

**SER CIDADÃO: A QUESTÃO DA CIDADANIA MODERNA EM HELLER**  
**TO BE A CITIZEN: THE QUESTION OF MODERN CITIZENSHIP IN HELLER**

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**Resumo:** Este artigo tem por objeto questão da cidadania, efetivamente a concepção moderna da cidadania no pensamento Agnes Heller. O objetivo principal reside na análise da concepção helleriana de cidadania, para propiciar o conhecimento contextualizado de sua vinculação ao direito brasileiro e à efetivação dos direitos humanos. Nesse sentido, o artigo problematiza a possibilidade de a concepção helleriana de cidadania auxiliar na defesa dos direitos humanos. A hipótese principal é a de que, sem direitos humanos, não existe concretamente a cidadania, assim como sem a cidadania, tampouco se torna possível falar em concreticidade dos direitos humanos (dignidade humana). Nesse sentido, por meio do método dedutivo, optou-se por proceder a uma breve análise da cidadania, no pensamento de Heller e Fehér, assim como sua vinculação à filosofia-política existencialista, para que enfim, fosse possível abordar o objeto central deste trabalho: a noção de uma cidadania moderna em Heller para a compreensão dos direitos humanos.

**Palavras-chave:** Cidadania; Conhecimento jurídico; Heller; Direitos Humanos.

**Abstract:** This article focusses on the question of citizenship, moreover the modern conception of citizenship in the thought of Agnes Heller. The main objective of this analysis lies in provide the contextual knowledge of this conception of citizenship to Brazilian law, as well as the respect to human rights. In this sense, the article discusses the possibility of a conception of citizenship Hellerian assist in the defense of human rights. The main hypothesis is that without human rights, there is no concrete citizenship, and without citizenship, nor is it possible to talk on the concreteness of human rights (human dignity). In this sense, methodologically, we undertook a brief analysis of citizenship in the thought of Heller and Fehér, as well as its relationship with the existentialist philosophy, to finally be able to approach the object of this paper: the notion of Heller in a modern citizenship to the understanding of human rights.

**Keywords:** Citizenship; Juridical knowledge; Heller; Human rights.

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## INTRODUCTION

Citizenship is an historical concept and, since it is a concept<sup>1</sup>, it is a human creation, inserted in the context of the concrete life of a given society and of historically and concretely situated men. Simply put, this fact signifies that citizenship is not a stagnant definition or a limited concept, which admits only one meaning. This is a notion which not only was transformed in time, but also bears several roots, which not always interconnect.

That is to say: if we could identify the notion of citizenship with something, we would not do it with a sticker, but rather with a cartographic map, which gives us multiple directions and meanings. Hence, we could speak of a historical citizenship, bonded with its birth (Greek and Roman civilization *etc*) and its transformations, with revolutionary conceptions (French and American revolutions *etc*), which encouraged the rise of modern conceptions of citizenship. Likewise, we could speak of a liberal citizenship, of a neoliberal one, a Marxist or a feminist one *etc*.

Currently, western citizenship is linked to charters of rights, effectively to fundamental rights, *i.e.*, to the right to life, to liberty, to property, to equality before the law (civil rights), as well as to political rights of voting and being voted, to effective citizen participation in the public sphere, that is to say, the fact that one is entitled to individual, social, civil and political rights.

Nevertheless, even when it comes to western countries, which possess a similar formulation for that *topos*, citizenship varies in different places in virtue of different rights and duties, which characterize citizens in the several nations.

This modern conception of citizenship emerged following the American independence and the French revolution, and has been vehemently modified in the past

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<sup>1</sup> A *concept* is a multiplicity, since there is no *concept* of a single component. There always exists an irregular borderline, defined by the condensation of the multiplicity of its components: it is a matter of superposition of elements. More than that, by summing up its components, one configures a fragmentary whole. Thus, it is, at the same time, relative and absolute. Relative [...] to its own components, to other *concepts*, to the levels around which it is limited, to the problems one supposes it should solve, but absolute by the condensation it operates, by the place it occupies in space, by the conditions it imposes to the problem. It is absolute as a whole, but relative as fragmentary". (DELEUZE; GUATARY, 1992, p 7-46).

three hundred years, thus increasing the political participation of women and non-proprietors *etc.* On the other hand, one is not able to think of a linear evolution – was it not Germany which established racial segregation and slave work in the twentieth century?

In this sense, the object of this study is citizenship, as a matter of fact the modern conception of citizenship in the teachings of Agnes Heller and its connection to the existentialist philosophical school. The main objective lies in the analysis of this conception of citizenship as to provide a contextualized knowledge of its connection to Brazilian law and to the achievement of human rights. The article poses the problem of the possibility of the Hellerian conception helping the defense of human rights. The main hypothesis is that, without human rights, there is no concrete citizenship, as much as without citizenship it is also impossible to speak of a concrete element in human rights (human dignity).

Therefore, in its broadest meaning, citizenship is the possibility of being entirely human, in ones private and intimate life, but also in public life, by means of active participation, to wit, the full exercise of democracy.

## 1 Citizenship ethics in modern times

Nowadays<sup>2</sup> there exists a segregation of economical and political institutions in western societies, with repercussions in a differentiation among public, private and intimate spheres. In light of this, for example, science has been set free of religious restrictions and has become the dominant worldview.

The abovementioned does not mean that the spheres in which human life develops have become absolutely irreconcilable in terms of value or of matter, as one could argue with a skeptical and pessimistic view, but rather that the relationship

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<sup>2</sup> Heller and Fehér use the adjective *modern* to refer to the beginning of the 20<sup>th</sup> century. To them, the term *post-modern* would not be more suitable, considering it does not refer to a historical period, neither to a cultural or political tendency with well defined features. On the contrary, post-modernity indicates a time between pre-modernity and modernity, since the function of the word *post* indicates the possibility of perceiving the world as a plurality of spaces and heterogeneous temporalities. Hence, the major imprecision of the term *post*. Thus, the “basic [...] concern of those who live in the present as *post-moderns* is the fact that they live in the present but are after, from the temporal as well as the special standpoint, at the same time.”(HELLER; FEHÉR, 2002, p. 11-12).

between the multiple spheres ceased to be determined in a absolute and necessary fashion, only be so in a contingent manner.

Hence, the ethics of citizenship is bound by the public sphere, despite the fact that it keeps for itself a contingent relationship with the private sphere of human life. This means, for example, that if somebody helps his neighbor, one would be inclined to portray him as generous or kind *etc.* However, this does not concern the fact that he might be a good or a bad citizen, once the virtues of private life are not to be confused with the virtues of public life. In succinct, for Heller and Fehér (2002, p. 114-115):

[...] there is a great variety of sorts of life in modern civil society, and each one of them has its own set of norms and rules. If we choose a new sort of life (or, at a later stage, we choose again that in which we were born), we make so to speak a promise, a commitment. Failing to perform in regards to this commitment means an infringement of the *Sittlichkeit* of that given lifestyle, but this does not mean that we also violate the norms associated to the status of a good citizen. Lastly, unless strong moral reasons dictate otherwise, to comply with the specific norms of non political institutions is also a matter of decency, but even that has got little to do with the fact of being a good citizen.

What must be clear, therefore, is that the ethics of citizenship does not encompass ethic in its whole sense, but is restricted to a small and specific fraction of what philosophically one calls ethics.

Heller and Fehér (2002, p. 115-116) believe that in modern democratic states, all adults are entitled to the attribute of citizenship, notwithstanding the fact that few have a practical relationship<sup>3</sup> with norms, rules, actions and decisions of the (political) public sphere, that is to say, take part in a active way in this sphere. This means the democratic principle of active participation of citizens in the public sphere in which human life develops, that is to say, political institutions.

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<sup>3</sup> This relationship does not imply any other relationship, as, for instance, is the case of a public scientist who bears a theoretical relationship, and not a practical one, with the public (political) sphere. Thus, he observes, but does not actively partake. Actively partaking in the political sphere does not imply, necessarily, being a professional politician, since no matter what “[...] is the profession or the calling of an individual, in any sphere that he/she might be active, all members of a political democratic body may also relate in practice with the political sphere. As a matter of fact, it is important that every citizen learns not to mix one set of norms and rules with the other which is specific to each sphere.”(HELLER; FEHÉR, 2002, p. 116). Besides that, one assumes that the greater the life experience of these individuals, who do not have political professions, the greater the probability of the creation of socially fairer norms.

Thus, firstly, political activity (citizenship) is distinct from private life activity in that political actions necessarily relate to people acting in the capacity of citizens, for example, when they act within political organizations, when they voice popular private claims in the form of public ones, becoming, in the process, spokespersons of said claims, as well as when they mobilize part of the social body towards social or private claims, but by means of political ideas of rights and duties or democratic norms.

The ethics of citizenship, in this fashion, is not bound by the virtues of private life, such as generosity or kindness, but rather it demands civic virtues which as features character acquired only with practice. And these virtues, in the first place, relate to values. So that we can speak of civic duties, it is necessary establish the values with which they are related.

Values are goods and must be analyzed since character traces, despite possibly similar to one another, may also be seen as virtuous or not, as they might or might not be connected to a value. For example, if a person risks his life for a cause he is considered to be brave; however, the audacity of a stunt is not a virtue, but an excellence. Thus, as Heller and Fehér (2002, p. 118) put:

Some traces of character might be considered virtuous by a community in a given historical period and seen with indifference, or even as vicious, in another. Some other virtues are frequently reinterpreted in conjunction with orientations of values which change. Where hierarchy is a value, humility and blind obedience are virtues. Where equality is a value, they are no longer virtues, but vices. Some virtues and vices are constant. Their constancy indicates that they are related to certain constant forms of relationships and human associations always regarded as valuable.

If we are unable to phantom the civic virtues – virtues of citizenship – before the discussion of the values related to these virtues, we should begin by saying that the civic values are those which, by themselves, undertake an intrinsic value for every citizen, regardlessly of their private values, akin to religiosity, to the economic aspect *etc.* At this juncture, one perceives that Heller and Fehér retrieve the Roman teachings of Cicero and not the Greek notion of citizenship.

The Greek notion of citizenship, ascribed by Aristotle (1965, book I, 2) in the definition that man is a political animal – meaning an animal of the City (*polis*) –,

results in the conclusion that in the City alone can man fulfill the virtue (ability) which forms part of his essence.

In this sense, the Aristotelian individual possess animality in his nature, but partakes in the divine by means of reason, and only in the civil society is he able to exercise that virtue. Still, in the sixth century B.C., the Athenian democracy assigned full citizenship only to male individuals born in the City, thus ensuring equality before and in the law, as well as access to magistrate positions. Any full citizen could partake in public (political) life.

Rather differently, for the Roman thinker Cicero, the civic virtues were associated with the *res publica* (Republic or the public thing). In this sense, citizens shared among them the goods considered to be the conditions of a good life (institutions and laws of the Republic). As a matter of fact, in spite of the fact that the Roman civilization had not achieved the same richness of creation of the Greek civilization, surely it was able to accomplish, in a concrete manner, the Greek abstract ideas, with efficient institutions. Even at the time of a despotic empire, Rome was republican (PISIER, 2004, p. 15). In defining the fundamental principles of Rome, Cicero appraised the existence of a natural and universal law, valid to all human beings, unchangeable and everlasting, and which one may come to know through reason and which should be the constituting rule of every legislation.

Hence, in going back to Cicero, Heller and Fehér (2002, p. 119) attempt to demonstrate that there are, indeed, things which we all share as citizens, which are goods with intrinsic values, thought to be preconditions of a good life. Consequently, the virtues of citizenship relate to these shared goods (values).

One may affirm that values may not be theoretically invented, but solely revealed when they already exist in social practice and are considered to be valid, even if not every individual acts in accordance to them. We share, for instance, the value of universal suffrage, basic in terms of the modern Democratic States, peace (although as a regulating and not a constitutive value), liberty (albeit never being fully accomplished, since no human being lives alone in the world, rather human beings coexist gregariously, the liberty of one being affected by the liberty of others).

Heller and Fehér (2002, p. 120-121) point to the fact that there are no definitive answers to the question of which are the goods which should be thought of as being

conditions of the good life, or which goods possess an intrinsic value. “This is the case because not all goods seen as conditions to the good life of every individual, or as having an intrinsic value for everyone, are things which we “commonly share”, that is to say, common things are constitutions, laws, public institutions *etc.* And thus, shared goods are ideals, not every condition to the life of every individual, but the social and political conditions to the life of all individuals, usually associated with the value of justice, which, in turn, corresponds to the values of liberty and of life. Nowadays, these values of life and liberty:

[...] have been universalized. The universalization has opened the possibility of a major variety of interpretation of values. As long as values are concrete, there exists little scope for interpretation. For example, the value of “national independence” bears no ambiguity. There can be no contradicting interpretations as to the value of “national independence”; it is more likely that conflicts arise in appraising the means to obtain it and keep it. However, universal values give space to contradicting interpretations, and not only diverging interpretations. That is to say, contesting and contested groups may resort to the same values, interpreting them differently. Furthermore, metavalues may edify the appraisal of rather different institutions, to which one must ascribe an intrinsic value. However, if the concrete values are different, virtues related to such values are also of different types (HELLER FEHÉR, 2002, p. 121-122).

In this sense, one understands the values of life and liberty in their most universal construct, which is *equal liberty for everyone and equal life opportunities to everyone*. Here one finds a connection with the value of *equality*, since the ethics of citizenship presupposes partaking in public life, which is that which is common to every individual in a society (which is commonly shared). For that, one also needs the value of *rationality of communication*, aiming at the three values aforementioned.

Hence, the main civic virtues related to such values are *respect* (radical tolerance), *civic courage* (active participation), *solidarity*, (social) *justice* and the intellectual virtues aimed at rational and dialogical communication.

## 2 Active participation citizenship and the existentialist philosophical notion

Throughout history, several cultural movements have changed worldviews and philosophies, leading to changes in the behavior patterns of societies. In view of this fact, Heller and Fehér (2002, p. 195) state that it was within the “movements themselves



that patterns and life were changed, and that a new group of cultures in daily life slowly emerged”.

A great example of this fact, concerning the matter of citizenship, is found in the post Second War movements originated from intellectuals, philosophers, writers, painters, as well as young people themselves, which no longer focused on aesthetical *clichés*, but rather in existence. According to Heller and Fehér (2002, p. 196-197), there were three main movements around this time, to wit: the *existentialist* generation; the *alienation* generation; and the *postmodern* generation.

We focus here on the existentialist movement, more precisely on the existentialism of Sartre, since our aim is to examine the matter of citizenship as developed by this political and philosophical trend. Firstly we should bear in mind:

The speed with which Sartre’s message, although not necessarily his philosophy, conquered the mentality of Western Europe youth, and, to a certain extent, Central and South Europe as well, was not entirely unprecedented. The Romantic Movement spread with the same speed more than a century before. What was unprecedented, though, was the character of the movement, that is to say, the *circumstance*, only fully understood in hindsight, that the existentialist wave was the first in a series of impressive phenomena in the western history in the second half of the twentieth century. This movement, like the Romantic Movement, seemed at first the *rebellion of subjectivity* against the ossification of the bourgeois lifestyle, against normative restrictions rooted in that lifestyle. The rebellion of subjectivity has had political repercussions, but no more explicit than that of the previous romantic movements. Before its outbreak, though, there were the cataclysmic experience of totalitarianism, which has made the life experience of contingency, so typical in modern times, also an experience of personal liberty. (HELLER; FEHÉR, 2002, p. 198).

Following this movement, liberty should be seen no longer under the veil of individuality or individualism, but as a political liberty. That is to say, liberty should be politicized.

In order to better understand this fact, which leads us to the category of citizenship, we must note that in Sartre teachings (2001, p. 670-690), in terms of systematization of method, the human being is seen as a work in progress. His existence derives from his choices and from his fundamental project. Thus, the human being is an entirety, in regards to which, though, his choices will point towards the fundamental project of his existence.



So, the fundamental project may be apprehended by means of a comparative method. Seeing that all human conducts reveal the fundamental project, one needs to compare them to get a glimpse of the identity in its differences.

Sartre also looked at liberty<sup>4</sup> no longer in its individualistic sense, as an individual act of the *being*, but as a sort of political engagement. By the end of March, 1941, following his return to Paris, freed from a nazi prisoners camp, he would not seek to enjoy his freedom, but act on behalf of a collective freedom: organizing a group of resistance to expel the German from France (ROWLEY, 2006, p. 150).

On account of the guilty for the colonization, additionally, as well as the experience of the decolonization, Heller and Fehér (2002, p. 199) note that:

In this experience, there was a combination of the politization of liberty and the relativization of (western and bourgeois) culture. All this swept Europe in a series of cultural practices. “To shock the bourgeois” is precisely the gesture which makes men and women in revolt dependent of the bourgeois. But in the existentialist wave this famous *épater* no longer existed. What mattered now was to do everything our own way, to practice our liberty. Lads and ladies, drunk with the atmosphere of unlimited possibilities, started dancing existentially, loving existentially, speaking existentially *etc.* In other words, they were decided to be free.

Hence, Sartre’s existentialist philosophy, including the notion ascribed to liberty, needed to be applied in daily life. The concern with individual liberty, present in Sartre’s first works, has given space to the concern with the ethics of collective liberty and the resulting accountability, focused on the creation of a political human, as noted in the foundation of the magazine *Les Temps Modernes*, in 1945, together with Simone de Beauvoir.

If, by the end of 1944, Sartre’s political struggle was still incipient, with the clandestine works of the newspaper *Combat*, edited by Albert Camus, from the 1950’s to 1960’s, both Sartre and Beauvoir have defended world peace and have taken a stand on the wars in Vietnam and Algeria. Standing against colonialism and racism, Sartre has engaged in the anti-colonial fight (ARONSON, 2007, p. 46).

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<sup>4</sup> Liberalism builds the notion of an individual liberty based upon the following postulate: *my liberty ends where my neighbor’s starts*. Therefore, no single obligation makes me help the other, once his liberty also begins somehow disconnected to mine. This postulate bears a strong ideological influence on the process of legitimating the notion of private property. This means that the liberty of an individual as self-fulfillment in conditions of equality and social justice, not as individual autonomy, must be protected against liberalism itself, which, in modern capitalist society, has transformed liberty in rhetoric, as, for instance, in the case of individual freedom of speech, and has concentrated, ever more, the political and the economical power (SÁNCHEZ VÁSQUEZ, 2001, p. 259).

Thus, with the outbreak of Second World War and France's invasion by the German troops, Sartre has given his attention to acting politically in defense of social, economic and humanitarian ideals. *Liberty* has acquired a new feature and has brought on some accountability. He has pondered over the *consequences* of action so that they were chosen freely and in accountable manner (ROWLEY, 2006, p. 11). Hence, if we attempt at a different world, more humanizing and libertarian, liberty will implicate certain choices of paths to be followed in order to achieve the goal set, which, in turn, will always transform itself in a even broader goal.

Moreover, liberty may not be tackled as if it were a sheer abstract concept, but as the method by which one identifies what are the common grounds of all individual projects. Although there is no human nature, Sartre identifies common conditions, which are an ensemble of limits and restrictions, such as maintenance of life, inevitability of death, living in a world already inhabited by other human beings *etc.* In view of that, notwithstanding the fact that there are no identical individuals, projects are similar and liberty will always be limited to a given set of options (COX, 2007. P. 101-102).

Liberty is at the center of collective life and present in the intersubjective relationships of the members of the community and in the relationship of *co-habiting* between *me/the other*. If, in accordance to what Sartre thought, there are common conditions in the human existence, would it not be possible to identify in liberty an unifying project of the common conditions to the creation of a more human society for the maintenance and reproduction of life? After all, to say that existentialism entails humanism brings forth the notion that it as a philosophy which makes human life possible and that every truth presupposes a means and a human subjectivity. Not only a human being is accountable for his liberty, he is also accountable for everybody else's.

Existentialism, therefore, as a political philosophy, takes us through paths towards active and partaking citizenship. Realizing that liberty bears a collective nature, existentialism opens the possibility of the citizen's political engagement in the creation of a society based in ethical values, such as justice and equality.

### **3 Virtues of citizenship for insights into human rights**

The notion of ethics of citizenship in Heller's and Fehér's teaching – active partaking in the common (political), public sphere – operates as an eulogy to the values of *life* and *liberty*, in their most universal construct, which is *equal liberty for everyone and equal life opportunities to everyone*.

Besides that, there exists a connection between both of these values and the value of *equality*, given that the ethics of citizenship presupposes participating in public life, which is that which is common to every individual in a society (that which is commonly shared). To achieve that, one also needs value of *rationality of communication*, aiming at reaching the three aforementioned values.

In this sense, in short, the main civic virtues related to such values are *respect* (radical tolerance), *civic courage* (active participation), *solidarity*, (social) *justice* and the intellectual virtues aimed at rational and dialogical communication.

Firstly, we understand the *value of life* as *equal life opportunities for everyone*, that is to say, acknowledging *all human needs*, “[with equal recognition, except for those whose satisfaction demand by definition the use of other human beings as sheer means.”(HELLER; FEHÉR, 2002, p. 122-123), that is to say, necessities which implicate domination, oppression, violent practices *etc.* These are excluded in virtue of the violation of dignity and of life itself. As a matter of fact, if they were acknowledged, it would mean the impossibility of recognition of all other concrete necessities.

In this sense, for example, if we think of human rights, Herrera Flores (2009a) notes that since their origin and such as modernly conceived by western universalized culture, human rights are marked by an ambiguity. On the one hand, one finds, in rather contradicting fashion, the hope of achieving a minimum legal and ethical standard to ensure in a egalitarian way human dignity; and on the other, the violation of such guarantees, bringing about genocides, imperialism, hidings, alienation, in other words, several means of exclusion and marginalization of humans, to whom one denies the possibility of living a worthy life.

Heller and Fehér (2002, p. 123) state that the acknowledgement of all human needs (except for those which concern the violation of human life and integrities) equates to the acknowledgment of the forms of life, recognized as good and respectable. Despite the possibility of criticism, criticism itself only is shaped as an aftereffect of the acknowledgment of the form of life. This is so because criticism “[...] combined with

mutual acknowledgment, follows the acceptance of the procedure of rational speech about values”. In that way one may have a rational and dialogical communication.

In this sense, by proposing the (re)invention of *human rights*, Herrera Flores (2009a, p. 34) has seen in them a constant mobility and a permanent quality of transformation. In this perspective, rights may not be reduced to a normative legal dimension. They are in the world of daily practice. They are people’s aspirations for a worthy life and for human dignity. They are the struggle process for the egalitarian access to material and immaterial goods necessary to a life worth living, such free speech, religious faith, education, housing, work, environment, citizenship, healthy nourishment, leisure, instruction, historical and cultural heritage *etc.*

Following this line of thought, human rights are always the transient result of the pursuit of a worthy life. Therefore, positive rights do not create rights. But human rights may be made positive, although never definitely, aiming at obtaining legal guarantees to facilitate their efficacy, effectiveness and validity (HERRERA FLORES, 2009a, p. 34).

Hence, for Herrera Flores, before speaking of rights, one must refer to material and immaterial goods which ensure the dignity of human life, since rights are only temporarily the result of social, political, economical and communitarian struggles, among other, for the access to goods which aptly ensure a worthy life.

Furthermore, the value of *life* is connected to *tolerance*. Despite the fact that tolerance, traditionally in liberalism, means a pre-condition of negative liberty (*people’s non communicable liberty*), which must be preserved by democratic politics, Heller and Féher (2002, p. 123) see tolerance in a different light:

The acknowledgment, however, brings about yet a deeper and more complex meaning [to tolerance]: in it, other people’s alternative lifestyles are *our* business, even if we do not live them ourselves. ‘Acknowledgment’ is, therefore, a positive and assertive category. It implies an active relation with the other, without violating the other’s negative liberty, the freedom from interference.

Herrera Flores (2009b, p. 48) agrees with that line of thought and has denounced that human rights have apparently been transfigured into a commonplace by which one considers only a narrow conception of liberty: my liberty *ends* where my neighbor’s starts, whereas one should have in mind a socially-shared liberty, in which every

individual's liberty, albeit belonging to each one of them, is connected in a not dissociable manner.

This would be co-habiting and would imply the sort of respect (which Heller and Fehér call tolerance) crucial to a dialogical encounter of different lifestyles, in which there exists criticism and the creation of alternatives, but which is based upon the notion of mutual *acknowledgment* being a pre-condition.

Secondly, *civic courage* is the “[...] virtue of raising the voice for a cause, for the victims of injustice, for a opinion which we believe to be right even against overwhelming obstacles.” (HELLER; FEHÉR, 2002, p. 124). A person who has the civic courage of being an active citizen acts by democratic conviction, aiming at social justice. It is the courage to defend values, even in movements which give up the use of force.

In the field of human rights, Herrera Flores (2009a, p. 170) realizes that this civic courage is a rationality in resisting (of resistance), connected to the dialogical encounter of interrelationships (not of overcoming, since there is acknowledgment) between different lifestyles. That is to say, the possibility of struggling, in a plural and differential manner, for dignity and for the worthy life.

This is the reason one has mentioned the need of the value of liberty: the creation of a fair social order (art. 28 of the Declaration of 1948) which provides for and guarantees to every individual to fight for their claims. That is to say, there exists the acknowledgment, but also the empowerment for struggling (civic courage). Thus, whereas for the liberal ideology liberty means autonomy, we have as an aftereffect relegated to the irrational that every attempt and claim of letting differences exist lead to an abstract individualism<sup>5</sup>.

It would be better, therefore, to speak of liberty from a different standpoint: liberty in its narrow connection to politics. In other words, we speak of a liberty which allows human beings to build public spaces in which they may actively struggle for a worthy life.

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<sup>5</sup> One understands abstract individualistic subject as a *rational* being split from the contextual world, which becomes passive before the events of reality – the irrational. (HEHHERA FLORES, 2009b, p. 159).

The third citizenship's civic virtue is that of *solidarity*. Here one tackles, according to Heller and Fehér (2002, p. 125), a traditionally left-wing virtue, nonetheless the “[...] only one which, for more than a century, has taken up a distinguished position in the ranks of social-democracy and in the works movements in general.” The virtue of solidarity used to encompass two paths:

One of them used to refer to the solidarity found within a group, whether a party, a movement or a class. The other, in a way which is more felt than practiced, implied a sympathy or empathy, even a fraternal sentiment offered to all classes and dominated countries and finally to mankind as a whole. Critics of this comprehensive sentiment of solidarity have observed, oftentimes with a certain degree of aversion, that it is but a cheap substitute of radical goodness and that those who embrace all poor victims or all mankind inevitably fail to help one single individual in afflictive need of practical support. The critics of solidarity within a group have observed that it may cause unwanted results and even negative ones. Solidarity within the group is problematic virtue, as it can also be a vice. Fascists and Stalinists feared solidarity within the group. In this atmosphere, the more the individual turned against the virtue, the greater his merits (HELLER; FEHÉR, 2002, p. 125).

Nowadays, it is important to accentuate that this criticism, to a large extent, has not become irrelevant. That is to say, we are worried and willing to manifest solidarity to movements in distant lands, but not to raise a finger or a flag to ameliorate our own social background. Besides that, opinions are often suppressed by groups which consider them to be unfair or partial (HELLER; FEHÉR, 2002, p. 125).

The Report of Human Development for 2010 (RHD), part of the United Nations Program for Development, shows that about one third of the population of the 104 countries analyzed, that is to say, 1,75 billion individuals, live under extreme poverty. It would perhaps more accurate to say: they survive with the maximum of 1,25 dollars per day. This does not account for the countless who survive with the maximum of 2 dollars per day. Sub-Saharan Africa has a smaller GDP than an European or North American transnational and has the highest rate of multidimensional poverty. More than that, extreme poverty is concentrated in South Asian (844 million individuals) and in Africa (458 million individuals).

We referred to countries of peripheral domination or from the South, of which Brazil is no exception. Following decades of domination of transnational capital, centuries of colonialism and neocolonialism and a gigantic foreign debt, justified by speech of supposed development of the country and the pseudo-fulfillment of the

common good for the population, Brazilian society finds itself before a scary picture of absolute misery.

An example of that is the wealth distribution problem in Brazil, which confirms that the most striking feature is inequality<sup>6</sup>. Released by IBGE in 2002, the social Index points to a distance between the two extreme poles of the most wealthy and the least wealthy, a fact which is not overcome by the increase in educational levels, mainly among afro descents and women. More than that, inequality by color still overcomes inequality by gender, once in 2001 black and dark-skinned workers had, on average, a 30% smaller salary than white women. In this sense, in the part of the Brazilian population which concentrates the highest economic level (1%), 88% were white and concentrated the same income of the poorest 50%, whereas among the poorest 10%, 70% were black or dark-skinned.

Still in terms of Brazil, in 2010 the measure of satisfaction of human needs, quality of life and social justice, by indexes of social dimension (assemble by ISD), revealed an improvement of life conditions of the Brazilian population. However, there remained a high social inequality, so much so that in 2008, for example, 43% of homes were considered to be inadequate for human housing. That is to say, approximately 25 million homes did not match the criteria for potable water supply, sanitary sewage by a collecting net or septic tanks, garbage collection *etc.*

The 2010 PNAD points to the fact that 7% of the Brazilian population has an income of more than twenty minimum wages, whereas the vast majority, 51,9%, has an income ranging from only half to two minimum wages<sup>7</sup>. Besides that, one should emphasize the discrepancy among different Brazilian regions. For example, in the South part of the country, 2,9% of the population has a monthly income which is less than or equal to ¼ of minimum wage. In Northeast, that number reaches 17,4% and in North, 11,6%. Both in Northeast and in North, only 2,5% of the population has a monthly

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<sup>6</sup> Let us remind that income inequality, the one to which we refer, is not fully encompassed by salary inequality, though income distribution indexes are limited to work income. Income equality also implies that we should take into account the processes of productive activities of goods and services as the manners of their distributions.

<sup>7</sup>

Available

at:

<<http://www.fazenda.gov.br/spe/publicacoes/conjuntura/bancodeslides/IE%202010%2009%2014%20-%20PNAD%202009.pdf>>. Access: 20 Feb. 2011.



income of more than five minimum wages, although this number reaches, in South, 6,4%, second only to Center-West, in which the number is 7%.

Thus, the virtue of *solidarity* needs a redefinition, by which it may connect to the same values which *tolerance* and *courage* span. That means that it needs to be informed by the universal values of *life* and *liberty* e by the conditional values of *equality* and *dialogical rationality*.

Herrera Flores (2009b, p. 193) speaks of the notion of fraternity in regards to a social and collective criterion, thus updating the expression used by the French revolutionaries. Beyond *abstract tolerances*, we refer to the solidarity impulses and to the emancipation of every free and equal individuals.

Thus, if through tolerance there exists an acknowledgment of the different forms of life, except for dominations *etc.*, through solidarity there exists a willingness in favor of the sentiment of supporting struggles, social groups which claim material and immaterial goods for a worthy life, groups which claim the reduction of violence and groups which claim pacifism.

In the social (solidarity) sense, human rights are the ever temporary result of struggles “[...] which are social and collective in nature and which tend to build social, economical, political and legal spaces which allow the empowerment of every individual, so that they can fight in a plural and differential fashion for a life worth living” (HERRERA FLORES, 2009b, p. 193).

Formal equality is enlarged by emancipatory potentialities, aiming at building a space of material equality, which can only be built with the cement of libertarian material and immaterial equality, that is to say, social, economical and cultural conditions which allow the debate of the ideology-world, the contextual reality in which we are inserted, as well as the opening of processes of fight for alternatives.

Solidarity does not imply an unrestricted support to a group, people or movement, but a support to the empowerment. Although connected to the political sphere, the civic virtues do not manifest exclusively in that arena. Just as in the case of solidarity, which must be practiced in the private and in the public ambit (even if not properly political), in the personal relationships. It is a gesture of active assistance, aiming at giving support to the creation of civic courage in others. In a nutshell, “[...]”

solidarity is a virtue which refers to the quality of life, in the same extent to which radical tolerance or civic courage.” (HELLER; FEHÉR, 2002, p. 127).

Solidarity is based upon human intersubjectivity, in which subjects acknowledge themselves mutually, in substantial equality, as subjects of knowledge. The solidarity to which we refer does not concern charitable assistencialism, but rather a common commitment to building social emancipation projects. It is a primarily political sort of solidarity.

The fourth *civic virtue* is considered to be the oldest one: *justice*. All civic virtues, to be considered as such, must relate to justice. For example, before we sympathize with someone, we must proceed to judgment of the conduct, the attitude, the necessity *etc*, and this judgment must be fair, to wit, one demands a combination of *partiality*, in regards to the values justice stands for, and impartiality in regards to the individuals, groups, institutions *etc*. Thus, partiality does not span preliminary judgments, which might turn out to be prejudiced (HELLER; FEHÉR, 2002, p. 127-128).

Speaking of justice<sup>8</sup> presupposes keeping in mind at least a fictitious social contract, or a constitution, laws and norms which regulate a society. This is so because if that regulation is absent, there no sense in speaking of justice or injustice. Hence, if there is a normative regulation in the sense that every individual stands equally before the law, for example, parting with this equality creates a situation of injustice. At this juncture one finds the importance of fair judgment in regards to claims or procedures, for example, to characterize the virtue of citizenship.

This means that the State undertake the function of ensuring *justice* itself and not only the law, since the nature of justice is the *performance of pacts*. Therefore, liberty in the social state is implemented by *non impediment*, to wit, liberty in the face of pacts, which makes every individual equal before the law.

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<sup>8</sup> Throughout this paper, the matter of *justice* will be dealt with in such a way as to span only the studied subject, once this category is so wide and complex that it could not possibly be summarized in few lines. Still, we should consider the category of *justice* as pivotal to the notion of human rights. What we may promptly say is that justice, according to Heller, corresponds to the most ancient aspiration of mankind, essentially connected to the ideal of equality and of subjective moral value. There exists, consequently, a valorative question, hierarchical by nature, to determine what is fair and what is not. (HELLER, 1998, p. 15-16).

The fifth civic virtue is *prudence (phronesis)*, also considered to be a traditional virtue and set to the application of norms. Thus:

*Phronesis*, that is, the good judgment in action, is learnt in practice and, if well learnt, it becomes a good trace of character, that is, a virtue. Recently, some scholars have objected the relevance of *phronesis* in modern life. *Phronesis*, so one says, is set if a norm or rule has already been accepted as good and correct, but it is irrelevant for the process of questioning norms which dominate modern life. Doubtlessly, it is true that *phronesis* is not an intellectual virtue set in the deliberation and in the questioning of norms. We may not be based upon prudence to determine whether a norm or rule is good or bad, right or wrong. However, if in the process of deliberation or questioning some norms or rules appear to be good, right, suitable or best suitable than others, we must end up applying them, and it is precisely in the process of application that we need the virtue of *phronesis*. (HELLER; FEHÉR, 2002, p. 128).

In the domain of political practice, of active citizenship and of the defense human rights, this fact bears great relevance, since there exists the necessity of constant decision-making, frequently with little time for deliberation. Still, decisions made should take into account all (civic) virtues of citizenship, like life, justice, solidarity *etc.*

Finally, the sixth civic virtue is an intellectual virtue of citizenship, of *partaking in rational speech*. The disposition to partaking in speech and rational debate in the political realm is a virtue, once it gives substance to active and participative citizenship in society's public life.

The forceful imposition or determination of an individual apropos of fair decisions and procedures and pertaining to which rules and norms are the best and the worst, call for a dictatorship or paternalism, instances which contradict the values of life and liberty. *Ergo*, it is important to characterize what is a fair procedure, an active partaking of citizens, by means of rational speech and debate on the justice of institutions, laws and orders. Hence, Heller and Fehér (2002, p. 129) state:

Fair procedure exists if all parts interested are willing to enter a rational debate. This willingness is not an innate quality, granting that it is based upon setting certain innate qualities, like all virtues. The virtue of being willing to enter a rational debate is underlined, as happens to all virtues, by its practice. But the generalization of the practice of rational speech already presupposes the *presence* of this virtue in a considerable number of the members of the political body.

This is so because if society is common – shared – and if there should be institutions, laws and social orders designed by universal values which spread

throughout the entire social body, citizen partaking, that is, the participation of the members of this political and social body, becomes indispensable. These civic virtues are precisely what make possible citizen partaking for the well being of all society.

One should build, thereupon, spaces of encounter, interstitial or in between, which, either public or private, provide for the creation of citizenship and of subjectivity, thus combining the possibility of coexistence of identities with the differences, as well as the projects for companionship, respect, economic development, participative democracy and similar things, always open to new and increasing human needs for dignity.

That means that human rights should enhance our power and ability to act in the world and not lead us to aloofness. It is the ontology of power: citizen political action always at loggerheads with the tendencies to objectify social relationships, thus allowing us to understand and put in practice the strategic and political element in a socially compatible mode with an open, democratic sort of politics, not reduced to its sheer electoral aspects.

We should take back the political element as a parallel sphere to the struggle for dignity. This does not mean seeking a better or worse government system, but the shared activity in the moment of creating better worlds, thus creating conditions for the development of human potentialities.

### **Final remarks**

This article has focused on citizenship, more effectively, the modern conception of citizenship in the teachings of Agnes Heller and its relation to the existentialist philosophical school of thought.

The main purpose has been to analyze this conception of citizenship to provide contextual knowledge of its relation to the Brazilian law and to the achievement of human rights. This is so because one understands that, without human rights, there exists no concrete citizenship, inasmuch as without citizenship it is impossible to speak of concreteness of human rights (human dignity).

In its broadest meaning, we note that citizenship is the possibility of being human in a entire fashion, in private and intimate life, as well as in public life, by means

of active participation, that is to say, the full exercise of democracy. This means the ethics of citizenship is related to the public sphere, notwithstanding the fact that keeps a contingent relation to the private sphere of human life.

Nowadays, in modern Democratic States, citizenship is ascribed to the entire social body. However, although most people are entitled to rights and are bound by obligations which ensure citizenship, few maintain a practical and active relationship in public partaking, that is to say, actively partake as citizenships.

Even so, we must understand that citizenship presupposes the values of life and liberty in their most universal interpretation, which is *equal liberty to everyone and equal life opportunities for everyone*, since the ethics of citizenship presupposes partaking in public life, which is what is common to everyone in a society (that which is shared in common). To achieve that, one needs to have *rationality of communication* as a necessary value.

Hence, the main civic virtues related to such values are *respect* (radical tolerance), *civic courage* (active participation), *solidarity*, (social) *justice* and the intellectual virtues aimed at rational and dialogical communication.

Besides that, it is important in Heller's teachings, to understand partaking citizenship, a historical analysis of cultural movements, which have changed worldviews and philosophies, thus generating changes in the behavior patterns of societies.

The major example of these movements in the field of citizenship is the existentialist wave, most essentially Sartre's thought. Emerged following the Second World War, this movement allows the analysis of citizenship from a political and philosophical standpoint.

In light of this, liberty is seen as political liberty. That is to say, liberty is politicized, thus allowing the understanding of the notion of ethics of citizenship in Heller's and Fehér's teaching – active partaking in the common (political), public sphere. This operates as an eulogy to the values of *life* and *liberty*, in their most universal construct, which is *equal liberty for everyone and equal life opportunities to everyone*.

Besides that, there exists a connection between both of these values and the value of *equality*, given that the ethics of citizenship presupposes participating in public

life, which is that which is common to every individual in a society (that which is commonly shared), as well as the value of *rationality of communication*, aiming at reaching the three aforementioned values.

In this sense, in succinct, the main civic virtues related to such values are *respect* (radical tolerance), *civic courage* (active participation), *solidarity*, (social) *justice* and the intellectual virtues aimed at rational and dialogical communication.

## REFERENCES

ARISTÓTELES. **A política**. Rio de Janeiro: Edições de Ouro, 1965.

ARONSON, Ronald. **Camus e Sartre**: o polêmico fim de uma amizade no pós-guerra. Tradução de Caio Liudvik. Rio de Janeiro: Nova Fronteira, 2007.

COX, Gary. **Compreender Sartre**. Tradução de Hélio Magri Filho. Petrópolis: Vozes, 2007.

DELEUZE, Gilles; GUATTARI, Félix. **O que é a filosofia?** Rio de Janeiro: Ed. 34, 1992.

HELLER, Agnes; FEHÉR, Ferenc. **A condição política pós-moderna**. 2. ed. Tradução de Marcos Santarrita. Rio de Janeiro: Civilização Brasileira, 2002.

HELLER, Agnes. **Além da justiça**. Rio de Janeiro: Civilização Brasileira, 1998.

HERRERA FLORES, Joaquín. **A reinvenção dos direitos humanos**. Tradução de Carlos Roberto Diogo Garcia; Antônio Henrique Graciano Suxberger e Jefferson Aparecido Dias. Florianópolis: Fundação Boiteux, 2009a.

\_\_\_\_\_. **Teoria crítica dos direitos humanos**: os direitos humanos como produtos culturais. Tradução de Luciana Caplan, Carlos Roberto Diogo Garcia, Antonio Henrique Graciano Suxberger e Jefferson Aparecido Dias. Título original: *Los derechos humanos como productos culturales*: crítica del humanismo abstrato. Rio de Janeiro: Lumen Juris, 2009b

IBGE. Available at: <http://www.ibge.gov.br>

\_\_\_\_\_. **Estatísticas do século XX**. Available at: [http://www.ibge.gov.br/seculoxx/arquivos\\_xls/palavra\\_chave/educacao/analfabetismo.shtm](http://www.ibge.gov.br/seculoxx/arquivos_xls/palavra_chave/educacao/analfabetismo.shtm) Access: 20 jan. 2011

\_\_\_\_\_. **Índice de desenvolvimento social 2010.** Available at: [http://www.ibge.gov.br/home/presidencia/noticias/noticia\\_visualiza.php?id\\_noticia=1703&id\\_pagina=](http://www.ibge.gov.br/home/presidencia/noticias/noticia_visualiza.php?id_noticia=1703&id_pagina=) Access: 21 fev. 2011.

\_\_\_\_\_. **Pesquisa nacional de amostras de domicílio 2009.** Available at: [http://www.ibge.gov.br/home/presidencia/noticias/noticia\\_visualiza.php?id\\_noticia=1708&id\\_pagina=1](http://www.ibge.gov.br/home/presidencia/noticias/noticia_visualiza.php?id_noticia=1708&id_pagina=1) Access: 20 fev. 2011.

\_\_\_\_\_. **Síntese de indicadores sociais 2002.** Available at <http://www.ibge.gov.br/home/presidencia/noticias/12062003indic2002.shtm> Access: 21 fev. 2011.

NAÇÕES UNIDAS. **Relatório de Desenvolvimento Humano de 2010 (RDH):** <[http://hdr.undp.org/en/media/HDR\\_2010\\_PT\\_Overview\\_reprint.pdf](http://hdr.undp.org/en/media/HDR_2010_PT_Overview_reprint.pdf)> Access: 5.1.2011.

PISIER, Evelyne. **História das idéias políticas.** Tradução de Maria Alice Farah Calil Antonio. Barueri: Manole, 2004.

ROWLEY, Hazel. **Simone de Beauvoir e Jean-Paul Sartre: tête-à-tête.** Tradução de Adalgisa Campos da Silva. Rio de Janeiro: Objetiva, 2006.

SÁNCHEZ VÁZQUEZ, Adolfo. **Entre a realidade e a utopia:** ensaios sobre política, moral e socialismo. Tradução de Gibson B. Soares. Rio de Janeiro: Civilização Brasileira, 2001.

SARTRE, Jean-Paul. **O ser e o nada:** ensaio de ontologia fenomenológica. Petrópolis: Vozes, 2001.