

*Thibault Mercier et al*

## **Liberté! An open letter by 200 French lawyers protesting against lockdown**

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<https://www.spectator.co.uk/article/libert-an-open-letter-by-200-french-lawyers-protesting-against-lockdown>



Demonstrators gather to protest against the closing of 'non-essential' business in Toulouse (Image: Getty)

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After saying there was 'no question of lockdown', Emmanuel Macron has announced what many feared: the implementation of a new national and mandatory lockdown. We are lawyers and jurists of all specialities and from all parts of France and write to express our indignation at the injustice of this measure. After being astonished by the first lockdown, we believe that such violations of our freedoms and ways of life are neither viable nor legitimate. Lockdown will have major collateral consequences that will be more harmful than the virus itself.

While we agree with the President's statement that nothing is 'more important than human life'. But a national lockdown is an approach reduced to the biology of life alone, forgetting that health is also, according to the WHO definition, 'a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity'. Protecting life therefore implies taking into account all its aspects, which are as much social, cultural, spiritual, political and economic as they are health-related.

We understand the anger and concerns of doctors and health workers and we ask the Government to provide them with the necessary means to exercise their professions. Supporting hospitals ought to have been the government's priority over the last six months. Instead, it allowed itself to be overwhelmed. It now prefers brandishing the threat of a collapse of the health system - to impose measures that are arbitrarily described as a last

resort so as not to have to consider other options (which do exist). This insults both doctors and the French people, making them believe that they are not capable of managing the crisis we are going through.

**We are deeply concerned about the future of this zero-risk society, which would be ready to stop living so as not to die.**

By putting a large part of the country on hold, the Government is sacrificing the bravest of our people: entrepreneurs, the self-employed, craftsmen - those who took risks to invest and create, giving this country colour and life, as well as their employees. Yet the human and social misery that will result from this lockdown (bankruptcies, depression, suicides, poverty, psychological disorders, renunciation of care) will also lead to many deaths, but necessarily less visible in the short term... If support measures have indeed been announced, they have been taken at the price of an unprecedented debt which will ruin our children and the political room for manoeuvre of our nation.

If we are at war - as the government has repeatedly declared - it is courage that we need, not governance by fear. Moreover, this fear is often irrational. Let's remember that the median age of death is 84 years old, according to the latest statistics from Santé Publique France. Forcing the majority of the population into inactivity, preventing any war effort, any start is a curious way of fighting a battle.

We are deeply concerned about the future of this zero-risk society, which would be ready to stop living so as not to die. Ready to sacrifice practically everything - its normal living conditions, social relations, work, and even friendships, affections and political and religious convictions - because of the threat of infection.

As lawyers, we also warn in particular about twisting the law. Any state of exception, even justified by an exceptional health situation, implies a risk of drift. Thus our law is now subject to the technical-scientific injunction of doctors and the Scientific Council, who impose their vision to the detriment of a more global political vision which must balance different interests.

Recalling that the WHO has highlighted the harmful effects of lockdown and drawing on the work of the European Lawyers' Institute for Human Rights and the Human Rights Institute of the Paris Bar, we argue that national lockdown is disproportionate in its infringement of our public freedoms, unjust, contrary to the common good and therefore illegal. The Government must adapt its measures to protect the weak and those exposed to the most serious forms of the pandemic without sacrificing all the citizens who enable countries to survive.

We join many entrepreneurs and mayors who have sounded the alarm. We therefore call on the executive to allow the forces of life in our country to get out of lockdown and we call on the elites of all sides to make their voices heard to protest against these measures which will hit our most humble citizens the hardest.

*This letter was signed by 200 lawyers and published in Le Journal du Dimanche. Translated and edited by Julie Ezvan.*

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