

Hegel and Citizenship: Notes for the Explicitness of a Concept

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Abstract: This paper aims to explain how the theme of the Citizenship develops in Hegel's Philosophy of Right. Citizenship according to Hegel, consists not just in a legal arbitrariness, but in the free willing. Right as citizenship in turn is realised in the laws and spheres of ethical life. To carry out this purpose will traverse the path that leads from the family to the State, through Civil society. Expected to demonstrate as in Hegel there are important clues for understanding the difficulties that citizenship lies to be effective in real contexts.

Keywords: Philosophy of Right, Citizenship, Spheres, Philosophy

1. Introduction

Two words are the key nucleus of the present reflection: *Hegel*, the well-known German philosopher, and *citizenship*, condition of everything which makes up a citizen, this person to be understood as member of a determined political collectivity who is capable of exercising rights and duties, in a direct or indirect way, be they public or private.

The object of the present study is to show how a concept of citizenship still valid develops in Hegel. This does not mean at all that it is *directly applicable* for the comprehension of the way in which the idea of *citizenship* is understood nowadays, while it is understood at the same time that some or many of Hegel's assumptions are at the bottom of the modern comprehension of citizenship.

Finally, we hope to contribute to a better construction of the concept of citizenship, *ad intra* Hegel's reflection, explaining a subject so little visited in *Hegel-Forschung*, and *ad extra*, in the sense of a contribution of the reflections about citizenship that goes beyond Hegelianism in that it assumes a certain value of universality in philosophical reflection.

2. Materials and Methods

For the attainment of the objective outlined, the comprehension of the *locus* – the Objective Spirit - in which Hegel's reflection about *citizenship* develops, is necessary. We ask the readers leniency for the methodological cut we are going to perform, because we will refrain, from the beginning, to elaborate our reflection parting from the *Encyclopedia of the Philosophical Sciences*, volume III about Spirit, or the *Vorlesungen über Geschichte* [Lectures on History], places apparently more appropriate for a reflection about the theme of *citizenship*, and will limit ourselves to the *Philosophy of Right* of 1821.

In this way, the present study will be divided into two parts: (i) determination of the object and the purpose of the *Philosophy of Right*, keeping in view the posterior comprehension of (ii) *citizenship* as developed by Hegel.

2.1. Hegel's Philosophy of Right

Hegel affirms that the task of Philosophy is *translating time into concepts*. Inside the structure of Hegel's system as exposed in the *Encyclopedia*, philosophy is divided systematically in three great expressive groups: *Logic*,

Nature and *Spirit*. Hegel's proposition of translating his time into concepts reaches the height of his reflection about the concept of *Spirit*, more precisely, of Absolute Spirit.

It can be affirmed that the Absolute as Spirit possesses three modes of existence and three modes of knowledge. As Spirit, the absolute exists as *subjectivity* in the section *subjective Spirit*; as *subjectivity in mediation with the institutions* as objectifications of its free will in the *Objective Spirit*, and as philosophical self-exposition of thinking which thinks itself in Absolute Spirit.

However, if the economy of the system has three great forms of existence to become effective, it has, at the same time, three ways for that same effectiveness to become known¹, so that: as Spirit, the Absolute is learned through the intuition of art, it expresses itself through its representation in Religion and it knows itself through Science in Philosophy.

In this way, the *Philosophy of Right* occupies, in the *Encyclopedia*, the place equivalent to Objective Spirit, that is, the place of mediation between subjectivity understood in itself [subjective Spirit] and Absolute Spirit. In this perspective, the *Philosophy of Right* has, so to say, the function of developing social, political and ethical thinking, that is, the modes of mediation of the free wills inside the institutions. This central place of the *Philosophy of Right* led Hegel to accentuate it in a unique form in the entirety of his works published during his lifetime.

This character of the *Philosophy of Right* unknown in Hegel's exegesis is due not only to the amplitude of themes which it succeeds in treating, such as: abstract right, morality, ethicality, free will, the State etc., but mainly to the fact that only the *Philosophy of Right* as exposition of Objective Spirit was, in its entirety, developed in the most exhaustive way apart from and independent of the *Encyclopedia of Philosophical Sciences*.

In the *Encyclopedia* itself, Hegel adverts that he will not go very deeply into treating these themes regarding Objective Spirit, since he has already done this in a satisfactory way in his *Philosophy of Right*². The choice of the *Philosophy of Right* of 1821 therefore seems completely justifiable as source for *citizenship* from Hegel's reference; first, because it is in Objective Spirit that citizenship becomes explicit in the most pungent way, and second, because, although there are other 'localities' suited for this conceptual clarification, Hegel did not consider them *sufficiently developed*.

So, within this local and thematic specification of the *Philosophy of Right* in the general context of Hegel's system, and still exterior to reflection, in 1821 happens the object and the objective of Hegel's *Philosophy of Right*, inside of which develops citizenship in Hegel's comprehension.

Hegel tells us that "The Philosophical Science of Right has as its object the idea of right, the concept of right and its effectuation"³. It emerges soon that the theme of the philosophical analysis and unveiling of the work is *Right*,

which is understood not only as some mere should-be or a positive body of laws which apply in a certain time and space, but, starting from a philosophical perspective, as an *Idea which develops and externalizes in the process of its own effectuation*.

The use of terms in this passage cited from Hegel leaves no room for doubt about the fact that *the object of the work is Right as realm of the effectuation of free will*, since the *concept of Right and its effectuation* is discussed parting from a philosophical apprehension of Right.

For a better understanding of what is at stake: free will is that which has only itself (the will, not *this* or *that* will) as presupposition. Hegel adds in the text that

The realm of Right generally is the *spiritual*, and its place and its more precise starting point are the *will*, which is *free*, so that freedom constitutes its substance and its determination, and that the system of Right is the realm of Liberty made effective, the world of spirit produced from itself, in its capacity of a second nature.⁴

Hegel is not preoccupied with a specific or empiric system of particular rights, but with the idea of Right, that is, the realm of accomplished liberty, the will that exteriorizes itself and constitutes humanity's proper ground as a space of reasons in its capacity of a world determined by free will.

Hegel explains this connection between right and will in § 29 of the PhR, when he affirms that "Generally, in order for an existence to be the *existence of free will*, this is *Right*. – It is therefore, generally, liberty as idea."⁵ To Hegel, Right is the *Dasein* – the existence – of free will, its objective/subjective and its subjective/objective form.

While structured in a space of determinations mediatized by will, the world of right learns will not through mere causality, as in natural sciences, but through the causality of the logical-volitional connections of will which externalizes itself, that is, with reasons, in a species of *causality of liberty*, if Hegel were read with a Kantian key.

In this point, a clear rupture is notable between Hegel and thinkers who either naturalize the juridical phenomenon as being something *merely natural*, or understand it in a hypothetical way, as a mere postulate of reason. In Hegel, Right and its effectuation pretend to establish a mark of comprehension of the juridical phenomenon which can neither be reduced to law, nor merely dispersed in the contingency of history.

Right wants to be understood under a speculative perspective that neither reduces itself to a compulsion to create norms, nor a compulsion to make decisions, nor a hypothetical compulsion do make descriptions; therefore, the goal of the *Philosophy of Right* is at the same time to make more explicit the existence of free will, as well as its institutions and the way in which the objectivity of the institutions is effectuated in history through free will, Right.

In this sense, it can be affirmed securely that Hegel's *Philosophy of Right* contains at the same time: a manual of

1 In this place, the reader has to pay a lot of attention to the constant game of elevations and supersessions.

2 See Hegel, *Encyclopedia of the Philosophical Sciences*, § 487.

3 Hegel, *Philosophy of Right*, § 1.

4 Hegel, *Philosophy of Right*, § 4.

5 Hegel, *Philosophy of Right*, § 29.

natural right, a treatise of political sciences, an ethic and a theory of will, without reducing itself to any of these apprehensions of the *existence of free will*.

Having established, in general terms, the meaning of *object* and *objective* of the *Philosophy of Right*, the research will turn to the structure and the potential of diagnosis of the concept of *citizenship* in the context of the *Philosophy of Right*.

2.2. Structure and Actuality of the Concept of Citizenship in Hegel's Grundlinien

Hegel's *Philosophy of Right* develops the dynamics of *subjectivity in mediation with the institutions* through an intense process of self-differentiation of the diverse levels of the *existence* of liberty. Ludwig Siep says about the *PhR* that

Self-differentiation, the internal differentiation in an autonomous system that obeys its own logic, that is, normative internal objectification, for Hegel's philosophy is the principle of effectivity and its scientific conceptualization. However, there is a difference between the way of differentiating and the logical objectification, depending on whether we are [in Hegel's system] in nature, in the social world, in culture or in pure thinking.⁶

It is known that the *Philosophy of Right* consists of the following parts: (i) abstract Right, (ii) Morality and (iii) *Ethicality*, and that inside this third there is an important internal subdivision in which are put Family, Civil Society and the State.

For the comprehension of *Citizenship* in the project of Hegel's *Philosophy of Right*, the understanding, even in broad strokes, of the process of internal self-differentiation that the Spirit submits to in the course of its path of development is necessary, because the notion of citizenship itself emerges in this internal process of self-differentiation.

Therefore, the paper shall present the general traces of the configuration of free will in *abstract Right* and in *morality*, to concentrate with more vigor on the development of the idea of *Citizenship* on the level of *Ethicality*.

Abstract Right constitutes itself like a great conceptual expression of the will in the face of property and the contract as means of acquisition and alienation of assets parting from a hypothetical principle, where free will relates and becomes effective to and through things, therefore its abstract character. Will relates to exterior things through exterior relationships. In abstract right, the process of normative self-differentiation of will goes from the interiority of the *person of right* to the exteriority of the things of the world.

Morality has as its object the internal organization of the action and its forms of effectuation, from the perspective of making effective the idea of the good and the just to the

individual perspective of moral conscience. Once this assumption is accepted, free will relates itself in an internal way with external facts and situations, evaluating them from a moral viewpoint, therefore, internal to the subject. In the process of the moral agent's own self-differentiation, the determinations come from the external world and are evaluated from the internal perspective of moral conditionings.

There is a place in *Hegel-Forschung*, already pacified after the studies of Karl Heinz Ilting⁷, where abstract right and morality develop and incorporate the perspective of the *natural or rational right* of modernity in Hegel's work. Such a perspective assumes Hobbes's or Kant's postulate of man as the holder of rights and the recognition of moral norms as fundamental condition for the structuring of modern sociability.

To Hegel, the two first parts of the *Philosophy of Right* – abstract Right and morality – aim at showing how modernity, on the macro-organizational level, overcomes the model of a traditional consensus in favor of a rational consensus, and how the relationships of authority based on tradition are substituted by universal rational norms.

In this way, Hegel tries to show how modern people, in principle free and equal, establish their self-management in a rational way through objectively determined laws, according to the universal tribunal of reason.

Hegel recognizes the great gain of the *new Times*, the submission an evaluation of all institutions before the principle of subjectivity and its secular, enlightened individual and rationally objective primate, whose greatest expression is the fiction of a state guided in its foundation by rational consensus, the *social Contract*.

Inside this frame of modern appreciation of the great traditions of Natural Right in the great themes of the *Philosophy of Right*, Hegel recuperates Aristotelian themes using ethicality. That is, it is only on the level of *Sittlichkeit* that Hegel takes up the dear traditional themes of Antiquity's political philosophy.

Indeed, there is an intense change of perspective in Hegel's *Philosophy of Right* between the sections about abstract Right and morality and the section about Ethicality. In the first two parts, Hegel promotes a kind of reckoning with modernity, while in the section Ethicality he promotes a real *zurück zu Aristoteles*, resuming the antique division of the man from Estagira between: family [*Oikos*], civil society [*koinonia politikê* or *societas civilis*] and State [*Polis* or *civitas*].

In the introduction to the Brazilian edition of Hegel's *Filosofia do Direito*, Denis Rosenfield affirms that

We have to be aware of the fact that, to Hegel, ethicality is the whole set of family, social, civil, juridical, political, religious and relationships of state. His concept is so embracing that it includes everything from institutional relationships to the beliefs realized in the objectivity of the

6 Ludwig Siep, *Die Aktualität der praktischen Philosophie Hegels*, p. 191, in the original, „Selbstunterscheidung, interne Differenzierung in selbständige Systeme, die einer eigenen „Logik“ bzw. inneren Sachgesetzlichkeit gehorchen, ist für die Hegelsche Philosophie das Prinzip der Wirklichkeit und ihres wissenschaftlichen Begreifens. Allerdings ist die Art der Differenzierung und die Sachlogik verschieden, je nachdem ob wir uns im Bereich der Natur, der sozialen Welt, der Kultur oder des reinen Gedankens befinden.“

7 Karl-Heinz Ilting, *The structure of Hegel's Philosophy of Right*, in Hegel's Political Philosophy. Problems and Perspectives, London: 1971, p. 91 ff.

world. That is, Ethicality corresponds to liberty accomplished in beliefs and intuitions and objectively covers these different spheres of human activity.

And it is in this change of perspective that the potential of the diagnosis of Hegel's reflection about *Citizenship* centers, because, for Hegel, the modern diagnosis of a society centralized in a *merely* subjective rational abstract ideal is not enough to understand an even at his time complex and plural society.

Inside this frame, Hegel understands as false a mere juxtaposition of *old* and *modern*. In his understanding, the *new times* are much more complex than the dualisms or the alternatives guided by a strict belief in the role of the individual or the market, the State or society.

Considering the way in which Hegel, in the *Philosophy of Right*, structures the conditions of the realization of citizenship, and for this we make use of the *note* to § 190, where the process of internal differentiation, or normative self-differentiation of the social is defined according to roles and levels of evaluative achievement in the following terms:

[...] In right, the object is the *person*, from the moral point of view it is the *subject*, in the family it is the *family member*, in civil-bourgeois society in general it is the *Bürger* [as *bourgeois*] – here, under the point of view of privations (see §123 annotation) it is the concrete of the *representation* which is called *man*; therefore, it is here for the first time and also properly only here that *man* is talked about in this sense.

From this point of view, and assuming a nearly minimalistic definition of Citizenship as the statute of the individual that has the right [the expression Right cannot be reduced here to its understanding in Law] to have civil and political rights and in return has the duty to exercise them in private, economic and political spaces, the perspective assumed by Hegel already puts itself at the heart of the contemporary problem, which is that there are different statutes or levels of the effectiveness of citizenship!

This multiple character of the exercise of *citizenship* results from the process of self-differentiation of the social in different spheres with their own determination itself, with roles, normative expectations and different moral pretensions. In this way, it can be foreseen that the understanding of *Citizenship* in Hegel runs through different internal spheres of realization and effectiveness of the notion, which in the *family* is translated into relationships of sociability as member [*Glied*]; in civil society as the economic-possessive individual – end in itself – the *Bürger*; on the level of the State, as citizen [*Citoyen*].

In this way, Hegel understands that the process of the free will's self-realization implies the process of internal self-differentiation of the moral schedules and of the levels of sociability according to different compromises, schedules, expectations and normative pretensions so that, when entering the section *Ethicality*, citizenship in the *Philosophy of Right* oscillates between *particularistic altruism*⁸ [of the

non-patrimonial relationships particular to the family], *generalized egotism*, particular to civil society as world of work and of the market, all connected to the universalism mediated by the subject who knows himself free because he recognizes himself in the objective institutions as effectuations of his will in connection with all other will, the citizen.

So, in Hegel, citizenship has the function to develop the principle of subjectivity, which in the *Philosophy of Right* is designed as the existence of free will between three great paradigmatic configurations of free will, (i) the immediate universality of the family, first ethic root of *ethicality*, (ii) universality lost in its extremes as movement of the exercise of the citizen [*Bürger*] in the world of work and economic relations, and (iii) the effective universality of the citizen, participate of the State, the moment when the citizen recognizes himself institutionally in the institutions as determinations of his will which objectified, that is, the citizens recognize themselves in the institutions and among themselves, because they recognize them – the Institutions – as really theirs, result of their mediated action.

In the process of mediation of human action in view of the realization of the statute of citizenship in modern times, Hegel describes the spheres of the realization of citizenship as having spheres of their own, even though interchangeable among each other, in the following way:

- (i) The family as first ethical root of the State and first sphere of the acquisition of rights and first circle of the effectuation and blocking of these same rights, expresses its internal constitution as determined by members [*Glied*], who recognize and evaluate each other through the feeling of *love*, through the existence of collective property, through the centrality of the formative role of the school and through asymmetrical relationships of gender. Citizenship is exercised in an immediate way through the notion of belonging together arising from family ties. There happens here the structuration of the I parting from the we.
- (ii) Civil society and its function as second ethical root becomes evident in the process of proportioning the idea of liberty as a living good, and its regulative ideal, *citizenship*, the experience of the *loss of its unity* through living the relative and the internal rupture.

Civil society is the radicalization of the negative and its inexorable potential, inherent in all that is alive, paradoxically by affirming that all men are equal, are all constituents of *civil society*, individuals.⁹ However, civil society does yet subsume the processes of socialization and those of realization/effectuation of rights to the dynamics of the market and its dilacerating processes.

In civil society, the realization of the individual as private citizen happens through the capacity of producing and acquiring property, through the performance of a job, through the capacity of making richness circulate. Social connections

Leistung von Rechtsphilosophie, p. 183.

⁹ Hegel, *Philosophy of Right*, §§ 187, 193, among others.

⁸ Generally, I here follow the thesis of Vittorio Hösle elaborated in *Anspruch und*

are fragile; the individual is an end in itself. In this sphere, citizenship lives the collapse of its fissure through the market and the subsumption of social relationships to mercantile patterns. There occurs here the submission of us to I.

Civil society realizes in its entirety the fundamentals of modernity, which are: atomized subjectivity, instrumentalisation of human relationships, subsumption of the political dimension to the market, competition, self-esteem as personal success etc., although the basic principle with which civil society sustains itself is the recognition of the principle of equality.

In bourgeois civil society are accomplished, but not effectuated, the principles of juridical equality – *all are equal before the normative order* – of social equality – *all are, by birth, equal in their conditions of social participation* – of political equality – *all are politically active without distinction for non-rational reasons*, and the necessity of free circulation of riches is recognized as basis of a possible economic equality.

But why, then, is citizenship not effectuated in *bourgeois civil society*? Hegel concludes that civil society as part of ethicality which tries to effectuate an ideal of citizenship is incapable of realizing it, because it only produces

[...] a connection of the members as *autonomous singulars*, with this, in a *formal universality*, because of its *privations* and for the *legal constitution* as means of security for the people, and for an *exterior order* for their particular and common interests [...]¹⁰

This emphasis on the conflicting character of civil society is mainly due to its mediatory function, in the middle between family and State, in the process of the effectuation of the idea of liberty.

Civil society puts to the proof the idea of liberty and equality arising from the principle of subjectivity by making intervene the negativity of the process of development of liberty and of the social bond, which constitutes complex societies, thus producing a new type of inequality and ambivalence, unknown until that moment in history. Therefore, Hegel calls it the “[...] extremely lost ethicality [*Extreme verlorene Sittlichkeit*]”¹¹.

In the perspective developed in the *Philosophy of Right*, the State carries in its concept and its constitution the functions for being an instance of mediation of the collective interests of the family and the private interests of civil-bourgeois society. It occupies itself with providing, creating opportunities, promoting and, who knows, possibly effectuating the general interest, the public good as the citizens’ conscience and disposition, only as result of that process of mediation and in the bosom itself of the self-differentiation of the processes of mediation.

It is in this sense that Hegel would say that the state is a faculty and/or power above the private spheres of the effectuation of *citizenship* present in the family and in civil society, and at the same time imminent conditions of

guaranty of the effectuation of citizenship on the level of the State as its imminent end (PhR, § 261). There occurs here the recognition of the We in the I and of the I in the We.

3. Conclusion

The process of explaining the logic that is imminent to the *Philosophy of Right* where citizenship is concerned is accomplished by constituting several spheres of effectuation of bourgeois schedules from the Family to Civil Society, which complete themselves in the State as sphere which, without solution of continuation or solution of intrinsic determination of each sphere, creates the opportunities of effectuating *citizenship* – but does not accomplish them *a priori* – as a spiritual disposition and not as a mere legal-process-concerned attribute, but from a substantial perspective.

The tortuous way indicated by Hegel for the accomplishment and effectuation of citizenship in his day already is an indication of the difficulties that such a concept, right or even human pretention met with and still meets with on the way of its effective accomplishment. Who knows if, understanding Hegel’s diagnostics, we can thus elaborate our own in a better way.

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¹⁰ Hegel, *Philosophy of Right*, § 157,b.

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