

G.W.F Hegel on the Concept of Right: A Reconstructive Adaptation for Contemporary Nigeria

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Abstract

This paper examines the nature and character of right in Hegelian Philosophy. It explores the nature of man as both a rational being and moral agent coexisting with other individuals in the civil society. I further attempts a reconstructive adaptation of the notion of Hegelian thought pattern for contemporary Nigerian society. It adopts qualitative research method and employs textual analysis of both primary and secondary texts. It serves as a blueprint or guide for policy making process vis-à-vis human rights protection in the Nigerian body-politic. It concludes that Hegel's understanding of right has plausibility as an ideological framework. It recommends that Hegel's notion of right be made a national ideology or national philosophy underpinning human rights in contemporary Nigerian State.

Keywords: Hegel, Concept, Right, Reconstructive, Adaptation, Contemporary, Nigeria.

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Introduction

The central focus of this paper is the place of right in Hegel's social philosophy. It launches an exploration of his philosophical speculations with particular attention to his idea of right. The problem of human rights abuse or violation is monotonous and, of course, a recurrent decimal in contemporary societies especially developing societies. In other words, incessant cases of human rights violation are prevalent in Third World Countries (TWCs) of Africa, Asia, and Latin America. This paper, therefore, attempts a philosophical excursus of the concept of rights as it features in Hegelian thought pattern.

Philosophical Foundations of Human Rights

Many of the prevailing conceptions of human rights are traceable to the ideas of natural law which were developed by ancient Greek Philosophers, the Stoics, Roman lawyers, Christian fathers such as St. Thomas Aquinas and the social contract theorists of the seventeenth and eighteenth centuries. For instance, one of the foremost social contract philosophers, John Locke, argues that obedience to government is based on the fact that men join together in civil societies and form governments only for one reason: the mutual preservation of their lives, liberties and estates (Law 114). Here is Locke in full:

Every one as he is bound to preserve himself, and not to quit his station willfully, so by the like reason when his own preservation comes not in competition ought be, as much as he can, to preserve the rest of mankind and may not unless it be to do justice on an offender, take away, or impair the life or what tends to the preservation of the Life, the Liberty, Health, Limb or Goods of another (Treaties of Civil Government 311).

The concept of natural rights is indeed one of the central themes in Locke's social and political philosophy. He further posits that, "the great and chief end of men's uniting into commonwealth and putting themselves under government is the preservation and protection of their (lives) and property" (Locke 314). The import of the foregoing is that the purpose of government is to secure or safeguard human entitlements and ensure that lives, liberties and

material possessions of all members of the society are protected. These rights naturally belong to all men simply because they are human beings. He insists that whenever a government fails to preserve these rights, and thereby ceases to serve the end for which it was created, the people have the right and even a duty to rebel and replace it.

Philosophical formulations concerning the law of nature and the natural equality of all men have been employed by human rights advocates of every age. These reflections have thus influenced the various notions of human rights articulated in historic human rights declaration. The recognition of the basic rights of the citizenry is one of the hallmarks of an organized society. There is no doubt that popular participation is meaningful to the extent that the people actually enjoy certain fundamental rights. To be sure, concern for human rights has now become universalized. In point of fact, every constitution contains some formal guarantees of civil rights. It is however, important to note that there exists a great disparity in the level of sincerity with which these rights are genuinely protected by different countries. This, in the main, implies that there are significant differences in the extent to which these rights are actually enjoyed among societies. In the opinion of Fidelis Obioma, “the mere presence of formally guaranteed rights in any nation’s constitution means at least that the framers, for whatever reason, deemed it desirable to pay at least lip service – and perhaps more – to the idea of the rights of man” (57). Thus, the indispensability of human rights is emphasized in all articles of faith.

The Concept of Right

Duties go together with rights and liberty. Every responsibility entails privilege. In other words, political obligation presupposes rights on the part of the individual. Thus, as the constitution imposes certain duties and obligations on the citizen so do the same constitution entrenches some rights for the citizens to be protected by the state. Rights may be defined as certain privileges that every citizen enjoys in a country irrespective of sex, tribe or creed (Idowu 61). These rights are natural, civil, political, and legal in dimensions. They remain privileges only as long as the state recognizes them and prepares to protect them no matter the words used in qualifying these rights like ‘natural’, ‘basic’ or ‘fundamental’. These rights which are specified in most written constitutions, commonly referred to as ‘fundamental human rights’ include, amongst others,

- i) Right to life which nobody shall intentionally deprive a citizen of his life
- ii) Right to freedom from undue torture, inhuman or degrading punishment
- iii) Right to dignity of human person
- iv) Right to freedom from discrimination on grounds of sex, race or tribe, creed or political opinion and association
- v) Right to fair and equal hearing
- vi) Right to private and family life
- vii) Right to freedom of movement
- viii) Right to peaceful assembly and association
- ix) Right to freedom of thought, conscience, and religion
- x) Right to ownership of property, etc (Anyaele 120).

Attempting to provide a working definition for the concept of right, Obaseki posits that:

Human rights have been variously described as the rights of man or fundamental freedoms. They are claimed and asserted as those which should be or sometimes stated to be those which are legally recognized and protected to secure for each individual the fullest and freest development of personality and spiritual, moral and other independence. They are conceived as rights inherent

in individuals as rational free willing creatures, not conferred by some positive law nor capable of being abridged or abrogated by positive law. (246 – 247).

The import of the above submission is that human rights are inalienable rights that belong to man by virtue of his humanity and therefore should be granted and guaranteed to everyone. While some are already recognized by law others are still ideals that are yet to be legalized. The philosophy of the rights of man is expressed in the American Declaration of Independence thus:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain inalienable rights, that all men are created equal, that among these are Life, Liberty and the Pursuit of Happiness (Shivji 21).

The natural law tradition also informs the formulations of many thinkers. It is to be noted, however, that there are those who espouse the positivist view and insist that there can be no rights outside those granted by state law. Thus, these writes argue that ‘natural rights’ are not rights at all but some kind of moral ideals.

More so, human rights fall into two general classes namely (i) *limitations on government*, which are things that government is forbidden to do to the individual, and (ii) *obligations of government*, a series of duties that government is pledged to perform for the individual. Human rights are claims of the individual upon the state. In the opinion of Osita Eze, these rights are further classified and grouped into civil, political, social, economic, legal, and cultural (5 – 6).

Hegel on Philosophy of Right

Hegel’s understanding of world history is that it is tending or leading towards the realization of human freedom and yet he sees individuals as pawns of the irresistible force of historical destiny. In his *Reason in History*, Hegel writes that, “nothing transcends nature, and humanity is the sovereign source of all value in the world” (47). This underscores his deep commitment to humanism. In *Phenomenology of Spirit*, Hegel opines that, “(Being) freed from blind conformity to society’s norms, each individual became “his own living truth” (356). The ethical life of a community includes explicit rules as well as implicit attitudes, values, and forms of life.

Concluding Remarks

In this paper, we have examined Hegel’s conception of right as a natural conferment on man as an ontological being cum moral agent. The idea of right is central to the Hegelian conceptualization of history as a social force. In sum, Hegel provides a theoretical framework for understanding human rights in our contemporary societies.

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