybody could agree. God was no longer the guarantor of an order determined by himself, with a king on top of the hierarchy. Rather, God moved on to the personal, spiritual sphere of the pious, which includes all those who prove worthy of his blessings through their personal lifestyle.

The decision in favor of freedom of conscience (freedom of religion) was a memorable landmark. A government without a state religion seemed risky. Would the population fall into immorality? In Virginia, all state officials were required to be members of the Church of England. After the statute on religious freedom had passed and a state religion did not exist any longer, it appeared that people were no more sinful than before. Hereafter, belonging to a certain religious group was no longer a qualifying criterion for official positions. George Washington, who was very skeptical at first in 1786, wrote in his letter to the Hebrew congregation of Newport, Rhode Island, in 1790, that nothing else would be expected of them than that they should demean themselves as good citizens.

The Americans are very proud of the fact that everybody can become president in their country, for example Harry S. Truman, a farmer’s son, who was too poor to go to college, as well as his predecessor Franklin D. Roosevelt, who came from a wealthy patrician family. The metanarratives present America’s founding rebels as quite conflicting, sometimes difficult personalities. But when freedom was at stake, they proved to be upright and relentless fighters. The best American radicals used reason, discourse, and peaceful demonstrations to broaden the rights of freedom. With this, Martin Luther King serves as a model for the 20th century.

One of America’s founding maxims is Jefferson’s remark: “All men are created equal.” The assertion of this principle took America 160 years – a very long period of time, considering that the history of the US does not even cover 300 years! This does not bother the Americans, as long as they can state that ideals are “a work in progress.” “Liberty and justice for all is both our legacy and our destination”, says one of the key phrases. It means that these people live out of a tradition, which has to be worked on and brought ahead for the future. In this spirit, even terrible wars can be transformed into epiphanies. The civil war between the Northern and Southern states plays such a role in the American national identity.

All this is not only important for Americans. They rather understand their discovery of freedom – and democracy as a part of it – as a “special, unique, mar-

11 Cf. e.g. Michael G. Long, Against Us, But For Us. Martin Luther King, Jr. And the State, Macon (Georgia) 2002, esp. p. 10, 23 f., 77 ff., 55 f.
velous American gift to humanity.” This gift is also called the “fairness doctrine.” In George Washington’s words, it is “worthy of imitation.”

On July 4th, 1776, America entered the world stage. This was the day on which the colonists broke the chains binding them to the mother country. On this day, “we Americans told the world we were free, and then we had to make it real”.12 In America, the day is remembered as the occasion when the Americans unhinged the world. Only then could the American maxim of equality overcome the class rigidities of European society. What was impossible in Europe – America made it come true: the son of a Boston candlemaker became one of the richest and most famous men of the country. His name was Benjamin Franklin.

The fight with the mother country was sparked off by the problem that the colonists were supposed to pay taxes but did not have any representation. In 1773 the legendary Boston Tea Party took place. Dressed like Native Americans, they boarded an English ship and threw the freight – good English tea – over board. With this, they meant to protest against the tea tax.

The American colonists laid claim to those rights which people in England had already fought for successfully. The Magna Carta from 1215 institutionalized the control of royal actions and laid the foundations for parliamentarianism. Of course, the control was not executed by ordinary men, but by the clerical and secular elite of the realm. However, the importance of Magna Carta for the development of the legal system can hardly be underestimated. It outlines basic rights, which, henceforth, could not be violated arbitrarily.

Another very important right that the English parliament delineated was the Habeas Corpus Act from 1679. It guaranteed the protection of personal rights and gave security by prohibiting arbitrary arrestment. On being arrested, a person could now claim to be brought to court immediately. Finally, the Glorious Revolution from 1688 should not be absent from this brief enumeration. The result was that the parliament took over sovereignty; the crown became an ordinary office of state, which was granted by parliament. The monarchy lost its charismatic character, its divine right. John Locke (1632–1704), the theorist of a civil and liberal concept of state, formulated the contracts. According to these contracts, parliament and crown execute the state power in trust of the people, who are additionally endowed with resistance rights. These achievements theoretically cleared a path, which the colonists wanted to bring to perfection. At first, they expected the same rights as the English already had. They thought of themselves as English citizens living in the colonies and not yet as Americans; they believed that English rights were their rights. Understanding these facts seems crucial, because they explain why we are talking about an “Anglo-American” tradition of freedom. This tradition of freedom did not originate in America, but has its roots in the English parliamentary history.

12 Hakim, Freedom, p. 21.
In Jamestown, Virginia, the first permanent English settlement in America, the colonists gave themselves – only a dozen years after their arrival – their own representative constitution. It was only during this detachment process that they started to call themselves “Virginians” and no longer “English citizens.” They deemed the War of Independence a struggle for freedom.\textsuperscript{13} Thomas Paine, the literary propagandist of this liberation, wrote his pamphlet called \textit{Common Sense} (published in January 1776), to justify his argument that it would be reasonable for America to separate from England. Monarchy, he claimed, is a poor form of government and people are better off to break free from it; Great Britain was hurting America’s economy with taxes and trade restrictions. According to Paine it was foolish for a small island, 3,000 miles away, to try to rule a whole continent. It was also Paine, who said that every government – even in its best state – is but a necessary evil, and who stated: “My country is the world, and my religion is to do good.”\textsuperscript{14}

In 1774 the First Continental Congress of the twelve colonies took place in Philadelphia. Georgia did not attend. The delegates declared that the colonists were entitled to the same rights as Englishmen and announced an embargo on all trade with Britain. The Declaration of Independence with its principle of equality neither included women nor blacks. But: „The Declaration of Independence has grown with time“.\textsuperscript{15} This is how the historic metanarratives explain the deficits of the time.

However, this did not influence the American myth and the “revolutionary idea”, which was: “That people could form their own government and rule themselves“.\textsuperscript{16} America is proud of not only to have raised the question as to whether a democracy could really work. But its people also took a chance on the experiment of democracy. According to them, the practice of democracy proved they were right. It soon became one of the basic maxims of the nation that mere thinking without exercising freedom holds little value. The War of Independence is considered a people’s war. At its end, victory awaited them – like a wonder: “A superpower had been defeated by an upstart colony”.\textsuperscript{17}

The preamble of the Constitution of the United States of America from September 11\textsuperscript{th}, 1787 explicitly states that the established alliance has to be perfected and that the “Blessings of Liberty have to be made secure to ourselves and our Posterity.”\textsuperscript{18} When it was Benjamin Franklin’s turn to sign the document, he paused and symbolically pointed to the chair in which George

\textsuperscript{15} Hakim, Freedom, p. 18.
\textsuperscript{16} Hakim, Freedom, p. 21.
\textsuperscript{17} Hakim, Freedom, p. 32.
Washington had sat. Carved in the chair’s back was a half sun with sunbeams. He said: “I have the happiness to know that it is a rising and not a setting sun”.19

Symbols of freedom, growth, justice and prosperity accompanied the actions of generations. When, in 1803, Thomas Jefferson bought Louisiana from France for $15 million, he called the increase an “empire for liberty”.20

Many American presidents, including Bill Clinton, called religious freedom the most important of all American freedoms.21 So to speak, religious freedom is the foundation of the myth of freedom. Between 1630 and 1640, 20,000 non-conformists, especially Puritans, left England, because Charles I. was suppressing them. As legend has it, the religious motives of this minority were to carry the founding myth of America. Even the descendants of adventurers and criminals later referred to the alleged flight of their ancestors as being caused by religious suppression. The Puritans wanted to turn their colony into an example for all the world. One of their governors, John Winthrop, said: “We must consider that we shall be as a city upon a hill. The eyes of all people are upon us”.22 The Puritans came to America to find religious freedom – but only for themselves. Tolerance, said John Cotton, one of their famous preachers, is “liberty to tell lies in the name of the Lord”.23 The idea of individual religious freedom was uncommon to them. They had merely decided that there souls were too precious to leave to the king. So they exchanged the authority of the king for that of Holy Scripture. They were not keen on democracy. Winthrop once referred to democracy as the “meanest and worst” form of government. And yet the Puritans practiced a kind of democracy – for male church members. Once a year, these men came together to elect the governor and council.

Considering the historic background, it is even more astonishing that the idea of a separation of state and church belongs to the firm principles of American sociopolitics. This idea was at first highly contentious. Roger Williams,24 a teacher and minister, who first raised the question whether it is possible that there can be more than one path to God, was found guilty of holding “new and dangerous ideas”25 by a Massachusetts court in 1636. He was supposed to be sent back to England. But instead he bought land from the Native Americans and founded the colony Providence. There, people of all denominations and creeds found a new home.

Things were quite different in Virginia. Methodists, Baptists, and atheists were sent to jail if they did not attend services of the Church of England.

19 Quoted from Hakim, Freedom, p. 39.
22 Quoted from Hakim, Freedom, p. 55.
23 Quoted from Hakim, Freedom, p. 56.
25 Quoted from Hakim, Freedom, p. 57.
Between the intolerant states Virginia and Massachusetts sat the religiously tolerant Pennsylvania. Charles II. gave this land to William Penn, owing a lot to Penn’s father. Penn became a member of a radical and hated sect: the Society of Friends, also known as Quakers.

Only by the mid-eighteenth century did a new generation, born in America, ask whether the state has the right to interfere in the religious matters of its citizens. A fierce discussion on this issue arose in Virginia. George Washington and some others were, as already mentioned, against freedom of religion. In 1786, Thomas Jefferson and his supporters finally prevailed. A statute did more than just guarantee the freedom to choose a church; it confirmed that governments have no business telling their citizens what to believe. Five years later, this Virginia statute became part of the American Constitution. Even George Washington became one of the biggest champions of religious freedom and separation of state and church.

Those who avoided the pressure of civilization and moved further westwards, “on the frontier”, did not care about these questions. Until today, “Go West” is an integral part of the American myth of freedom, from which at times even the cigarette industry tried to benefit. Departing westward promised infinite freedom in endless spaces. This migration from the east coast for a long time helped to reduce incipient sociopolitical tensions. By 1790, almost 200,000 people had gone west along what they named the “Wilderness Road”. In the first decades of the 19th century, merchants followed. The farther west people went, the freer they felt. Alexis Tocqueville, a young Frenchman, who, after having traveled the country intensively, wrote a book on American democracy in 1835, in which he refers to the “holy cult of freedom” he had encountered everywhere.26

In the American Civil War (1861–1865) America’s different ideas of freedom collided. The president at the time, Abraham Lincoln, put the contrasts in a picture: the shepherd scares away the wolf from the sheep’s throat. Thankful for this act, the sheep calls him a liberator. At the same time, the wolf calls the shepherd – for the very same act – a destroyer of freedom.

Sheep and wolf did not agree in terms of defining the word “freedom”27. It is well-known that the English language has two words for freedom – “liberty” and “freedom” – which possess separate roots.28 “Liberty” comes from the ancient Roman tradition and refers originally to the degree of personal independence in

a society that is structured hierarchically. The liberty of the individual stands in contrast to bondage and slavery. However, the word “freedom” is of germanic-celtic origin and refers to the affiliation with the community of the free, e.g. the tribe. Both civil war parties used both freedom terms. Concerning its meaning, in the south “liberty” (or “freedom”) did not apply to everybody. Liberty included inequality. The masters were in possession of many liberties, whereas the slaves had none. In the north, the freedom term was combined with the word “Union”. This helped the association of equal rights among those who belonged to the Union. In so far, the north depended on the term “freedom”. The north proclaimed “Freedom & Unity”, the south “Liberty & Independence”. During the civil war, the north transformed its ideals into an universal principle. The south, however, provincialized his term: “liberty” now referred exclusively to race, rank, and region.

Some try to explain the obvious contradiction between competing ideas of freedom by pointing out that another concept of freedom, that of Puritan awakenings, stands behind the American Enlightenment and emerges especially in times of conflict. This freedom is not concerned with protecting the private sphere, but with the freedom of following God’s commandments. Whereas Enlightenment’s idea of freedom seeks to protect the individual from encroachments by the state, the Puritan idea of freedom attempts to set up ethical laws. These are deemed to protect the moral freedom against Satan, who desires to lead the citizens into the slavery of vice and ignorance. Like no other, Thomas Jefferson managed to dissolve the contradictions between Puritanism and Enlightenment in his own person: “He was an idealistic materialist, a pious supporter of Enlightenment and a slave holder who spoke up for the basic right of freedom”. On occasion, the Puritan spirit in American society has sought to place limits on individual behaviour. But such encroachments have usually been fought off, if necessary through appeals to the Supreme Court.

Let us take a big step forward, to World War I. Woodrow Wilson, the 28th president of the United States, was the son of a Presbyterian minister from Georgia. It is reported that his father still held the view that the Bible justifies slavery. But his education, at Princeton and John Hopkins, makes him a liberal – apart from his opinion on blacks and women. Wilson wanted to improve working conditions, help farmers, change the banking system, control monopolies and lower tariffs. Most of all, he wanted to diminish the gap between poor and rich. America was trapped in an isolationist phase, its citizens saw the war as a distant event. Wilson thought of himself as a peacemaker. With special regards to the submarine warfare, he gave the famous statement: “The world must

31 Hans-Dieter Gelfert, Typisch amerikanisch. Wie die Amerikaner wurden und was sie sind, München 2002, p. 155.
be made safe for democracy”.32 In Congress, Wilson declared that America has to “fight for the rights and liberties of small nations.” Wilson’s “New Freedom” included also a vision for the whole world. Out of this self-image, America started a crusade against the enemies of freedom. It was not to be the last. The creation of a world organization, the League of Nations, was the cornerstone of Wilson’s peace plan, called the “Fourteen Points.”33 But the Senate’s Republican majority allowed the ratification of the Treaty of Versailles – and with it America’s participation in the League of Nations – to fail. Shortly before the end of World War II, it was again the United States of America, who delivered the plan for a United Nations Charter and went through with it despite all opposition. The Charter created the Security Council and the Hague International Court.

The Great Depression shook America’s economic system not only economically, but also morally. The country’s trademark, optimism, was hit in its very foundations. Many Americans deemed capitalism – a constituent part of American freedoms – too sick to recover. To some, even the authoritarian and totalitarian dictatorships of Europe seemed to be a possible alternative. On March 4th, 1933, Franklin Delano Roosevelt was inaugurated as America’s new president. His “New Deal” changed America profoundly. With Old Europe’s concepts, America caught up on those social achievements which Europeans already took for granted. For the first time, the state interfered with the business world in order to regulate and to secure public welfare.

On January 6th, 1941, Roosevelt gave his Four-Freedom-Speech in Congress. There, he summed up the reasons that would make America go to war. He said: “In future days, which we seek to make secure, we look forward to a world founded upon four essential freedoms. The first is freedom of speech and expression – everywhere in the world. The second is freedom of every person to worship God in his own way – everywhere in the world. The third is freedom from want, which, translated into world terms, means economic understandings which will secure to every nation a healthy peacetime life for its inhabitants – everywhere in the world. The fourth is freedom from fear, which, translated into world terms, means a world-wide reduction of armaments to such a point and in such a thorough fashion that no nation will be in a position to commit an act of physical aggression against any neighbor – anywhere in the world.

That is no vision of a distant millenium. It is a definite basis for a kind of world attainable in our own time and generation. That kind of world is the very antithesis of the so-called ‘new order’ of tyranny which the dictators seek to create with the crash of a bomb. To that new order we oppose the greater concep-

32 Quoted from Hakim, Freedom, p. 253.
tion – the moral order. A good society is able to face schemes of world domination and foreign revolutions alike without fear.”

Before the USA entered the war, widespread discussions took place as to whether the world’s leading democracy had a moral obligation to defend human rights elsewhere. In August 1941 Roosevelt told the American people they must be prepared “to defend freedom against all forces which would enslave the world.” On April 16th, 1945 Roosevelt’s successor, Harry S. Truman, said in his first presidential address to Congress that “the responsibility of a great state

34 Suriano, Great American Speeches, p. 165.
would be to serve and not to dominate the world.” According to this, he recommended generous support to the defeated nations, so that people would get back on their feet again. In combination with the democratic system – which, according to the American conviction, alone was able to bring freedom and prosperity elsewhere – the Europeans were offered several aid programs and material support. Politically, the Marshall Plan was certainly not free from selfishness; however, there is no doubt that it gave an important impulse to European economy. At the same time, it combined America’s claim to be the leading nation of the free world with some criticism of the conditions at home. End of June 1947, on the steps of the Lincoln Memorial, Truman said: “We can’t be leaders of the free world [...] and try to maintain peace in the world when we ourselves, at home, discriminate against people on account of color and religion”.35

After Roosevelt’s “New Deal”, Truman declared the “Fair Deal”, a liberal reform, that should also promote civil rights. Conservative critics were convinced that both plans were part of a development, which they interpreted as the beginning of communism. A fear of communists started to spread and led to some kind of witch-hunt. In full presence of the media, Senator Joseph McCarthy’s Un-American Activities Committee (HUAC) investigated against hundreds of American citizens who had been accused of communist activities. Thirty-nine states passed anticommunist laws. This phase marked a severe setback for the American idea of freedom. It ended in 1954, when McCarthy was convicted.36

This episode demonstrates a phenomenon which, in the US, is called “self-regulating powers”. When the divergence from the American ideals of freedom becomes too big, corrections are being made automatically, which rebalance the weights in a different way. This tendency was the reason why many European observers expected Mr. Bush’s defeat in the elections last fall. Instead, his clear victory indicates the existence of considerable differences between European and American perceptions of American foreign policy.

In terms of racial segregation, America saw an enormous self-correction in direction of its very own ideals in the 1960s. It was a tough process, in which the African Americans – with the help of Supreme Court and liberal white civil-rights activists, who were integrated in a powerful freedom movement – fought for those rights which white America had already enjoyed for a long time.37

The case Brown v. Board of Education of Topeka, Kansas, became famous. Linda Brown, a seven years old black girl, had to go on a long trip to school, although there was a good school five blocks from her house. In many of these

35 Quoted from Hakim, Freedom, p. 299.
cases, equality was fought for and established step by step – often under dramatic circumstances. At the end of the 1960s, Isaiah Berlin’s “Four Essays on Liberty” was published. The English philosopher’s differentiation between positive and negative freedom was adopted in the literature of the American civil rights movement – which can be seen as an example for the exchange of British and American concepts of freedom.38 Sometimes, as in the campaign for the suppression of the slave trade, the British Empire was able to regain its former role and lead the way to freedom.39

According to Berlin, “negative freedom” answers the question “What is the area within which the subject [...] is or should be left to do or be what he is able to do or be, without interference by other persons? [...] For the ‘positive’ sense of liberty comes to light if we try to answer the question, [...] ‘By whom am I ruled?’ or ‘Who is to say what I am, and what I am not, to be or do?’”40

The emancipation of African Americans contributed to the credibility of the American ideals of freedom. However, America was to experience bitter setbacks soon. No doubt, the Vietnam War and Watergate are among those setbacks.

In the 1950s, in the period of “Cold War Freedom,” a complete identification inbetween “Consumer capitalism” and freedom was growing. Free enterprise became the characteristic feature of American concepts of freedom. The results of a survey from 1958 show that 82 percent of the people interviewed believed: “our freedom depends on the free enterprise system”.41

In 1967 the sociologist Robert N. Bellah’s article was published, in which he held the then revolutionary opinion that, in America, a developed and firmly institutionalized civil religion had taken shape, which deserved to be taken seriously. To give an example, at the beginning, he quotes from John F. Kennedy’s inaugural address from January 20th, 1961. It says: “We observe today not a victory of party but a celebration of freedom – symbolizing an end as well as a beginning – signifying renewal as well as change. For I have sworn before you and Almighty God the same solemn oath our forbears prescribed nearly a century and three-quarters ago.”42 The model of “civil religion” is nowadays a very common paradigm. Back then, Bellah defined its function in the following way: “[Civil religion] is concerned that America be a society as perfectly in accord with the will of God as men can make it, and a light to all the nations.”43 The myth of freedom is in the center of this civil religion. This has not changed.

41 Cf. Foner, American Freedom, p. 263.
And President Bush is not an exception. With his missionary freedom rhetoric, he sees himself as a part of a long tradition, so to speak, he stands in a civil religious succession. Besides, he is unlikely to beat Ronald Reagan in his freedom rhetoric. The latter always proclaimed that America should be a “beacon of liberty.” No other president before and after him ever used the word “freedom” as often as Reagan did. When in the 1990s people were asked what America can be the most proud of, 69 percent answered “freedom”. At the end of his study The story of American freedom, Eric Foner draws the conclusion that, for a long time, Americans have believed they could enjoy the greatest of all freedoms – the freedom from history. This turned out to be an error. The “New Continent” has grown old. America cannot escape its history anymore and has to take over responsibility for everything, even for those matters, which - in the name of freedom and noble ideals - turned out to be complete failures. Insofar, America got closer to Europe. No longer can America cling to its one-sided vision of America’s uniqueness, along with a negative view of the rest of the world, but should attempt to communicate its experience of freedom to the whole world. Historians should now “insist that the discussion of freedom must transcend national boundaries rather than reinforcing them. In a global age, the as-yet unfinished story of American freedom must become a conversation with the entire world, not a complacent monologue with ourselves”.

This idea of a universalization of freedom as an American obligation is exactly what President Bush took up in his second inauguration speech. “Freedom”, he said, “is the permanent hope of mankind, the hunger in dark places, the longing of the soul.”

From a European perspective Hans Ulrich Gumbrecht objects that the term ‘freedom’ is nothing to write home about in Europe today. In point of fact, any belief in the possibility of absolute freedom, Gumbrecht asserts, is an “incurri-gible naivety.” He sees a dramatic contrast between a “belief in a policy of freedom as an act of solidarity” as in Europe, and a “belief in a policy of freedom as a means of protecting the helper’s own interests” in the United States.

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In his speech at the Arthur F. Burns dinner on June 3, 2005, the German Secretary of the Interior, Otto Schilly, pleaded for a new transatlantic partnership of freedom. “Our hope for an increase of freedom and democracy”, he said, “should not be sneered at as if it was a naive ‘democratic idealism.’ It is an idealism which is changing the world and has already done so. [...] I think [...] we should seriously reflect upon our ideas of freedom and approach each other again. From my point of view this means: we Europeans and Germans should Americanize our idea of freedom. Striving for equality must not suppress freedom.”51

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51 Otto Schily, Die transatlantischen Beziehungen. Eine Partnerschaft der Freiheit, für die Freiheit (http://www.bmi.bund.de). On 1 July 2005 the opposition leader in the German Parliament, Angela Merkel (Christian Democratic Party) declared: “We need less state and more freedom in many places. [...] We need less regulation and more competition. We need less tutelage and more direct responsibility.” FAZ of 2 July 2005, p. 4. Cf. also Udo Di Fabio, Die Kultur der Freiheit, Munich 2005.