

An engraving-style illustration of a central figure, possibly a philosopher or historical figure, wearing a crown and holding a sword. The figure is surrounded by other figures, some of whom appear to be in chains or being restrained. The background features clouds and architectural elements.

Studies in Global Justice

Series Editor: Deen K. Chatterjee

Andrew Buchwalter *Editor*

Hegel and Global Justice

 Springer

Hegel and Global Justice

STUDIES IN GLOBAL JUSTICE

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Aims and Scope

In today's world, national borders seem irrelevant when it comes to international crime and terrorism. Likewise, human rights, poverty, inequality, democracy, development, trade, bioethics, hunger, war and peace are all issues of global rather than national justice. The fact that mass demonstrations are organized whenever the world's governments and politicians gather to discuss such major international issues is testimony to a widespread appeal for justice around the world.

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Hegel and Global Justice

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Preface

In this book prominent scholars of Hegel and of social-political theory examine Hegel's contribution to the discourse on global justice. Contesting many common assumptions, they claim not only that Hegel himself has much to offer on the theme of global justice, but that his insights and perspectives can significantly enrich contemporary discussions and debates. The aim of this book is to clarify Hegel's stance on global justice in its many dimensions and to highlight the value of Hegel and Hegelian-based arguments for current deliberations. The book is conceived both for scholars of Hegel and global justice and for college instructors for use in graduate and undergraduate college courses.

The contributors to this volume have all eagerly participated in this project. I want to thank them for their suggestions and cooperation. I also would like to thank those who participated in panel sessions devoted to this topic at recent meetings of the American Philosophical Association and the American Political Science Association.

At Springer I would like to express my gratitude to Deen Chatterjee, series editor of the "Studies in Global Justice," for his initial interest in this project and his support throughout. Thanks as well are due to Neil Olivier, Publishing Editor at Springer, and his assistant, Diana Nijenhuijzen, for their ongoing advice and assistance. I also wish to thank the two anonymous reviewers for their helpful suggestions for the book's improvement. Thanks are owed as well to A. Lakshmi Praba, Project Manager at SPi Global, for the thorough and conscientious manner in which she oversaw production of this volume.

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Jacksonville, FL

Andrew Buchwalter

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Chapter 1

Hegel and Global Justice: An Introduction

Andrew Buchwalter

1.1 Introduction

In the burgeoning academic discussion of global justice, little attention has been accorded Hegel. This is not surprising, for Hegel is generally considered to offer little constructive as regards issues of international ethics or justice. Not only does his account of political morality seem restricted chiefly to the ethos of particular communities; not only is he assumed to reject as incoherent any form of cosmopolitanism; his view of international relations seems focused on the exigencies of fully sovereign and self-sufficient nation-states whose interactions—defined above all by power, force and bellicosity—possess an anarchic character not evidently subject to higher moral or political authority. Moreover, Hegel's political thought culminates in a philosophy of history that appears not only to glorify Western society, but to assert that other cultures have value only to the degree that they contribute to the advancement of the former.

This book challenges many of these assumptions. While not fully denying the validity of the conventional assessment, the authors of this volume—prominent interpreters of Hegel and his practical philosophy—present a more nuanced and variegated picture of his contribution to the issue of global justice. Not only is Hegel revealed to address the topic in a rich and instructive manner; he is shown to do so in a way that provides perspectives on and challenges to aspects of the present discussion. He is shown to do so, moreover, with regard to many of the themes comprising the current discussion of global justice. These include universal human rights, international law, transnationalism, cosmopolitanism, economic globalization, global socio-economic justice, global conflict, planetary destruction, intercultural recognition, global governance, global citizenship, the global public

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sphere, a global shared identity, and a global ethical culture. In pursuing these themes the contributors to this volume also consider Hegel's relationship to many of the theorists associated with current discussions of global justice, including Anthony Appiah, Hannah Arendt, Ulrich Beck, Seyla Benhabib, Simon Caney, Jacques Derrida, Richard Falk, Jürgen Habermas, Thomas Hobbes, Immanuel Kant, Will Kymlicka, David Miller, Thomas Nagel, Martha Nussbaum, Thomas Pogge, John Rawls, and Peter Singer.

That the authors of this volume do address the theme of Hegel and global justice is not to say, however, that they so in the same way. They disagree about what may be meant by global justice, they differ in their understandings of Hegel, they differ on whether focus should be on Hegel's own position on international relations or on claims he makes elsewhere that can be applied to those relations, and they adopt differing views on whether the task at hand involves appeal to Hegel's own stated views or to a reconstructed "Hegelian" account that may even be at odds the former. These differences notwithstanding, however, the essays in the book exhibit a common orientation, one that may be captured by the term so central to Hegel and to Hegelian thought generally: dialectics.

Dialectics is a contested term both in Hegel research and theory generally. For present purposes, it may be construed as the three-fold effort to challenge conventional dichotomies, to locate commonalities in seeming opposites, and to specify the internally differentiated character of the commonalities themselves. In different ways, and with differing degrees of emphasis, the authors in this volume explore the issue of global justice from a dialectical perspective. Among other things, they advance proposals that in diverse and mediated ways surmount abstract distinctions between, say, universal rights and cultural diversity, state sovereignty and cosmopolitan law, bounded communities and transnational commonalities, global governance and local self-determination, national identity and global membership, negative and positive liberties, negative and positive duties, and conflict and comity.

A specific articulation of Hegel's dialectical approach to global justice is reflected in the use by this volume's authors of recognition theory. Recognition theory is rooted in the famous master-slave dialectic Hegel presents in the *Phenomenology of Spirit*, but it is central to his practical philosophy as a whole. Recognition theory is a highly nuanced epistemological, ontological, ethical, socio-political, and cultural doctrine, with multiple components. Generally speaking, though, recognition theory, for Hegel, involves at least the following four claims: (1) individual identity is constituted only in relations of reciprocal recognition; (2) such relations take shape in struggles predicated typically on surmounting modes of misrecognition; (3) recognitive social relations tendentially generate forms of shared or common identity; and (4) notions of common identity themselves have full meaning and reality only to the degree that the members of a community recognize their commonality. In different ways many of the contributors to this volume employ components of recognition theory to illuminate features of Hegel's account of global justice. These components are used to explicate Hegel's notions of political sovereignty, shared identity, cosmopolitanism, human rights, planetary

responsibilities, global governance, war, and world history. One important value of this book is that it illustrates, in ways that have not been fully appreciated, the usefulness of Hegel's doctrine of recognition for elucidating matters of global justice.

Much has changed in the world since Hegel was writing in the early nineteenth century. Nothing expresses this change more dramatically than the phenomenon of globalization itself, a phenomenon of which in its present form Hegel had only inkling. At economic, social, political, technological, and cultural levels, the world has undergone changes that would likely be unimaginable to Hegel. These developments have also raised a range of normative issues concerning justice and social life that at least in their specific form were unknown to Hegel. Issues regarding human rights, global interconnectivity, mass murder, global poverty, violence, global terrorism, cosmopolitan law, environmental degradation, planetary destruction, global governance, cosmopolitan membership, intercultural recognition, and human migration are now posed in ways that would be novel for Hegel.

Still, if Hegel was not in a position to respond directly to the issues that confront us today, his thought remains highly relevant. The contributors to this collection advance various specific arguments as to why this is so. Yet a general point is also in order. Hegel is distinctive *inter alia* for the special connection he posited between philosophy and the features of his age. Writing at a time of profound social tension, dislocation, and transformation, he assigned to philosophical reflection the task both of responding to the challenges of his age and of formulating options for their resolution. He did so, moreover, not by engaging in abstract theorizing but through attending to trends and possibilities implicit in existing conditions themselves. He also asserted, if not with complete consistency, that any resolution is never fully complete but commonly entails and requires further articulation. In their various considerations of the concept of global justice, the authors of this volume display and replicate features of Hegel's own historically sensitive and pragmatically oriented approach to social analysis. In this way as well their contributions attest to Hegel's value for understanding the phenomenon of globalization and the normative issues it raises.

None of this is to suggest that there are not elements in Hegel's thought that simply do not lend themselves to contemporary appropriation. For the discourse on global justice, his highly problematic comments, above all in the *Lectures on the Philosophy of World History*, about race and the racial inferiority of certain peoples exemplify features of his thought that are hardly amenable to such appropriation. But it is also incorrect to assume that these claims, contemptible though they are, necessarily vitiate the general value of his thought or its usefulness for clarifying issues pertaining to global justice. On the contrary, it is the view of many in this volume, explicit and implicit, that these claims and attitudes are largely alien to the core tenets of his thought. Indeed, far from empowering racial and racist modes of argumentation, Hegel's thought can be perceived to supply tools that can be employed, in effectively criticizing such forms of argumentation.

In this introduction I first highlight the main themes explored in the volume, indicating in a general way the contributions made by the various authors in elaborating those themes. I then provide a brief summary of the main argument of each chapter, noting the interrelationship of the various discussions and the place they occupy in the broader discourse on global justice.

1.2 A Taxonomy of Main Themes

1.2.1 *Cosmopolitanism*

A central topic in this book is Hegel's reception and treatment of the concept of cosmopolitanism. While nearly all authors note Hegel's criticisms of conventional notions of cosmopolitanism, they are divided on whether Hegel may himself be considered a cosmopolitan. Focusing on the life-and-death struggles for recognition that shape Hegel's notion of human sociation, Gary Browning argues that he cannot be. Thom Brooks seconds this assessment, while also asserting that forms of cosmopolitanism can be supported with arguments that, while not advanced by Hegel himself, are of Hegelian inspiration. On the other hand, several authors do present Hegel as more sympathetic to cosmopolitanism. Allowing that Hegel rejects political or institutional accounts of cosmopolitanism, Lydia Moland nonetheless claims that he does affirm a moral one predicated on the equal value and dignity of all human beings. In a different vein, other authors maintain that Hegel's critique of cosmopolitanism is directed not at the concept itself, but only the abstract and ahistorical version it quintessentially found in Kant. Steven Hicks develops this point at length, detailing how Hegel advances a notion of cosmopolitanism that uniquely charts a course between Kant and Hobbes. Robert Fine further pursues this point by noting the decidedly consequential character of Hegel's cosmopolitanism, one that fully acknowledges the modern realities of war and colonialism. Peter Stillman also notes the specifically historical nature of Hegel's cosmopolitanism, detailing how the account of modern civil society elaborated in the *Philosophy of Right* serves to realize and validate a concept of universal human rights. Andrew Buchwalter presents Hegel as advancing a "situated" cosmopolitanism, one in which transnational norms and values are forged and forged anew in the ongoing interaction of persons and peoples in history.

1.2.2 *National Sovereignty*

Consonant with his critique of conventional accounts of cosmopolitanism, Hegel is also known for his emphasis on the centrality of the nation-state. Yet what that emphasis entails for internationalism and transnationalism is a matter of dispute. Brooks locates Hegel squarely in the tradition of political realism with its emphasis

on the sovereign self-sufficiency of states and the strategically self-interested nature of their relationships. Others also acknowledge the centrality of state sovereignty in Hegel's work, but deny that this precludes more emphatically transnational accounts of international relations. This approach is implicit in the chapter by Clark Butler, who suggests that Hegel's realist view of state sovereignty is more an acknowledgement of historical realities than an expression of ontological convictions. Others argue for an explicit relationship of state sovereignty and transnational affiliations, noting how, for Hegel, sovereignty itself depends on associative relations with other states and peoples. Browning makes this point, even while distancing Hegel from accounts of cosmopolitanism. Buchwalter does so with reference to the logic of recognition that he argues undergirds Hegel's law of peoples, asserting that nation-state sovereignty itself entails an intersubjective notion of political identity. Hicks, appealing to Hegel's view of the relationship of identity and difference, similarly claims that Hegel advances an inclusive notion of political sovereignty, one useful moreover for characterizing the complex interrelationship of states in emerging multinational entities like the European Union. Paul Cobben situates Hegel's own notion of political sovereignty within the tradition of international realism, but claims, also appealing to the European Union, that a more open and cooperative account can be formulated on Hegelian grounds through insight on the part of citizens into the general historicity of existing structures and values.

1.2.3 Universal Human Rights

Another theme addressed by several authors is that of human rights. Almost all authors in this volume see Hegel as rejecting any abstract notion of human rights for one sensitive to conditions of historical embodiment and particularized articulation. For Browning, this involves a general repudiation of universalistic claims in favor of forms of political practices in which rights and other normative principles are defined, shaped, and validated by members of a particular community. Robert Fine, by contrast, claims that Hegel does advocate a cosmopolitan notion of human rights, but one that incorporates appreciation of the coerciveness that accompanies further expansion of the notion of rights. In the view of Maria Kowalski, Hegel presents a conception of human rights that, in contrast to Rawls', is at once emphatically universal and supportive of the diversity of cultures and traditions. Peter Stillman notes how, for Hegel, the idea of universal human rights depends on the emergence and development of modern civil society and, *a limine*, the latter's full global extension. In this account, Stillman also notes Hegel's support for both liberty and welfare rights—something addressed as well by Hicks, Moland, and others. In addition, by anchoring rights in the “substate” domain of civil society, Hegel, according to Stillman, advances a notion of rights that can counteract tendencies of political institutions to oppress human liberties, even while acknowledging the role played by those institutions in securing liberties.

1.2.4 Global Poverty and Its Responsibilities

A central feature of Hegel's theory of civil society is the attention it gives to how modern industrial societies, with their cycles of over-production and under-employment, trigger a host of social pathologies. Perhaps the most central of these is poverty and, in particular, the creation of a systemically induced underclass typified as much by psychological as material deprivations. In different ways, several contributors—Buchwalter, Butler, Hicks, Moland, and Stillman—extend Hegel's analysis of the vicissitudes of market societies beyond the domestic sphere, noting that many of the same pathologies are currently replicated at the level of global commerce. In doing so, they also explore Hegelian options for addressing the issue of global poverty. One central consideration is the duties that affluent nations and their members have to the global poor. Perceiving in the current global order the system of wide-reaching interdependencies that Hegel discerned in domestic civil society, Moland claims that those obligations are considerable, all the more so owing to the responsibilities that, following Thomas Pogge, she suggests affluent country bear for socio-economic maladies world-wide. Buchwalter likewise argues for a strong account of global obligations, focusing on Hegel's theory of mutual recognition and the notion that the autonomy and well-being of one community depends on that of another. Brooks addresses the matter from a different perspective, examining how responsibilities to non-nationals are to be balanced with putatively more central responsibilities to co-nationals.

1.2.5 Institutional Responses to Global Poverty

The contributors to this book also consider the institutional structures needed to address global poverty. Stillman asks whether one of Hegel's proposals for addressing poverty domestically—work-related cooperatives or “corporations”—might find traction in a global setting. Moland, likewise focusing on sub-political mechanisms, considers “civil society organizations” that would empower affected peoples and groups both to challenge policies and practices that contribute to global inequalities and to devise solutions appropriate to their own circumstances. Clark Butler elaborates on Hegel's concept of a “public authority,” asking how a “world welfare state”—one that avoids the top-down bureaucracy criticized by Hegel—might be conceived in the face of global economic realities today.

1.2.6 Global Governance

Although Hegel is famously critical of forms of global government, his thought does lend support to various notions of global governance. Clark Butler appeals to Hegel in advancing an “external” world state, one that provides regulatory oversight while

also deferring to local initiatives and relatively autonomous relations between individual states and peoples. Lydia Moland invokes Hegel's interest-based concept of political representation to fashion an inclusive notion of global community, one that can challenge the state-centrism endemic to current geographically based notions of representation. Steven Hicks recurs to Hegel's concept of an internally differentiated domestic polity to promote the differentiated, pluralistic, and polyarchic political structures currently associated with transnational entities like the European Union. Paul Cobben also focuses on the European Union, deploying Hegelian arguments to support the idea of a global supra-state characterized by a multiculturally based commitment to commonality, something in turn requiring emergence of a robust global public sphere. Buchwalter notes how for Hegel the world-historical "dialectic" of peoples results in norms of cooperation that underwrite the type of shared political culture or ethos that on Hegel's account remains a central condition of viable institutional arrangements, global or otherwise.

1.2.7 Global Identity

Several authors also raise the question of what it would mean to speak of collective global identity from a Hegelian perspective. Paul Cobben asserts that the shared self-understanding of members of transnational entities like the European Union must be defined politically rather than, as is now the case, on economic lines. Steven Hicks advances the idea of a "dialectical self-identity" rooted in a notion of global solidarity forged in acknowledgement of the tragedies of the twentieth and twenty-first centuries. Thom Brooks sketches general features of a Hegelian notion of collective identity, one based not on the *fact* of shared identity itself—something that lends itself to particularistic interpretations—but the shared recognition of identity itself. Buchwalter, appealing to the principle of internal self-reflexivity central to Hegel's concept of the *Geist*, similarly proposes a notion of self-identity that subsists and is sustained in the ongoing deliberation by differently situated peoples and persons on the conditions of commonality itself.

1.2.8 War

No account of Hegel's contribution to globality and global justice would be complete without consideration of his treatment of war, a central component in his theory of international law. Contributors to this volume variously address this matter. Brooks identifies war with Hegel's political realism, but emphasizes that Hegel's aim is not to champion belligerence itself but simply to acknowledge the anarchic relations of states in a world devoid of higher political authority. Browning also details how, for Hegel, war challenges classical and contemporary notions of international justice, but notes as well that it can cultivate forms of group solidarity

that have a place in global society. Fine notes how war, far from undermining a Hegelian approach to internationalism, attests to its consequential nature. Peter Stillman asserts that war, in attesting to the ephemeral nature of property ownership, can serve as a Hegelian challenge to any purely economic approach to globalization. Buchwalter and others note that war, understood as condition of rightlessness, implies a notion of right or justice, and thus cannot be understood as Hegel's final answer on the nature of international relations. Steven Hicks makes this point as well, but questions whether Hegel's understanding of war is adequate to the current realities of global terror and the increasing proliferation of weapons of mass destruction. Hicks does suggest, however, that Hegel's claim that political entities, including any at the transnational level, require an "external" enemy might be understood, not as a statement about the irremediably conflictual nature of social relations, but as a call for humanity to confront shared threats, including planetary degradation, global financial insolvency, and nuclear annihilation.

1.2.9 Recognition

A final issue concerns the role of recognition theory—one of Hegel's most distinctive contributions to social theory—as it pertains to matters of global justice. Here, too, the authors advance diverse perspectives. Accentuating the existential struggles that Hegel, especially in the *Phenomenology of Spirit*, associates with recognitive relations, Browning emphasizes the value of recognition in forging political identity while also indicating the limits it imposes on notions of internationalism, cosmopolitanism, and global justice. Brooks claims that Hegel's account of mutual recognition is of value for theorizing about global justice, but only if it is separated from the stark political realism that defines Hegel's own account of international politics. Peter Stillman asserts that an account of mutual recognition clearly does inform Hegel's own theory of international relations, but only to the point of supporting inter-state cooperation, not consensual unity. By contrast, Steven Hicks claims that Hegel does employ recognition theory to fashion an incipient notion of global unity, one based on shared international norms and values. Buchwalter develops this point as well, suggesting that any recognitive unity is itself sustained only in the ongoing interchange of local and global considerations.

1.3 Chapter Synopses

1.3.1 Hegel on Cosmopolitanism, International Relations, and the Challenges of Globalization

The first contribution is by Steven Hicks, who presents an overview of many of the relevant issues as well as a distinctive account of Hegel's special contribution to the discourse on global justice. Hicks seeks to challenge many of the conceptions and

misconceptions surrounding Hegel's status as a theorist of international relations—those associated with nationalist, communitarian, and statist views of his conception of international politics. While not fully dismissing such views, Hicks maintains that Hegel must also be regarded as a decided proponent of an international ethic committed *inter alia* to transnational understanding, global justice, and cosmopolitan values. But like others in this volume, Hicks asserts that Hegel advances a unique version of an international ethic, one that on a number of counts charts a distinctive course between the liberal-cosmopolitanism of Kant and the state-centric realism of Hobbes. For one thing, Hicks presents Hegel as a proponent of a doctrine of universal human rights, one however which derives not from abstract normative claims but from the interaction of particular peoples and persons in an increasingly interconnected global community. Similarly, Hicks presents Hegel as promoting a highly variegated notion of global governance, one that eschews the world government Hegel always rejected in favor a differentiated, pluralistic, and polycentric mixture of sub-political groupings and self-governing bodies. In addition, Hicks takes up, as do other in this volume, Hegel's famous and infamous endorsement of war and the seeming inevitability of interstate hostility. While questioning Hegel's claims about the value of war for the ethical health of nations, Hicks does note that Hegel also details how wars challenge narrow claims to territoriality, and in ways that can facilitate greater cooperation and a "trend toward unity" among nations. Finally, Hicks notes that this unifying trend gives rise to a type of global ethical life (*Sittlichkeit*) that, forged in relations of reciprocal recognition, supplies the shared values needed for cooperative relations among nations.

On the basis of these observations, Hicks considers the relevance of Hegelian modes of argumentation for challenges posed by globalization. He notes how Hegel accounts for the emergence, nature and dynamism of economic globalization, but in ways that can also counter some of the deleterious consequences—e.g., poverty and environmental degradation—of "market-driven/corporate-driven globalism." In a similar vein, he contends that Hegel supplies a model of transnational governance that can counteract the anarchic features of an economic globalism, while avoiding the institutional centralization inimical to the global diversity of traditions, practices, and institutions. In this respect Hegelian modes of analysis are reflected in the differentiated structures of the European Union and forms of regionalism built on various transnational alliances. Hicks claims further that some of Hegel's troubling assertions about warfare (e.g., that peoples and nations require an enemy for their own sense of identity) can be reinterpreted to mobilize resistance to some of the threats confronting humanity. He also locates in Hegel's thought a global notion of "dialectical self-identity"—a collective commitment to cooperation and mutuality forged precisely in response to the wrenching tragedies of the twentieth and twenty-first centuries.

1.3.2 *Contra Leviathan: Hegel's Contribution to Cosmopolitan Critique*

Like Hicks, Robert Fine also considers Hegel's possible contribution to cosmopolitanism. Fine does not dispute that Hegel, with his prioritizing of nation-state sovereignty and attention to interstate belligerence, is often deemed an opponent of cosmopolitan thought, an estimation easily supported by Hegel's own criticisms of such thought. Fine seeks to show, however, that Hegel's opposition is not to cosmopolitanism itself, but only the one-sided form that abstractly contraposes moral norms and postulates to existing historical conditions and practices. Fine presents his reading by accentuating the distinctive orientation of Hegel's political philosophy, understood through its rejection of traditional normative theorizing in favor of a "scientific treatment" of modern social and political life. This approach is valuable in that it adumbrates a notion of cosmopolitanism that steers a unique path between utopianism on the one hand and state-centric realism on the other. In opposition to abstractly normative approaches, Hegel acknowledges the central place war and colonialism play in the lives of modern nation states, how appeals to abstract norms can provide backhand justification for oppressive social relations, and how the very invocation of such norms can result in fanatical destructiveness. On the other hand, Hegel's conception of scientific understanding involves a comprehensiveness or holism at odds with narrow and one-sided forms to political realism. Not only does Hegel argue that principles of national sovereignty entail an historically emergent account of global community, even the phenomena of war and colonialism give rise to transnational notions of justice and reciprocity.

For Fine, Hegel's nuanced approach to cosmopolitanism has much to recommend it. At a time when much social and political thought seems to oscillate between effusive endorsement of principles of human rights and skeptical assessment of the very prospect of global justice, an approach that proceeds from and builds upon existing tensions and contradictions has special value and relevance. In addition, Hegel's account allows for a suitably pragmatic approach to the possibilities of realizing cosmopolitan ideals. Whereas Kant oscillates between a utopian normativity fully dismissive of existing possibilities and a metaphysics of nature that guarantees the historical realization of a cosmopolitan world order, Hegel's method of scientific understanding proceeds from a sober analysis of the problems and prospects associated with the historical accomplishments of political modernity—not just human rights, but world courts, international criminal laws, global institutions, and anti-torture conventions. Moreover, Hegel supplies an account of politics more aligned with a realistic approach to cosmopolitan ideals. Not only does his thought acknowledge the complexity and multivalence linked to a politics of cosmopolitanism, it supplies a fitting account of political agency. Associated with a natural law tradition that prioritizes negative liberties, Kant advances only a minimalist understanding of the requirements of political citizenship, one reason perhaps why he appeals to a metaphysics of nature to ensure historical achievement of cosmopolitan ideals. By contrast, Hegel, advancing a notion of political liberty that incorporates matters

of political disposition, is better able to account for the participation of individual agents in achieving those ideals, however complex and uncertain that achievement might be.

1.3.3 Between Statism and Cosmopolitanism: Hegel and the Possibility of Global Justice

In sketching Hegel's nuanced contribution to cosmopolitanism, Fine proceeds from what he sees as Hegel's own ambivalence about the prospects of international law and global justice. For Thom Brooks, however, there is no such ambivalence, albeit for reasons that run counter to the inclinations of many in this volume. On Brooks' view, Hegel belongs squarely in the tradition of Hobbesian political realism, with its emphasis on the sovereign self-sufficiency of states, the insuperably conflictual nature of inter-state relations, the absence of effective structures to adjudicate such conflicts, and the notion that the individual state is the highest unit of social and political life. In this regard, Brooks claims, Hegel offers "little assistance" in efforts to formulate an account of global justice.

Yet if Hegel himself has little to offer, Brooks claims that Hegelian theory and Hegelianism generally has much to offer. In particular, Hegelian theory provides a means to mediate between statism on the one hand and cosmopolitanism on the other, a topic that concerns many in this volume. Brooks is especially concerned to strike a balance between those who claim that our duties are first and foremost to co-nationals and those who claim that we have wider duties to non-nationals and to our common humanity. Brooks focuses on the contrasting theories of David Miller on the one hand and Thomas Pogge and Martha Nussbaum on the other, but argues that their significant differences can be reconciled on certain shared convictions. With reference to Pogge, this may take the form of a belief that the special obligations that individuals owe to co-nationals can be justified only so long as non-nationals are not given less than they deserve. With reference to Nussbaum, it may take the form of a belief that any notion of a common human identity is achievable only by building upon more immediate affiliations.

For Brooks, Hegel's theory mutual recognition can be especially useful in articulating such convictions. On a Hegelian account, we do give priority to the allegiances associated with shared identity, yet such allegiances are understood not through the mere fact of shared identity but in the shared recognition of that identity. So understood, shared identity need not be restricted to national affiliations alone but can encompass affiliations that transcend national borders. Brooks names religious and professional sources of identity, but clearly others are possible. In this way Hegelian philosophy can be instructively and innovatively appropriated to enhance the discourse on international justice, even if Hegel's own proposals cannot be directly invoked for this purpose.

1.3.4 Toleration, Social Identity, and International Justice in Rawls and Hegel

The relationship between international norms and more particular affiliations is also addressed by Maria Kowalski, who explores the connection between universal rights and cultural diversity in the work of Rawls and Hegel. While commending both theorists for their determination to forge connections between rights and culture, she asserts that only Hegel does so in a way that is sufficiently sensitive to both concerns. Rawls' solution is problematic, for in proceeding from a law of peoples he can mount only a weak defense of universal human rights. Rawls does affirm the universality of certain "urgent" right—e.g., freedom from slavery and protection of ethnic groups against mass murder and genocide. Yet by accentuating peoples rather than individuals, Rawls prioritizes specific cultural traditions, with the result that other "non-urgent" rights are not guaranteed. At issue, in particular, are the rights of full liberty of conscience, non-discrimination, and equality before the law. Basic though they are to the traditions of liberal-democratic societies, they are not central to the traditions of other cultures, including the "decent hierarchical societies" envisioned by Rawls, and so are not assigned universal status.

By contrast, Kowalski claims that Hegel displays a sensitivity to culture and cultural diversity that is compatible with a more robust defense of universal human rights. This follows from his understanding of rights themselves. As principles of freedom, rights have meaning and validity only if they are embodied in situations where they are acknowledged, respected and enforced. In this respect a proper account of rights itself requires attention to the specific cultural circumstances in which they are expressed. Yet culture is here valorized not as such but—Kowalski here notes the affinity of Hegel's position to that of Will Kymlicka—to the degree that it accommodates and promotes individual rights. Furthermore, Kowalski maintains that for Hegel cultural membership itself is not fully intelligible without a robust defense of individual rights. Part and parcel of such membership is its endorsement by the members themselves; following Michael Hardimon's reading of Hegel, she claims that culture and social identity are linked to the conditions for their "reflective acceptability." Yet such endorsement itself entails affirmation of individual rights, including the rights to full liberty of conscience and non-discrimination that Rawls deems inessential. In both cases Hegel posits, as Rawls does not, an essential relation between cultural embodiment and a robust account of individual rights.

Kowalski acknowledges that Hegel's conception of political representation places emphasis on groups rather than individuals, and this may lend credence to the claim, advanced also by Rawls, that Hegel himself prioritizes the interests of groups and communities over the rights of individuals. But, she argues, this misrepresents Hegel's position. At least under modern conditions, where the scope and scale of institutions can easily overwhelm the political effectiveness of individual agency, individual rights themselves are often best secured only via group affiliations. This

insight, relevant for political representation under conditions of globality, also attests to Hegel's special understanding of the relationship of social membership and universal human rights.

1.3.5 Hegel, Civil Society, and Globalization

In his contribution, Peter Stillman further examines themes addressed by Kowalski and the preceding authors. He, too, presents Hegel as advancing a conception of universal rights that is to be understood not abstractly but only with reference to the conditions for their enactment, enforcement, and endorsement by affected individuals. In addition, he conceives those rights as features of an account of international law and cosmopolitanism that charts a unique course between Kant's liberal universalism and Hobbes' state-centric realism. Stillman's account is distinctive, however, in that he explores these themes by focusing on Hegel's theory of civil society, the site in the *Philosophy of Right* where the notions of cosmopolitanism and cosmopolitan right are most directly thematized. This placement is appropriate, as it is here, where Hegel also presents his account of the system of needs, that human beings are depicted as such and in terms of their common humanity. But the connection between cosmopolitanism and civil society is also relevant, as it explicates the nature of a universal account of human rights and the conditions for their emergence and validation.

In Hegel's political thought, civil society is propelled by trade and commerce; under modern conditions, trade and commerce, which inevitably engage markets beyond national borders, promote the gradual adoption world-wide of common rights of property and contract, as well as the cultivation of more developed forms of cooperation. Hegel of course is aware of the shortcomings associated with the global extension of market relations. Indeed, for Stillman the forms of poverty, exploitation, and social distress that Hegel so acutely analyzed with regard to domestic market societies are at least as evident at the level of global trade and commerce. Yet Stillman contends that Hegel's theory of civil society also supplies resources to challenge such developments. Rooted in a system of needs based on the right of subjective satisfaction, civil society is committed not only to rights of property and contract, the so-called liberty rights examined by Kowalski. It is committed as well to welfare rights, those oriented to subsistence, health, and education. Accordingly, an Hegelian account of universal human rights would focus not only on rights that facilitate global economic exchange but those that can counter a narrowly economic approach. Moreover, because Hegel does locate his account of human rights in the subpolitical sphere of civil society, ameliorization of the ill-effects of economic globalization, and further realization of rights themselves, would entail resistance—here Stillman invokes Hegel's doctrine of corporations—to top-down statist solutions, just as cosmopolitanism itself would resist a top-down universalism.

These observations also shed light on the concept of cosmopolitan universalism itself, which, on this account, has a highly differentiated character. Proceeding again from the analysis Hegel provides in his theory of civil society, Stillman asserts that universalism simply denotes any grouping that moves individuals beyond their own narrow self-interest and leads to integration in a larger whole. In this respect cosmopolitan universalism, for Hegel, not only builds on “small” universals, it both encompasses and subsists through such sub-groupings. But in keeping with a differentiated approach, Stillman holds that such cosmopolitanism leads only to inter-state cooperation, not consensual unity.

1.3.6 A Hegelian Approach to Global Poverty

In her essay Lydia Moland also considers Hegel’s response to problems associated with a global economy, focusing specifically on the phenomenon of global poverty. Moland does not contend that Hegel himself had a great deal to say about global poverty or even the global economy itself. But she does hold that the claims that Hegel did make about domestic political economies are applicable to current global economic conditions. She claims first that the global economy itself now takes the form of the system of wide-ranging interdependency that, for Hegel, typified modern domestic economies. Like domestic industrial economies, the global economy has become an institution in its own right, one on which individuals are increasingly dependent for their very livelihood. She points out as well that, like domestic market economies, the global economic system experiences downturns and dislocations that can generate an impoverished underclass—Hegel famously calls it a rabble—typified as much by psychological as material deprivation. She claims further that Hegel would deem such developments unjust, as they can deprive individuals of rights to which they are entitled as members of the social system upon which their existence depends. On Hegel’s account of freedom, these rights include not only “negative” protections from harm but the “positive” support for the resources needed for self-realization, including food, shelter, and health care. Proceeding from an account of global interconnectivity, Moland also argues that affluent nations and their members have an obligation to support the rights of individuals world-wide, and in particular a duty to help alleviate global poverty and the conditions that lead to it. She does so first by appealing to Hegel’s account of mutual recognition, and the claim that the autonomy and well-being of one individual is intertwined with the autonomy and well-being of another. She does so as well, appealing to Thomas Pogge, by asserting that members of affluent nations have a special duty to ease the plight of the global poor, as they, and the global economic system from which they benefit, have at least partially contributed to that plight.

In detailing how the problems are rectified, Moland notes several options. Proceeding from the ethos of individual self-reliance that Hegel associated with market societies, she claims that assistance should focus not on charity but on fostering conditions for self-sustaining work. She asserts that members of affluent countries

must review their consumptive practices, and how those practices, including the demand for cheap food and products, entail stressful work and living conditions in less affluent societies. Review of these practices can also reaffirm the common humanity of rich and poor, one ignored or denied in the insouciant attitude often displayed by the global affluent toward global inequities and the fate of the global poor.

Perhaps most central, however, are Moland's institutional proposals, which follow from a unique appropriation of Hegel's conception of political representation. In his account of a national polity, Hegel claimed that representation should be conceived in terms not of geographical origin but common group interest. The range of political perspectives, especially as regards matters of social inequities, is legislatively best achieved when delegates represent not particular regions but specific economic and occupational interests. At the global level, Moland claims that representation should focus not on the interests of geographically defined states but on shared social interests, those that might also give more specific voice to the needs and concerns of the world's poor and disadvantaged. Examples include "civil society organizations" representing women, indigenous peoples, and other economic and social groups; Pogge's Health Impact Fund that incentivizes pharmaceutical companies to make their medicines accessible to the global poor; and other organizations designed to obtain more bargaining power for developing nations in their dealings with the WTO. All these entities can counter the inequities the flow from a geographical understanding of global political representation, one that perpetuates a nation-state system that itself is a source of many of the maladies. Moland acknowledges that Hegel himself displayed little dissatisfaction with the then prevailing state-centric system of international law. But if Hegel is no political cosmopolitan, he remains a moral cosmopolitan dedicated to the freedom and self-realization of all human beings.

1.3.7 The Coming World Welfare State Which Hegel Could Not See

In his contribution, Clark Butler further pursues issues explored by Stillman and Moland. He details how Hegel accounts for the emergence of a world market society, one that evolves from household and national market economies. Relying on Hegel's analysis of domestic market economies, he also asserts that a global market system generates a range of problems—poverty, unemployment, under-employment, migration, environmental degradation—that belie the promise of universal prosperity touted by many of its advocates. And, following Hegel, Butler claims these problems require establishment of a welfare state system, a "public authority," that can counteract and ameliorate, if not resolve, such problems.

Butler notes that Hegel himself could envision nothing more than a national or domestic form of a public welfare authority. Yet he claims that this model is no longer viable. Not only do the problems in question surpass national borders, and not

only does any solution surpass the power of individual states; the effectiveness and authority of domestic welfare state efforts have been undermined by globalization itself, the very phenomenon that makes solutions so urgent. Accordingly, a viable welfare state system now will have to take global form, whose contours Butler sketches.

Three elements to Butler's proposal are especially noteworthy. First, he asserts that a global welfare system would be part of a structure of world governance, not world government. If for no other reason, this approach is consonant with the type of attention to current realities and potentialities that marks Hegel's mode of social analysis, understood as its own time apprehended in thought. In this respect Butler focuses on the resources of existing institutions, like the International Monetary Fund, the World Trade Organization, and certain United Nations relief agencies. Second, he claims that such entities would have a strictly regulatory function; they are not meant to replace the global system of market exchange. This is in keeping with Hegel's valorization of the modern system of political economy and his contention that this system is problematic not as such but only in its one-sided and untrammelled articulation. Third, in explicating the regulatory nature of a world welfare state, Butler, also in keeping with Hegel's position, stresses a decentralized approach, one that eschews the impersonal, bureaucratic and autocratic elements of regulatory global governance today. In this regard he advances the concept of "competitive economic mini-colonialism." Based largely on bilateral relations between wealthy and poor countries with minimal involvement of the IMF or WTO, economic mini-colonialism is a mechanism for creating new markets for goods produced by developed countries by raising incomes in developing nations. This approach combines economic, social, and cultural development in poor countries with a commitment equally to local independence and democracy, including freedom of expression in the public sphere. As such, economic mini-colonialism embodies goals Hegel himself ascribed generally to an external welfare state—addressing the adverse side-effects of free market economic systems while affirming the autonomy and dignity of those affected.

1.3.8 The Citizen of the European Union from a Hegelian Perspective

Like Butler, Paul Cobben is also concerned with the institutional implications of an Hegelian account of global justice, focusing in particular on international law. Cobben appeals to Hegel's model of normative analysis, one that proceeds not from abstract formulations but as a response to currently existing conditions and possibilities. For Cobben, this means that a viable system of normative international law will have a highly complex and differentiated structure, one rooted in the existing system of sovereign states and their relationships. In addition, Cobben appeals to the reality of existing polities, at least those that are multiculturally

constituted, to specify both the structure of a differentiated transnational community and the subjective resources needed to promote and sustain such community.

Cobben acknowledges that we cannot turn directly to Hegel to elaborate a currently appropriate account of international law, and not just because of the historical distance that separates him from contemporary realities. Given the “monocultural” character of Hegel’s understanding of an ethical community, one reflected in his equation of political identity with monarchical subjectivity, Hegel’s work cannot itself provide a proper model for the type of differentiated community required for a contemporary account of international society. Similarly, Hegel’s tendency to assign natural attributes to what in fact are only finite and historically contingent circumstances—something reflected not only in his philosophical justification of the hereditary monarch but in his presentation of interstate belligerence as “state of nature”—undermines the societal self-reflection and cultural openness required to countenance new modes of social relations.

Yet Cobben still argues that Hegel’s thought contains the tools to accommodate a new account of international community and sociality. Proceeding from a concept of political freedom rooted in struggles for recognition and the notion of a polity understood in terms of collectively self-imposed laws, Hegel allows for the idea of national culture as “meta-culture,” one directed to the conditions of sociation appropriate to a community based on and constituted by diverse cultures. With regard to international law, such a meta-culture fosters not only openness to cultures and communities world-wide, but an appreciation of the norms of human rights and democracy needed to sustain a culturally differentiated transnational community. Cobben finds elements of such a community currently in the European Union, which itself exemplifies the general mediation of national and transnational considerations required of a contemporary account of international law. Yet the model he himself proposes goes beyond the EU in at least two respects. One involves moving from the model of a federation, with its reaffirmation of conventional notions of nation-state sovereignty, to that of a supra-state, encompassing and sustained by the communities it comprises. The other involves the idea of an international commonality that supplements the economic integration so central to post-war European history with a more robust political public sphere, one that allows a properly conceived European citizenry to thematize more directly the goals of commonality itself.

1.3.9 Hegel on War, Recognition, and Justice

In his contribution Gary Browning follows Cobben in addressing the duties of citizenship in a global context. He does so by focusing, however, not on the place of citizens in a transnational or multicultural public sphere, but on the role warfare plays in fostering social and political solidarity—a notion connected to Hegel’s claims about the role of war in contributing to the ethical health of nations. Browning’s account is novel in that he brings together themes not commonly conjoined in Hegel scholarship: war and mutual recognition. Focusing on the

type of life-and-death emergency situations expressed in the master–slave struggle for recognition that Hegel famously described in the *Phenomenology of Spirit*, Browning claims that war, for Hegel, represents a state of affairs in which members of a community acknowledge their codependency and commonality. War thus enables individuals to establish not only a shared identity but personal identity as well, something that on Hegel’s account is always intersubjectively mediated.

To be sure, Browning is not arguing that Hegel champions national parochialism or chauvinism. Nor is he claiming that Hegel supports militarism or the proposition that war is the ultimate arbiter in international affairs. Precisely because of his commitment to a recognitive account of social relations and to a “relational view of reality,” Hegel is said to espouse a view of state sovereignty and national identity that must itself be construed in terms of transnational relations of reciprocity and mutual recognition. Moreover, Browning notes that, for Hegel, war itself entails relations of mutual recognition, those rendering identifiable the forms of misrecognition that are the source of conflict and struggle.

Yet if in this sense Hegel’s account of war and interstate relations must be construed against the backdrop of a wider account of international law, that itself should not minimize, Browning argues, Hegel’s resistance to cosmopolitan accounts of international relations, at least in the abstract sense they are promoted today. General cosmopolitan schemes are dismissed for their failure to appreciate the fragility of human arrangements, the role of contingency in international affairs, and the degree to which people’s identities are intertwined with particular attachments to specific communities. They also fail to do justice to the practice of politics and the nature of political citizenship, both of which involve interpreting rules and norms in ways that are recognitively meaningful to members of a particular cultural community. For Browning, Hegel is supportive of international norms, yet those norms must be construed in ways that acknowledge the indefeasibility of national difference, the continuous requirements for recognitive mediation, the precarious balance of war and peace, the contingency of political arrangements, and the ongoing need to anchor normative assumptions in concrete political practices.

1.3.10 Hegel, Global Justice, and Mutual Recognition

In his contribution Andrew Buchwalter also examines the role Hegel’s concept of reciprocal recognition plays in an account of global justice. Unlike Browning, however, Buchwalter stresses more the positive connections between that concept and an Hegelian account of international cooperation and community. Drawing on perspectives offered by other contributors to this volume, he examines four respects in which Hegel’s account of recognition theory constructively contributes to the discourse on global justice. These involve political sovereignty, cosmopolitanism, global distributive justice, and the idea of global community. In all cases Hegel or Hegelian inspired arguments are shown to support proposals distinguished by their capacity to surmount the dichotomies that often characterize theorizing about these issues.

First, Buchwalter shows how recognition theory allows for a robust account of international law, but one based not on a denial of nation-state sovereignty but on its further development. Hegel here is shown to develop an account of sovereignty that not only affirms the interdependency of nations-states but contributes to a distinctive notion of sovereignty itself, one that incorporates into the self-identity of a national community sensitivity to the identity and welfare of other communities. Second, recognition theory, according to Buchwalter, contributes to a novel account of cosmopolitanism. On this view Hegel *is* committed to a cosmopolitan account of justice, but not in the abstract form criticized by others in this volume. Instead, Hegel advances a more nuanced, “situated” approach forged and validated (objectively and subjectively) in the interaction, both historical and ongoing, of people and cultures. Buchwalter’s aim, in particular, is to adumbrate a “glocalized” notion of cosmopolitanism, one that eschews rigid distinction between national and international considerations. Third, recognition theory furnishes a novel approach to the issue of global distributive justice and the question of the obligations members of affluent societies have to those afflicted by hunger and poverty world-wide. On this view, such duties are based not on utility, justice, fairness, rights or basic entitlements, but instead are construed *inter alia* as conditions for the recognitive autonomy, identity and self-realization of members of affluent countries themselves. Fourth, recognition theory allows for a distinct notion of global community itself, one forged in the historical generation of shared norms, committed to addressing common concerns and issues, and sustained, in a highly mediated and differentiated way, by ongoing reflection on the conditions of commonality itself.

1.4 Conclusion

The authors of this volume explore the relationship of Hegel and global justice in different ways. Despite these differences, however, they advance a specifically Hegelian approach to the problem of global justice, one that seeks to forge commonalities among seeming opposites and to specify the internally differentiated character of such commonalities. In addition, many of the authors employ the tools of a logic of recognition as defined or inspired by Hegel in order to illuminate central issues in the discourse on global justice. They also reaffirm the sensitivity to historical nuance and contingency that Hegel associated with proper philosophical reflection, defined by him as “its own time apprehended in thought.” In these and other respects, the contributors to this volume proffer a decidedly Hegelian approach to the theme of global justice. They thereby provide a unique contribution to current discussions of global justice, one that not only offers new perspectives on those discussions but enlarges their parameters for future deliberations.

Chapter 2

Hegel on Cosmopolitanism, International Relations, and the Challenges of Globalization*

Steven V. Hicks

2.1 Introduction

Hegel's name is seldom mentioned in contemporary discussions on cosmopolitanism, global justice, and the philosophy of international relations. If his views are discussed at all, it is usually in the context either of his critique of Kant's liberal-cosmopolitanism or his staunch defense of the modern nation-state, understood as the ultimate and absolute form of ethical life. In most discussions on political morality, Hegel is typically portrayed as a parochial communitarian and/or nationalist who is focused exclusively on issues of statism and national sovereignty (rather than global justice or perpetual peace), and as a defender of a Hobbesian realist view of inter-state relations as defined exclusively by power, force, self-interest, and bellicosity (and *not* subject to any further normative considerations). Thus, the received opinion from Karl Marx to Karl Popper seems to be that "states are, and should be [for Hegel] in a state of nature over against one another," and moreover, that "Hegel refutes and almost mocks the Kantian idea of perpetual peace, and sees war as the only solution to arguments between individual states."¹

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¹See J. N. Findlay, *Hegel: A Re-examination* (New York: Oxford University Press, 1976), 326; Benedetto Croce, *Politics and Morals* (New York: Philosophical Library, 1945), 75; cf. also Karl Popper, *The Open Society and Its Enemies*, vol. II (Princeton: Princeton University Press, 1966), 68–9.

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Even philosophers who are typically more sympathetic to Hegel's political thought, such as Charles Taylor and Merold Westphal, have argued that, since the nation-state must be "the locus of a higher life with which men identify," and further, since "men cannot stretch their identification so wide as to include everyone," then Hegel must reject "the two goals of [Kantian] liberalism in the international sphere," namely, peaceful co-existence between nations and a world federation of states. In Westphal's words, "the nationalism of Hegel's view of the state refuses to become the internationalism which his own logic calls for."²

Toward the end of the last century, however, this extreme characterization of Hegel's political philosophy was modified somewhat thanks to the pioneering work of Shlomo Avineri, Errol Harris, and Adriaan Peperzak, among others. While pointing to certain alleged "inherent contradictions" in Hegel's philosophy of right and international relations, e.g., that he tries to be both communitarian and cosmopolitan at the same time, but with no "triumphant coda" to the teleological process of freedom at the level of "international politics,"³ nonetheless, all three argued for a more nuanced "internationalist" interpretation of Hegel's political philosophy—one which, they believe, has the potential to enrich the mostly Kantian discussions on cosmopolitanism and global justice. Thus as Avineri famously claims, Hegel may begin with "the immanence of war," but in the end "he emerges with a vision of One World, united by culture and reason, progressing towards a system wherein sovereignty, though acknowledged, will wither away, and wars, though immanent, will gradually disappear."⁴ Yet despite the best efforts of such commentators, the prevailing view to date among most philosophers and political theorists is that Hegel has very little to offer us that is instructive on the score of international relations and global justice. For example, in his excellent book *Hegel's Ethics of Recognition*, Robert Williams claims that he "must part company with Avineri" and argues instead that, "for Hegel international relations and world history are fundamentally tragic," and that "the international scene [remains] a Hobbesian state of nature" where "reciprocal recognition between nation-states" will always fall short of forging an "international We."⁵ Likewise, in the book *Justice and World Order*, Janna Thompson concludes that "Hegel's theory of the state . . . fails to establish that there is a form of community [ethical] life which we can defend in the face of [Kantian] cosmopolitan proposals for a new world

²See Charles Taylor, *Hegel* (Cambridge: Cambridge University Press, 1975), 447; and Merold Westphal, "Hegel's Radical Idealism: Family and State as Ethical Communities," in *The State and Civil Society*, ed. Z. Pelczynski (Cambridge: Cambridge University Press, 1984), 287n.

³See Adriaan Peperzak, "Hegel Contra Hegel in His *Philosophy of Right*: The Contradictions of International Politics," *Journal of the History of Philosophy* 32, no. 2 (April 1994): 243 and 254.

⁴Shlomo Avineri, *Hegel's Theory of the Modern State* (Cambridge: Cambridge University Press, 1972), 207.

⁵Robert Williams, *Hegel's Ethics of Recognition* (Berkeley: University of California Press, 1997), 357–61.

order.”⁶ An even more extreme view was articulated recently by Nicholas Capaldi, who labels as “preposterous” any attempt, such as my own, to extend Hegel’s views on right and law beyond the political domain of the nation-state to include issues of global justice and world order.⁷ And in his 2006 book *The Divided West*, Jürgen Habermas charges that it was “the prevailing [Hegelian] belief” in “the political substance and world-historical vocation of sovereign nation-states [which] could not be tamed by [international] law” that “overshadowed pacifist initiatives toward European unification” initiated by the “Kantian cosmopolitan project.”⁸ (This charge is somewhat surprising since, in my view, Habermas’s own attempt to reform the “Kantian Project” in terms of differentiated or “dispersed” notions of sovereignty and a “multilevel political system that does not assume a state like character as a whole” has a decidedly Hegelian ring to it.)

In what follows, I shall attempt to challenge the prevailing views and misconceptions concerning Hegel’s philosophy of international relations. While not denying all of the features of the conventional analysis, I aim to present a more complete (cosmopolitan and internationalist) account of Hegel’s and Hegelian thought which, I contend, is much more supportive of conceptions of global justice, human rights promotion, and peaceful international relations, and which is concerned to strike a balance between Hobbesian realist-nationalist concerns and/or communitarian cultural concerns, on the one hand, and Kantian liberal-cosmopolitan concerns of global justice and universal right on the other. The position I hope to defend is that Hegel offers us a more subtle and differentiated view of cosmopolitanism—one that is historically situated and institutionally rooted, one which sees the need for both transnational legal structures and (from the grassroots upwards) global institutions and sub-political cultural groupings, as well as sovereign nation-states. And while Hegel may oppose cosmopolitan political notions of a world government as being conceptually incoherent and empirically undesirable, he nonetheless recognizes the need for a more rationalized global order that promotes the freedom of individuals, the mutual recognition of diverse national states and cultures, and a global commitment to the ideas of right and justice. To that end, Hegel offers an ambitious conception of international law (*Völkerrecht*), one which he thinks facilitates notions of global interdependency and accentuates “not only the intelligibility but the necessity of a culturally conceived globality” focused on shared purposes and the notion of a common or “universal identity”

⁶Janna Thompson, *Justice and World Order* (London and New York: Routledge, 1992), 125–26.

⁷See Steven V. Hicks, *International Law and the Possibility of a Just World Order: An Essay on Hegel’s Universalism* (Amsterdam/Atlanta: Editions Rodopi, 1999); see also Nicholas Capaldi, “Review of *International Law and the Possibility of a Just World Order*,” in *Hegel-Studien*, vol. 36 (2001): 380–83.

⁸Jürgen Habermas, *The Divided West*, trans. Ciaran Cronin (Cambridge: Polity Press, 2006), 144 and 150–1.

(*allgemeine Identität*; PR, §331R).⁹ As Hegel sees it, such a global commonality—an international “We” or “unity of people” (“*eine Einheit des Volkes*”) that both presupposes and entails a robust commitment to global differences and diversity—offers the best hope for social reconciliation and the mitigation of global violence in the modern world (cf. VPR19, 278).

Finally, I conclude by exploring some of the many legal, social, and political conditions that Hegel discusses and which, in his view, would help to make such a peaceful “unity of people” possible. In the end, as I hope to show, Hegel emerges as a subtle international ethicist and global thinker very much aware of the historical and dialectical interplay of (a) global unity as sustained throughout local and regional differences, (b) abstract right and concrete culture, (c) Enlightenment cosmopolitanism, and (d) the *realpolitische* other. He also gives us some reasons to think that a more just global community may emerge in the future, even though, at the present, we seem forced to live and work (and die) on the “slaughter bench of history,” as recent events in Iraq, Afghanistan, Rwanda, the Congo, Chechnya, Darfur, and Mumbai would seem to bear witness.¹⁰

2.2 Hegel on Cosmopolitanism, International Relations, and Modern Sittlichkeit

Hegel’s objections to political cosmopolitanism are well known. He is summarily dismissive of Kantian/cosmopolitan ideas of either a League of Nations or World Republic, calling them “shapeless abstractions” and “formalism filled with exactly the opposite of ethical vitality” (NL, 529–530). And in his discussion of international law (*das äussere Staatsrecht/Völkerrecht*) and international relations (*die äusseren Staats-Verhältnisse*), he assigns no place whatsoever to *Weltbürgerrecht* (cosmopolitan law). Hegel’s main objection to the idea of a cosmopolitan League or World Republic focuses, first, on the question of whether such a global political body would have effective reality (*Wirklichkeit*), power (*Macht*), or coercive sovereign authority.¹¹ If it does not, then Hegel thinks that such a cosmopolitan federation or republic would not be significantly different from the current (Westphalian) statist system in which nations abide by treaties and alliances only so long as it is in their perceived interest to do so. As he observes, such a cosmopolitan political organization is intended to be “a power recognized by each individual state, [which] would resolve all disagreements so as to make it impossible for these to be decided

⁹See also Andrew Buchwalter, “Hegel’s Concept of an International ‘We,’” in *Identity and Difference: Studies in Hegel’s Logic, Philosophy of Spirit, and Politics*, ed. Philip T. Grier (Albany: SUNY Press, 2007), 156.

¹⁰See Steve Bosworth, “Review of *International Law and the Possibility of a Just World Order*,” in *The Bulletin of the Hegel Society of Great Britain*, 43/44 (2001): 117. See also Kevin E. Olson, “Book Notes,” *Ethics* 3, no. 2 (Jan. 2001): 452.

¹¹Cf. Peperzak, 256.

by war” (*PR*, §333R). Moreover, the idea of such an organization “presupposes an agreement between all the states” concerning which laws, principles, and policies should be approved and enacted. But the agreement between the states “would be dependent on particular sovereign wills, and would therefore continue to be afflicted with contingency” (*PR*, §333R). International agreements, treaties, coalitions, etc., “spring from the actual relations between independent states” (*PR*, §330); and “welfare,” Hegel adds, “is the highest law governing the actual relations of one state to another” (*PR*, §336). But Hegel insists that “the substantial welfare of the state is its welfare as a *particular* state in its determinate interest and situation and its equally specific foreign affairs, including particular treaty relations” (*PR*, §337). Thus if an individual state perceives that its interests or welfare are threatened, it can, for the most part, ignore its past agreements, and at times even break its treaty agreements, without expecting that much on the score of penalties or enforcement will follow. Under such circumstances, the global sovereign authority (League of Nations, United Nations) will wind up being more of an arbiter than an enforcer of the international laws and agreements which it sponsors. (Certainly the numerous international conflicts over the past few decades—whether in Southeast Asia, Africa, or the Middle East—show the acuteness of Hegel’s observations on this score.) “The relationship between states is thus a relationship of independent units which make mutual stipulations but at the same time stand above these stipulations” (*PR*, §330A). Politically, interstate relations remain at the level of a contract, with each party adhering to the contractual agreement only so long as its self-interests are served. While Hegel does insist that “relations between states ought to be governed by right in principle,” nonetheless, “in worldly affairs, that which has being-in-itself ought to have power” (*PR*, §330A). And since, to date, there is no effective global power or “higher praetor” to ensure that this will happen, “in international relations we never get beyond an ‘ought-to-be’” (*PR*, §§339A, 330A). As Bernhard Schlink once observed, “we are still living in the epoch of the state; the dusk when Hegel’s and Minerva’s owl spreads its wings has *not yet* given way to the dawn of a new day.”¹²

If, on the other hand, a world state or global federation eventually does come to exercise coercive authority, then Hegel fears several things will occur. First, he fears that the existence of a single, all-encompassing cosmopolitan world state would preclude the various national peoples and groups (*Völker*) from expressing what he sees as their distinctive “anthropological principles,” i.e., their distinctive forms of cultural and social life, and from developing a sense of autonomy and self-determination central to modern notions of agency (cf. *VG*, 59–60). For Hegel, cultural differences among the peoples of the globe are important and need to be protected and encouraged, not eliminated by claims of world citizenship, because

¹²Bernhard Schlink, “The Inherent Rationality of the State in Hegel’s *Philosophy of Right*,” in *Hegel and Legal Theory*, ed. D. Cornell, M. Rosenfeld, and D.G. Carlson (London/New York: Routledge, 1991), 348. (Italicized emphasis is mine.)

“one’s identity is [partially] shaped by one’s religion, national origins, and place.”¹³ Moreover, the “otherness” of diverse peoples and cultures is, for Hegel, something “essential to the articulation, unfolding, and development of the human spirit.”¹⁴ And while Hegel acknowledges that “the state is no work of art... and bad behavior may disfigure it in many respects” (*PR*, §258A), nonetheless, for all of its disadvantages and imperfections, the nation as state (*das Volk als Staat*) is the most viable political association on the scene, to date at least, that functions as a genuine ethical community, i.e., a social medium that best achieves the unique combination of (material and spiritual) particularity, emotional attachment, reflective rationality, a sense of tradition, and overall security which enables individuals to develop concrete freedom and actualize themselves as individual persons (cf. *PR*, §331). It is the most viable politically organized community on the scene that actualizes “collective” goods of political self-determination and freedom, and gives expression to distinctive cultural forms of life.

Like Rousseau, Hegel believed that no one is just human in the abstract (or as “world citizen”). Rather, the relations of the individual to humanity *per se* (or to the human spirit) always proceed indirectly through various particular cultural and national identities and associations. For this reason alone Hegel remains suspicious of the claims of political cosmopolitanism. But in addition, Hegel also contends that a cosmopolitan League of Nations or World Republic would be effective only if it began to behave like an individual state, i.e., if it distinguished itself from others and attained its self-identification through recognitions from others. Nations in a league of nations—even if constructed by republican states seeking peace—will always have states opposed to them: “either states that are excluded or states that are pursuing politics at odds with the policies of other states in the federation.” So to Hegel’s way of thinking, effective “universal federations” seem unlikely at best¹⁵; and in any event, unless there is such universal agreement, the League’s federative policies would need to be enforced against those who disagree—and hence war often would be the likely result. As Hegel writes, “negation is an essential component of individuality, and even if a number of states join together as a family, this league [of nations] in its individuality, must generate opposition and create an opponent” (*PR*, §324A). To be genuinely effective in enforcing (and not merely arbitrating) international laws and agreements, such a league would have to stand ready to wage war against recalcitrant states. Hence, “the immanence of war itself will not be exorcised just by having it waged under the auspices of a league of nations rather than under the flag of individual states.”¹⁶ Moreover, if nation states in the plural were to cease to exist, then how, Hegel asks, could there ever be a world

¹³See Peter Stillman, “Hegel as a Colonial, Anticolonial, and Postcolonial Thinker,” in *Europe and Its Borders*, ed. Andrew Davison and Himadeep Muppidi (Lanham, MD: Lexington Books, 2009), 39.

¹⁴Hicks, 129.

¹⁵See Stillman, 38.

¹⁶Avineri, 201.

state (or even a world republic) in the singular? An international “We” requires a “They,” or so it would seem. As Michael Hardimon observes:

Part of what it is to *be* an individual, for Hegel, is to be recognized as an individual by other individuals and to recognize that one is recognized as an individual by other individuals. The establishment of a world state would therefore eliminate a condition—the existence of other states—that must obtain in order for that world state fully to actualize itself as an individual state. And so a world state, in addition to being undesirable, is not a real possibility.¹⁷

I’ll return to this issue of the possibility of an international “We” later in the essay. But for now, and from a more practical point of view, Hegel contends that if one were to examine the actual political relations in a cosmopolitan league, one would find inevitably that it is the more affluent and powerful individual states which determine “what right should be cancelled and what right should be upheld.”¹⁸ Hence, “a general league of nations for perpetual peace would be the domination of one nation [or a few elite nations] . . . [and] its claims to universality [as a global organization] would be obliterated” (*JS3*, 250–251). Certainly an examination of the way the UN has been functioning over the past few decades reveals the depth of Hegel’s understanding of the limitations of political cosmopolitanism as well as “how difficult it is to promote the common good, or even an enlightened view of longer-range state interests, under the auspices of the United Nations.”¹⁹

On the other side, however, Hegel always embraced the Enlightenment’s moral cosmopolitanism and its emphasis on the “ethical vitality” of individuality (*NL*, 529–530). Human beings, regardless of ethnicity or nationality, are ultimate units of concern; this concern attaches equally to all human beings despite their substantive (religious, national, ethnic) differences—all should be treated with dignity—and this special status has global moral force:

It is part of education, of thinking as the consciousness of the single in the form of universality, that the ego comes to be apprehended as a universal person in which all are identical. [A] human being counts as such because he is a human being, not because he is a Jew, Catholic, Protestant, German, Italian, etc. This is an assertion which thinking ratifies and to be conscious of it is of infinite importance. It is defective only when it is crystallized, e.g., as a [political] *cosmopolitanism* (*Kosmopolitismus*) in opposition to the concrete life of the state. (*PR*, §209R)

Thus, for all his talk of “national” and “cultural” identity, Hegel believes that the basis of ethical life is the recognition of humans as humans. This is why Hegel always insisted that a truly modern state cannot be bound by narrow notions of nationality, ethnicity, religiosity, or cultural identity (cf. *DV*, 478). Instead, it must be multicultural (and at times, even multinational) where ethnic, cultural, and

¹⁷Michael O. Hardimon, *Hegel’s Social Philosophy: The Project of Reconciliation* (Cambridge: Cambridge University Press, 1994), 233.

¹⁸Michael H. Mitias, *Moral Foundation of the State in Hegel’s “Philosophy of Right”* (Amsterdam: Editions Rodopi, 1984), 194n.

¹⁹Richard Falk, *Explorations at the Edge of Time* (Philadelphia: Temple University Press, 1992), 80.

religious differences are both tolerated and protected by the state, in part because of their importance in helping to shape one's identity as a person, though they are not viewed by Hegel as requirements for state citizenship, which is defined apart from such ethnic, cultural, and religious affiliations. What Hegel rejects, however, is the "shapeless," "formal," "one-sided," "defective" cosmopolitanism—which he suggestively dubs *Kosmopolitismus*—that abstractly juxtaposes moral commandments and "humanitarian or 'philanthropic' precepts" to particular conceptions of the good and to the concrete ethical life of the state (see *PR*, §§209, 337).²⁰ "Such juxtapositions fail to appreciate that appeals to personal dignity mean little without accompanying enforcement mechanisms. They also fail to appreciate that 'universal' norms themselves emerge and attain validation only in concrete processes of interaction" and mutual recognition.²¹ Thus while Hegel acknowledges "the great merit and lofty viewpoint of Kant's moral philosophy" (*PR*, §133A), he nonetheless argues, contra Kant, that universal moral norms are not "timeless" and "unchanging," but rather, "embodied in," and at least partially "constitutive of [concrete] forms of social life."²² From a Hegelian perspective, Kant's abstract principles of "universalization" seem incapable of generating any unambiguous content of their own and are ineffective in resolving dilemmas that arise between important but competing moral principles. Similarly, for Hegel, Kant's moral cosmopolitanism seems incapable of generating specific principles that can successfully bind states or peoples together into a cosmopolitan unity or that serve as effective criteria for implementing cosmopolitan actions. Articulated in such abstract terms, Hegel feared that the "shapeless formalism" and "ahistoricism" of cosmopolitan morality would leave individuals with the sense that they have cosmopolitan obligations (e.g., to the global poor, to perpetual peace) that they have no idea how to fulfill concretely. And as a result, individuals would come to feel overwhelmed by the moral complexities of the global situation, and thus would tend to revert to an attitude either of apathy or frustration (somewhat analogous to what Hegel feared would happen in direct democracy in large modern nation-states) or to an attitude of narrowly defined self-interest (cf. *PR*, §311R).

On the basis of such considerations, Hegel famously concludes that *Moralität* (and, by implication, moral cosmopolitanism) is necessary to but not sufficient for the complexities of our modern ethical life (*Sittlichkeit*). And in the *Philosophy of Right*, he urges us to see that "the central importance of universal morality in our time" is sustained and fostered precisely by the concrete cultural institutions and social practices characteristic of modern *Sittlichkeit*.²³ In particular, Hegel stresses

²⁰See also Buchwalter, 164–5.

²¹*Ibid.*, 165.

²²See Alasdair MacIntyre, *A Short History of Ethics* (New York: Macmillan, 1976), 1; see also Steven B. Smith, *Hegel's Critique of Liberalism: Rights in Context* (Chicago and London: University of Chicago Press, 1989), 71.

²³Cf. Charles E. Larmore, *Patterns of Moral Complexity* (New York: Cambridge University Press, 1987), 102–3.

the role that the institutions of the family, civil society, and the legal and political structures of the modern constitutional state (*Rechtsstaat*) play in promoting both a satisfactory conception of modern freedom and an effective ethical community. In Hegel's world (and to a lesser degree, in our own as well), the state is the largest effective ethical community that binds individuals together in ways that smaller, partial communities (e.g., extended families or clans) could not, and that larger, more abstract (cosmopolitan) communities (to date, at least) cannot.²⁴ From a Hegelian perspective, one of the most significant ethical features of the modern state is that it provides the "rational" institutional structures which help reconcile the (potentially) conflicting claims of individual freedom and of social participation. In broad terms, it provides (1) a politically organized sphere of social relations ("the political state proper") within which ordinary citizens can collectively determine their "universal interests," pursue the common good of the community, and mutually recognize one another as equals. (2) It provides a private sphere of legal, economic, and civil relations ("civil society" and its "system of needs") within which individual persons can (a) freely pursue their private or group interests, (b) provide one another with recognition of their talents, skills, achievements, and position in society, and (c) promote their basic human rights, welfare, and general status as members of civil society. (3) Finally, it provides, and safeguards, a (relatively) autonomous domestic sphere of affective personal relations (companionate marriage; the modern "nuclear" family) within which individuals (as family members) can express their unique psychological particularity and provide one another with emotional support and recognition.²⁵ Jointly, these spheres of ethical community provide for the actualization and development of a variety of human capabilities that constitute our modern identity within a constitutional state, where rational institutions promote the development of these capabilities and that individuality. The mutual and mutually reinforcing constitution of modern individuality and rational institutions is a vibrant component of Hegel's notion of modern political identity as well as his conception of concrete political freedom. Inasmuch as Hegel tended to construe cosmopolitan moral schemes (based, for example, on appeals to human nature *per se*, or to "autonomous agents," or to the "general welfare" of individuals, or to "world citizenship," etc.) as being too abstract to provide an adequate basis for an effective ethical life or political community, he did not pursue the matter of cosmopolitanism any further in his political writings.

Yet, despite the traditional interpretation of Hegel as a "statist," and despite his severe criticism of Kant's cosmopolitanism, it seems to me that Hegel has much that is constructive to offer to the on-going discussions on cosmopolitanism, international ethics, and the challenges of globalization. In particular, Hegel tended to see a nascent but concrete, applied, ethical (*sittlich*) cosmopolitanism of sorts

²⁴Cf. Stillman, 37.

²⁵For more on this see Steven V. Hicks, "Hegel on International Law, International Relations, and the Possibility of World Community," *Dialogue and Universalism* 7 (1995): 5–27; see also Hardimon, 174–227.

beginning to develop in his own day and age, both at the levels of states (inter-state or trans-state levels of cooperation) and of civil society (or sub-state levels). As he writes in his *Lectures on the Philosophy of World History*: “Despite all the differences between the individual states . . . there obtains a unity among them and therefore we should view even political independence as a merely formal principle. . . . Today there is not the same absolute chasm between the states of Europe which prevailed between Greece and Persia. . . . The trend of states is, therefore, towards unity/uniformity . . . [made possible by] the hegemony of Spirit” (*VPG*, 761). Certainly, were Hegel to witness the globally integrated economic, financial, informational, multicultural, and even political conditions that we find ourselves in today—and moreover, were he to attempt philosophically to comprehend our “time in thought” as he did his own time—then I believe he would indeed advocate an alternative, multilayered “ethical cosmopolitanism” of this kind (cf. *PR*, “Preface”). And in turn, such a concrete, institutionally situated, historically rooted cosmopolitanism would have a number of implications for his interactive (and recognitively based) conception of human rights, as well as his account of moral, juridical, and political obligations.²⁶ Specifically, this alternative type of cosmopolitanism would claim that the global moral force of human rights becomes actual (*wirklich*) only through the historical emergence of a global scheme of social institutions (or multilevel complexes of institutional schemes or regimes)—what Hegel might term a “global civil society.” More recently others have termed this a “global basic structure,” including such things as regional organizations, sub-political groupings and cooperatives, transnational corporations and financial institutions, various transnational governmental organizations (IMF, World Bank, World Court), and a vast array of NGO’s—which, in turn, trigger “obligations to promote any feasible reforms of this [global basic] scheme that would enhance the fulfillment of human rights.”²⁷ As Thomas Pogge puts it, very much in the spirit of Hegel:

So long as there is a plurality of self-contained cultures, the responsibility for . . . violations [of human rights] does not extend beyond their boundaries. It is only because all human beings are now participants in a single, global institutional scheme—involving such institutions as the territorial state and a system of international law and diplomacy as well as a world market for capital, goods, and services—that all human rights violations have come to be, at least potentially, everyone’s concern.²⁸

In the next section, I shall discuss a number of key features of Hegel’s political philosophy which indicate that his views on international relations are, after all, compatible with just such an “ethical cosmopolitanism.” This is to be understood

²⁶For more on the idea of an interactive/recognitively based political theory of human rights, see Kenneth Baynes, “Toward a Political Conception of Human Rights,” *Philosophy and Social Criticism* 35, no. 4 (2009): 371–390.

²⁷Thomas Pogge, “Cosmopolitanism and Sovereignty,” *Ethics* 103, no. 1 (October, 1992): 51.

²⁸*Ibid.*

as a process of transnational/transcultural integration and global cooperation, as the gradual acquisition through “recognitively necessitated exchanges” of a common experience resulting in a common history of humankind. Such a history may eventually lead to the formation of an “intercultural globality” and a higher-level ethical community of nations.²⁹

2.3 Hegel on Global Civil Society, Global Violence, and the Possibility of Global Community

One key feature of the modern world spurring development towards an alternative cosmopolitanism at the sub-state level is the institution of civil society. For Hegel, the development and expansion of civil societies has led to a parallel expansion of the recognition and acceptance of universal human rights and the equality of persons. The emergence of inter-state trade, commerce, and communication, in particular, is an important aspect of this development. Trade, commerce, and industry, Hegel says, upset the “rootedness” of the “solid ground” of more traditional (agrarian) economies—the rootedness of the “ties of soil” and family life, etc.—and they move us “beyond the limited circles of civil life with its pleasures and desires” in the “System of Needs” (*PR*, §247). Modern commerce, “through its supreme medium of communication, also creates trading links between distant countries, a legal (*rechtlich*) relationship which gives rise to contractual agreements (contractual rights),” and which expands the sphere of actualized abstract rights—of person, property and contract—thus inducing in everyone a need to “respect others as persons” (*PR*, §§36 and 247). In this way, the individual becomes “a universality for the other, just as the other is for him” (*SS*, 11–12). Moreover, those who enter into “real contracts” commit themselves to agreements with others and to “increasingly self-policing rules of behavior” to overcome “the arbitrariness of [individual] disposition and its liability to change” (*PR*, §79R).³⁰

On the positive side, inter-state trade and commerce imply “a universal interaction and formation of humankind,” leading to “reciprocal recognition, entailing

²⁹For a much more detailed discussion of these and other related issues, see Hicks, 1995 and 1999; see also Steven V. Hicks, “Regionalism, Globalism, and the Prospects for World Order: A Hegelian Approach,” *Interpretation: A Journal of Political Philosophy* 30, no. 1 (Fall 2002): 49–78; and Steven V. Hicks, “The Project of Reconciliation and the Road to Redemption: Hegel’s Social Philosophy and Nietzsche’s Critique,” in *Between Global Violence and the Ethics of Peace: Philosophical Perspectives*, ed. E. Demenchonok (Oxford: Wiley-Blackwell, 2009), 153–80. In addition, see Andrew Buchwalter, *Dialectics, Politics, and the Contemporary Value of Hegel’s Practical Philosophy* (New York and London: Routledge, 2012), 214–235; and Francis Cheneval, “Review of *International Law and the Possibility of a Just World Order*,” in *Ethical Theory and Moral Practice* 3 (2000): 458.

³⁰See also Stillman, 39.

highest individuality as well as differentiation” (SS, 13). Trade and commerce also involve risk, “an element of fluidity and danger,” as well as a willingness to expand, explore, and interact with strangers in a peaceful manner respectful of the “rights of persons.” “Such trade (*Verkehr*),” Hegel says, “is the greatest educational asset (*Bildungsmittel*) and the source from which commerce derives its world-historical significance” (PR, §247). Global commerce serves to forge ties between people world-wide, thus contributing not only to the “global education of humanity” but also to the realization of a “world spirit” and to an ethically defined “world interest” (see PR, §157; VPR19, 201).³¹ As Peter Stillman notes:

Hegel’s ideas on trade express and expand the tradition of Montesquieu’s and other eighteenth-century theorists’ ideas of *doux commerce*. And it is not difficult to fit later international developments into Hegel’s understanding of how commercial and other related interactions are potent instruments of culture: international trade, international organizations, and other forms of non-state actors tend to reinforce and expand the rights of man to private property and contract. For Hegel, the on-going universalization of the practices of civil society advances human rights and freedoms.³²

Contra his many critics, Hegel’s appreciation of this basic universalism implicit in modern civil society, notwithstanding his sometimes limited (Eurocentric) interpretation of it, is far from congenial to such things as cultural intolerance, exclusivity, or colonial subjugation.³³ Indeed, Hegel always criticized such practices and insisted that colonial subjugation was wrong because it violated human dignity and denied to the colonized the very freedoms and recognitions enjoyed by the inhabitants of the colonial mother country.³⁴ Moreover, as he writes, “the liberation of colonies itself proves to be the greatest advantage to the mother state just as the emancipation of the slaves proved to be of the greatest significance to the master” (PR, §248A). In general, Hegel’s ethical position is dialectically and structurally committed to a more globally inclusive, open-ended, and critically self-reflexive account of (universal) principles of right and rationality, and this, in turn, would mitigate against domination by any one parochial group, or culture, or set of values.³⁵

At the same time, however, Hegel also recognized that the rapidly expanding and increasingly competitive market-based economy was generating new needs, new problems, and new dangers. A globally expanding economy poses challenges for modern ethical life that are similar in many ways to the challenges Hegel thought a domestic civil society posed for the nation-state of his day. For example,

³¹See also Buchwalter (2012), 214–235.

³²See Stillman, 39.

³³For more on this, see Hicks (1995), 19–20.

³⁴See Buchwalter (2012), 214–235.

³⁵For more on Hegel’s “historicized universalism” and its implications for cultural tolerance and openness, see Allen Wood, *Hegel’s Ethical Thought* (New York: Cambridge University Press, 1990), 203–205; see also Clark Butler, *Human Rights Ethics* (West Lafayette, IN: Purdue University Press, 2008), 117–20.

it relentlessly generates the kind of arbitrary needs and desires, detached from any sense of the greater good, that Hegel thinks can entrap and enslave us in various ways, and which he believes, in turn, have negative effects on others' welfare. Market economies, for all their advantages, typically give rise to boom-bust cycles, where overproduction inevitably leads to unemployment and recession, among other things. Likewise, the globally expanding market economy increasingly concentrates wealth in the hands of a few corporate elites, who are then able to arrange economic and political conditions so as to increase and protect their own financial interests, often resulting in poverty for masses of people. "A contrast emerges between vast wealth and vast poverty—a poverty that finds it impossible to make any headway"; and "this inequality between wealth and poverty . . . this need and necessity turn into the utmost diremption of will, into inner indignation and hatred" which threatens the very fabric of civil society (*JS3*, 223). And people who are systematically excluded and chronically poor, Hegel says, are "more or less deprived of all the advantages of society, such as the ability to acquire skills and education in general, as well as of the administration of justice, health care, etc." (*PR*, §241), and will, in turn, come to recognize that their poverty is the result of artificial economic conditions and feel that their poverty and exclusion is an assault on their dignity as human beings. Such a systematically generated underclass can quickly become what Hegel terms a "penurious Rabble" (*Pöbel*) who respond to their plight with "inner indignation" and the "negatively infinite judgment of a criminal" (*VPR19*, 194–196). Marginalized and unrecognized by society, the poor feel "excluded and shunned by everyone" (*VPR19*, 195); and this sense of disrespect and neglect, in turn, contributes to a "sense of rightlessness" (*Gefühl der Rechtlosigkeit*) and disenfranchisement on the part of the excluded poor (*VPR21*, §244). Such a pervasive sense of "rightlessness" and disenfranchisement helps to foster an indignant and even malevolent rabble. In our day and age, for example, some of the excluded poor in various parts of the world have resorted to the "negatively infinite judgment" that seeks only to destroy: global terrorism, global jihad, radical nationalism, religious fanaticism, ethnic and tribal warfare, and large-scale criminality.

To put the matter differently, expanding market economies have created a kind of global civil society that transcends individual nation-states, but which generates a whole range of pathologies and also obligations, which on a larger scale resemble those that Hegel recognized in the emerging domestic civil societies of his time. These global problems and obligations (e.g., obligations to the chronic poor displaced by globalization) require an ethical response just as Hegel believed the problems of domestic civil society required an ethical response. A global civil society no less than a domestic one, if "given free rein on all sides" from the oversight of a "public authority," will eventually "destroy itself" (*PR*, §185). As Hegel writes, the market-economy, "like a wild animal calls for . . . continual control and curbing" (*JS1*, 230); it calls for "means and remedies" and a public authority which "discourages some activities if they are too detrimental to others" (*JS3*, 224). It remains to be determined just what form these new global "public authorities" should take, and just how they can be incorporated into modern ethical

life while still allowing the various peoples of the world to remain situated in the kinds of concrete ethical cultures and forms of local self-governance that, Hegel believed, make modern freedom possible. Given Hegel's general critique of global government, it seems likely that he would appeal to a differentiated, pluralistic, and polycentric mixture of sub-political groupings and cooperatives, self-governing bodies, etc. He refers to such bodies, on the domestic level, as "pillars of public freedom" (*PR*, §265). Probably he would also appeal to some international regulatory agencies to address issues of market arbitrariness, economic inequalities, and various forms of disenfranchisement at the global level. Because so many of our global problems and pathologies are inextricably intertwined with the global economy, rectification will require both transnational initiatives and local, national, and regional ones. As Andrew Buchwalter recently observed:

Hegel's point is . . . that any solution to economic injustice at the global level will require a nuanced and differentiated approach, one that, vertically as well as horizontally, mediates universal and particular considerations. . . . Hegel would second Thomas Pogge's advocacy of a 'multilayered scheme,' one that disperses [public] authority over many different formal and informal, regional and transnational, governmental and non-governmental forms of decision-making. It is through this type of complex, differentiated, and even confederated understanding of global community that a response to global distress can be fashioned able to acknowledge the transnational nature of economic disparities while engaging the agency of those affected.³⁶

Hegel also sees, paralleling developments at the sub-state level of civil society, moves towards an alternative cosmopolitanism occurring at the political level of states interacting with other states. First, as we've already seen, Hegel recognizes the existence of inter-state law (*das äussere Staatsrecht*), international law, and law of peoples (*Völkerrecht*). He regards it as one of the "essential features" of the modern world, and insists that it has, in principle, an obligatory character.³⁷ This obligatory character is based on a number of considerations: (1) a system of international law *can* provide a useful, effective rule of conduct between otherwise independent states, and such a system of inter-state law offers the best means for establishing and promoting a stable international order; (2) the foundation for such a stable order is (and must be) a contract, i.e., a sovereign agreement among independent states to honor, respect, and abide by certain rules, practices, and principles of international conduct (*PR*, §332); and (3) these rules are binding on the sovereign states, partly because the states have voluntarily agreed to observe them, but also because they express the general interest and welfare of the international community in achieving and maintaining a *jus gentium*, a practical system of customary and respectful behavior (*PR*, §§333, 336). Hegel concludes that relations between states therefore "ought" to be rational, peaceful, and basically just (cf. *VPR* III, 832–833). But in

³⁶See Buchwalter (2012), 218; see also Pogge, 68.

³⁷For more on the distinction between *das äussere Staatsrecht* and *Völkerrecht*, see Buchwalter (2007, 2012).

the absence (so far, at least) of a “higher praetor” or effective world government, Hegel concludes that “international relations never get beyond an ‘ought to be’” (*PR*, §330A).

So characterized, it might seem that the realm of inter-state relations constitutes an arena of perpetual conflict among strategically motivated parties. Yet in his discussions of inter-state relations Hegel does not fall into the Hobbesian idea of states as always in a condition of war.³⁸ Rather, Hegel insists that states, as individuals, need other individuals (other states) in relation to which they can (a) distinguish themselves, (b) attain recognition, and in doing so, (c) actualize their genuine freedom and autonomy. “Without relations with other states, the state can no more be an actual individual than an individual [person] can be an actual person without a relationship to other persons”; moreover, state sovereignty receives “its full and final legitimacy through its recognition by other states,” as each agrees to respect the other’s autonomy and independence (*PR*, §331R). The sovereignty and legitimate authority of an individual state partly derives from its own constitution and civil laws, but these must be complemented and supported by the recognition and respect of other independent states. This recognition, in turn, needs to be safeguarded by a system of international law stipulating, among other things, that “where a state is recognized by others, it will likewise recognize them, i.e., it will respect their independence” (*PR*, §331R); and it will also abide by its agreements with other states to honor certain rules of peaceful international conduct (*PR*, §332). Given this need for mutual recognition, “it comes about that [states] cannot be indifferent to each other’s domestic affairs,” for on this such recognition depends (*PR*, §331R). As with individual persons in Hegel’s view, so too with individual states: when the recognition between states is fully mutual and symmetrical, each state gains both a fuller sense of itself and a greater sense of its internal connection to the other states. To emphasize interactive relations and mutual recognitions, as Hegel does, is to see that even the autonomy of the state depends on interstate agreements, and these agreements, in turn, underscore the political and legal (*rechtlich*) commonalities of the states.

As opposed to abstract cosmopolitan principles and political schemes for a world government or a peace federation (*Friedensbund*), Hegel emphasizes the reciprocal, recognitive relations and interactions between states based on a just system of international law. He regards this as “the only viable way to achieve a shared ethical life and a durable bond of international comity.”³⁹ Contra his critics, he does not defend the (often tragic) international status quo, but instead, struggles to specify the general conditions whereby states may, over time, learn to respect one another and live together peaceably. A global commonality can be forged, Hegel thinks, out of common experiences and by the sharing of diverse cultural, political, and ethical dispositions. A global community can be forged out of a process of

³⁸Cf. Thomas Hobbes, *Leviathan* ch. xiii.

³⁹Fred R. Dallmayr, *Hegel: Modernity and Politics* (Newbury Park, CA: Sage Publications, 1993), 158.

mutual recognition, a process whereby states undergo what Fred Dallmayr calls “a formative learning experience regarding their respective institutions and customs, an experience that counteracts their mutual isolation and prejudices.”⁴⁰ That free, autonomous states peacefully interact with and mutually recognize one another, can lead in practice, as Hegel sees it, to a number of different ways in which states can create shared cosmopolitan norms for themselves. For example, mutual recognition implies that all states respect certain basic rights in inter-state commerce and civil society, and moreover, that states “uphold the civil society or sub-state expansion of human rights.” And as with human rights, so too with other activities: “Inter-state norms come to have increasing import and validity, as states mutually enforce and pursue a culture and practice of individual rights, shared legal principles, and cultural norms supporting individuality, the rule of law, and concomitant values.”⁴¹ Even in times of crisis and war, Hegel says, a set of conventional rules and norms between the (European) states have gradually come into existence that helps to ensure that wars will be less prolonged, less bloody, and waged more humanely: even “war itself is characterized as something that ought to pass away” (*PR*, §338). Moreover, “wars ought not to be waged against domestic institutions, against the peace of private and family life, or on private individuals”; likewise, “diplomatic envoys [and ambassadors] should be respected” and assured safe passage during times of war (*PR*, §338). Military conflicts between states should be restricted to battles between professional armies—limiting the number of combatants and making sure that they are properly trained in the norms and rules of engagement—generally making war less a matter of “personal enmity” and hatred; furthermore, military commanders should always be kept under the strict control of civilian political leaders (see *PR*, §338A; *SS*, 53–54).⁴² As Hegel sees it, these developments are all rooted in common European customs and culture, and “a state that violated these principles would be, and would be seen to be, unjust and dangerous; and so states have a strong incentive to uphold and further these principles.”⁴³ With the historical development of such shared international and cosmopolitan norms, Hegel optimistically observes, “the relationship between states can [potentially] form a unity of people” (“*eine Einheit des Volkes*,” *VPR19*, 278).

The first step towards the eventual formation of such a “unity of people” would be the implementation of a pragmatic system of customary and orderly international conduct (based on a just system of international law) between otherwise independent and sovereign states. This leads, first, to an increased regional and global interdependence at the “external” levels of commerce, trade, travel, communications, technology, scientific and even military alliances, etc. Such regional and global interdependence, in turn, helps bring forth a plurality of

⁴⁰*Ibid.*

⁴¹See Stillman, 40.

⁴²See also Thomas Mertens, “Hegel’s Homage to Kant’s Perpetual Peace: An Analysis of Hegel’s Philosophy of Right §§ 321–340,” *The Review of Politics* 57, no. 4 (1995): 680–91.

⁴³See Stillman, 41.

concrete sub-state and trans-state organizations, institutions, and groupings which serve to mediate relations between states, helping to connect them together in ever more peaceful, cooperative, and unified ways. (One might note here that the intensification of interstate cooperation and interdependence has led, in our day and age, to the emergence of both (a) relatively effective transnational regional political bodies such as the European Union and NATO, and (b) more modestly effective, but equally problematic, global bodies such as the IMF, World Bank, WTO, International Atomic Energy Agency, and International Court of Justice.) The gradual development of inter-state norms and institutions means slowly building an international atmosphere of greater trust among the world's states and their citizens. And for Hegel, trust—or “the consciousness that my substantial and particular interests are contained and preserved in the interests and ends of others” (*PR*, §268)—is the crucial element and the “political sentiment” defining modern political comity. The gradual development of inter-state cooperation and mutual reinforcement of international norms of right and morality means, further, that “states pursue the principles of political right, even if in differing [cultural and political] manifestations in different states, and so develop a common culture of right and a sense of trust among citizens of different states.”⁴⁴ As Hegel puts it, “the deeds and destinies [of states] in their reciprocal relations with one another are the dialectic of their own finitude” (*PR*, §340). Despite states' persistent claims to sovereignty, the modern phenomenon of regional and international interaction, interdependence, and normative co-operation is leading to a slow withering away of the rigid boundaries between states, a gradual converging of civil and political interests, as well as a slow narrowing of internal (cultural) differences between states. As he writes in the *Philosophy of World History*, “political independence is becoming a mere formal principle” (*VPG*, 761). It is something still recognized, but gradually decreasing in significance. (Witness the increased willingness on the part of some states to transfer at least some of their traditional sovereign authority to different regional and international bodies, agencies, organizations, etc., which are in a better position to achieve the desired goals of the individual states.)

As Hegel sees it, then, the dialectical result of implementing a pragmatic system of international laws and shared norms of association is “a trend of the states toward unity” (*VPG*, 761). In Hegel's view, the modern social world is slowly moving in the direction of an “inner universality” of sorts (*PR*, §339). It is steadily being unified (internally) by a sharing of customs and culture, an increased agreement on many of the fundamental aspirations of life (regardless of ethnic, religious, of national distinctions), a general acknowledgement of certain basic values (justice, freedom, respect for life, etc.) as founded on principles of reason, and the increased rationalization and modernization of socio-political institutions. This is particularly true, as Hegel says, for “the European peoples who form a family of sorts with regard to the universal principle underlying their legal codes, their customs, and

⁴⁴*Ibid.*

culture. This principle has modified their international conduct accordingly in a state of affairs [i.e., war] otherwise dominated by the mutual infliction of evils” (PR §339A).

Of course, one might object that, in light of the tumultuous and often tragic events in Europe in the nineteenth and twentieth centuries, only a very generous interpretation of “trend toward unity” or “modified international conduct” will save Hegel from having been wide of the mark, historically speaking. To his credit, Hegel did anticipate the “bureaucratization” of the infliction of pain and death implicit in modern technological societies, and he did achieve an “uncanny insight” into the impersonality of mass death that such technological societies make possible.⁴⁵ As he says of modern warfare: “Death is given and received in the void—impersonally, in consequence of the smoke from gunpowder” (*JS3*, 251); likewise, “the self-sacrifice . . . of individuality [is] similar to that of a cog playing its part in the mechanism of an [greater] external organization” (PR, §328). Also, Hegel observes that, more often than not, the outcome of war is not “which of the rights alleged by the two [warring] parties is the genuine right,” but merely “which of the two claims to right will give way” to brute force (*DV*, 541). In the end, he sees an ultimate meaninglessness in modern warfare, and even describes it as “aimless labor” (*SS*, 54). At the same time, however, Hegel believed that as wars were slowly brought under the aegis of Spirit (*Geist*)—in particular, under the international laws and norms of the emerging (European, cosmopolitan) inter-state system—their severity in terms of destructiveness and duration, and their impact upon governmental and domestic institutions, as well as on the civilian population at large, would be significantly mitigated (see PR, §338).⁴⁶ Tragically, what Hegel did not foresee is that modern nation-states would create enclaves or death worlds (gulags, concentration camps, holocausts, world wars) modeled after man’s existence in the state of nature: “Hegel foresaw that in the future wars will be less personal, but he did not imagine that this depersonalization would increase rather than diminish” their brutality and scope.⁴⁷ Likewise, while Hegel in the *Phenomenology of Spirit* offers an insightful analysis of the Terror following the French Revolution, he did not foresee, and could not imagine, the permanence and persistence of Terror as a form of modern life (e.g., Al Qaeda, the global war on terror). Yet in the twentieth and early twenty-first centuries, terror and global violence have become almost “archetypal,” forms of modern life which are difficult, if not impossible, to overcome.⁴⁸

In the early nineteenth century, however, Hegel tended to view states more optimistically, not only as sovereign legal entities in inter-state relations, but as “moral subjects” seeking consensus on the good and as ethical participants in an emerging common (European) culture. As we’ve seen, states, for Hegel, are defined

⁴⁵See Edith Wyschogrod, *Spirit in Ashes: Hegel, Heidegger, and Man-Made Mass Death* (New Haven and London: Yale University Press, 1985), 123.

⁴⁶See also *Ibid.*, 106–49; and Hicks (2009).

⁴⁷Wyschogrod, 149.

⁴⁸For more on this issue, see Wyschogrod, 149; and Hicks (2009).

by their interactive relations and mutual recognitions with other states, and this means, in turn, that they will continually seek to develop inter-state customs and rules for behavior that make their interactive relations—even in times of crisis and war—governed by norms that mutually regulate and limit what they can do. As Peter Stillman notes, “International norms and nascent cosmopolitanism have been part of the European state system” since its inception in the mid-seventeenth century, and those inter-state norms, principles, and practices have been, and continue to be, developing, evolving, and expanding.⁴⁹ Certainly the recent expansion of the “external” connectedness of the former European Economic Community (EEC) into the more internally unified and interdependent European Union (EU) seems to be a good example of precisely the kind of “trend towards unity,” cooperation, and universalism that Hegel envisioned. Moreover, this concerted effort by EU countries to integrate, unify, and expand (not only economically, but politically, legally, and culturally) is based on such Hegelian considerations as shared cultural and ethical dispositions, common underlying political principles and rational institutional structures, innovative sovereign agreements such as the Maastricht treaty, and experimental extensions of political identity by way of the conferral of European citizenship. Clearly, “the ideality of the sovereignty of one [European] state in relation to that of another state or states is no longer the external affair it was in Hegel’s time.”⁵⁰ And here, it seems reasonable to ask, on Hegelian terms, whether something like the EU model of pluralistic multicultural and multinational unity—where there is no-longer-fully-externally sovereign nations, but where there continues to be internally sovereign nations on many issues—could provide a model for a viable global community in which an emerging commonality is coordinated with the various local, regional, and historical nationalities whose external sovereignties, as Hegel insists, are gradually being dialectically transcended.⁵¹ As Joseph Flay observed some decades ago, this “new born child whose entrance into world history Hegel heralded” is “something different from a [world] state, but which is nevertheless in some way analogous to the state. It would remain to work out in the Concept what this [emerging intercultural global] unity would be.”⁵²

Finally, it seems fair to say that Hegel’s much discussed emphasis on the moral basis and ethical significance of the modern nation-state is fully compatible with acknowledging the need for reforms at home (“rehabilitating and reinvigorating the notion of *Sittlichkeit* and ethical community”) and better cooperation and solidarity

⁴⁹Peter Stillman, “Hegel, Civil Society, and Globalization,” Chap. 6 below.

⁵⁰Joseph C. Flay, “Comment on Harris’s ‘Hegel’s Theory of Sovereignty, International Relations, and War’ and Paolucci’s ‘Hegel and the Nation-State System of International Relations,’” in *Hegel’s Social and Political Thought: The Philosophy of Objective Spirit*, ed. D. P. Verene (Atlantic Highlands, NJ: Humanities Press, 1980), 170.

⁵¹Cf. Butler.

⁵²Flay, 170–171.

abroad (“leaving unaffected the status of *Sittlichkeit* as the basic social bond”).⁵³ As I’ve argued elsewhere, Hegel’s principles of *Sittlichkeit* have a direct relevance to our increasingly globalized, contemporary world⁵⁴; for the same basic kinds of political and juridical institutions, civic associations, and sub-political groupings that are central to unifying the ethical life of the modern state—institutions that uphold right, freedom and autonomy, enact the common good, etc.—are those that are needed for the development of international co-operation and transnational unity as well. So by analyzing the ideas, principles, and institutions that made freedom and ethical life possible in the modern state, Hegel is also suggesting how applied cosmopolitan ideas, trans-state institutions, and a global *Sittlichkeit* can develop. And if the development and expansion of that global basic system is to be consistent with the promotion of individual rights, freedoms, justice, and autonomy (as Hegel would have it), then that development must be able to generate institutional configurations which are at least parallel to (if not identical with) those Hegel outlines in his *Philosophy of Right*. It is quite consistent with Hegel’s way of thinking to claim that our feelings of trust and loyalty to family, city, nation, and state do not preclude loyalty and allegiance to those universal principles and values that define the human spirit as such.⁵⁵ For Hegel, it is not the sheer particularity of a city, nation, or state that makes my attachment to it so important. Rather, as Hardimon notes, “the important thing about my being a citizen of *this* state [nation] is that it is only in virtue of being a member of some particular state (*this* state, as the case may be) that I can be a member of *the* state,” i.e., the complex of institutional arrangements and shared norms of association constitutive of any modern socio-ethical life with a claim to rationality.⁵⁶

In this respect, Hegel’s understanding of social membership is far more universalistic than is often supposed either by his liberal-cosmopolitan critics or by his communitarian/statist defenders. Hegel thinks our sentiments of trust and patterns of allegiance become richer and more meaningful when they are pursued within the larger (more open-ended) scope of the human spirit’s dialectical impulse towards greater institutional realizations of freedom, right, and reason in the world. Active cultivation of a sense of global *Sittlichkeit* (or global community) need not weaken state sovereignty or political self-determination, nor does it imply elimination of state government, national identity, cultural diversity, or any of the time-honored institutions within which individuals actualize themselves as persons. Instead, it should mean simply, “the willingness to accept and live up to the deepest and highest promise of the human in us”; it should mean that “our moral allegiance to our [particular] nation must be grounded in our allegiance to humanity [and] [t]his

⁵³Fred R. Dallmayr, “Rethinking the Hegelian State,” in *Hegel and Legal Theory*, ed. D. Cornell, M. Rosenfeld, and D. G. Carlson (New York and London: Routledge, 1991), 322.

⁵⁴See Hicks (2002).

⁵⁵See Michael H. Mitias, “International Law and World Peace,” *Dialectics and Humanism* 17, no. 3 (1990): 192.

⁵⁶See Hardimon, 164.

allegiance is the ultimate basis of world community.”⁵⁷ To be sure, Hegel’s position on community—whether local, regional, or global—always assumes a historically situated formulation, one mandated by a logic of recognition where commitment to the other, concrete and general, is rooted not *just* in an allegiance to humanity per se, but in a reflexive consideration of the specific conditions and concrete applications for individual identity itself. Even a “global ethicality,” on Hegel’s view, depends for its meaning and validity on a logic of reciprocal recognition, interconnectivity, developmental diversity, and a general view of commonality understood as the unity (or identity) of identity and difference. Nonetheless, in such a concrete global and historical situation, one can begin, at least, to raise the question of whether (and under what circumstances) the basic moral considerations and obligations (e.g., concerning justice) that Hegel insists currently apply to ethical life within the modern state are also applicable at the trans-state/international levels. It remains to imagine, first, what these new cosmopolitan/international obligations might be from a Hegelian point of view, and second how we can incorporate these new obligations into an applied global ethical life, while still remaining rooted in the kind of local and national culture and tradition that, according to Hegel, makes concrete freedom possible.

2.4 Conclusion

International relations certainly are different today from what they were in the nineteenth century when Hegel looked to find the “rationality” in international affairs, and Hegel’s analysis of international relations (even on Hegelian terms) needs bringing up to date. Nowadays, the economic, social, and political developments that take place within an independent state tend to influence, directly or indirectly, the internal developments and welfare of other states in different regions of the globe. Moreover, since Hegel’s time, the cultural, economic, and even ethical relations characteristic of what he termed “civil society” increasingly tend to transcend traditional state boundaries and to connect members of different states into a loosely textured community of sorts—a “global civil society” or “global basic scheme.” The once rigid boundaries (geographical and otherwise) that separated nation-states have become much more fluid and opaque. Globalization has asserted itself as a basic feature of the modern world, and this poses a number a daunting problems and challenges for the future. These include problems of global warming, climate change, and increased ecological degradation; the challenge of promoting intercultural dialogue and peaceful co-existence in the face of escalating global violence and the proliferation of weapons of mass destruction; the challenge of promoting freedom, human rights, and justice in a world increasingly dominated

⁵⁷Mitias (1990), 192.

both by extreme instances of chronic poverty for masses of people and the unchecked influence of multinational corporate forces and elites.⁵⁸

Of course it is good that economic globalism (or the globalization of Hegel's "System of Needs," *PR*, §§189-208) has brought economic growth, education, work opportunities, modernization, development, and prosperity to parts of the world which had never before experienced such things (witness China and India over the past two decades). Yet, as previously noted, economic globalization has generated many difficulties and pathologies. For example, the "dynamics of globalization" has been slowly eroding the capacity of at least some sovereign states to provide for the welfare and economic well-being of their people on a territorial basis. As Richard Falk observed, the state is gradually being deformed as an instrument of human well-being by the current economic globalism, which converts the state by degrees into a subordinate relationship with global corporate and market forces.⁵⁹ As a result, many states (even those operating on a secure basis of legitimacy) are losing their capacity to provide the social, economic, and institutional ingredients of ethical life that Hegel discusses in the *Philosophy of Right*, namely, providing their citizens with human rights and welfare, political liberties, self-determination, a sense of community, and overall security.⁶⁰ The inability of traditional nation-states to provide the economic, social, and even physical ingredients of security within their own borders has given way, in many settings, to a variety of sometimes cynical challenges that provide, if nothing else, a cause that seems worth fighting for: radical nationalism, ethnic sectarianism, religious fanaticism, and even global terrorism. Hegel's hoped for "trend toward unity" has given way, in many parts of the world at least, to his worst nightmare: the nation-state's dissolution into the "heap" (*Haufen*) and the "mutual infliction of evils (*Übel*) in international conduct" (*PR* §§302, 339A; cf. *Enz.*, §544). We should therefore ask: how can the states and peoples of the globe be pulled back from their current drift towards a market-driven/corporate-driven globalism and led to manifest a greater degree of receptivity towards a more "human-driven globalism," thereby achieving over time, "a new political stasis" that supports the ethical, institutional, and political "superstructure" that could underpin more rational, humane governance for the planet? As Richard Falk notes, the decisive challenge of the moment is "Hegelian in character":

What is required is the formation of a consciousness that is politically relevant to the inevitable transition to globalization in some form. Without the ideational stage-setting, structural solutions will not seem politically feasible or may be misappropriated by oppressive, [anti-democratic] anti-ecological tendencies.⁶¹

⁵⁸For a more detailed discussion of these and related issues see Steven V. Hicks, "Rethinking Nature, Culture, and Freedom," in *The Challenges of Globalization: Rethinking Nature, Culture, and Freedom*, ed. Steven V. Hicks and Daniel E. Shannon (Oxford: Blackwell Publishing, 2007), 7–23; see also Hicks (2002).

⁵⁹Richard Falk, "An Inquiry into the Political Economy of World Order." *New Political Economy* 1, no. 1 (1996): 13–26.

⁶⁰Cf. Falk (1992), 204.

⁶¹See Falk (1996), 21.

In this essay (and elsewhere), I've argued that Hegel's ethical and political philosophy offers a number of "ideational stage-setting" insights that are helpful in our attempts to articulate concrete structural solutions to the enormous new problems and challenges that confront all people on the globe. Important among these would be his views on implementing a more just and effective international legal system, the promulgation of a more cooperative and "people-oriented" (as opposed to market or "corporate-oriented") approach to globalization, the strengthening of democratic engagement through participation in diverse local, national, and regional groupings and associations, and the promotion of a more positive approach to "regionalism" (and to transnational/regional alliances) in order to address various forms of "pathological anarchy" and "global disorder" while avoiding "clashes of civilizations" and conflicts between "hemispheric cultures," etc.⁶² Yet in other respects, it must be admitted that Hegel missed the mark, historically speaking. In the twentieth and early twenty-first centuries, the world has experienced an unchecked and unprecedented proliferation of weapons of mass destruction and a proliferation of the conditions that lead to the actual use of such weapons in regional and even global conflicts. Yet in the early nineteenth century, Hegel believed, erroneously, that modern warfare increasingly would be limited in scope, more humane, and less bloody than in the past (cf. *PR*, §338A). Likewise, he had a very regrettable tendency to see such (limited) wars as serving a "higher pedagogical" function: namely, shifting a citizen's focus from his or her private interests to the "universal interests" of the larger political community. He also believed that such "limited" wars could help to revitalize the "ethical health" and communal life of a nation (the way, for example, some would claim that Britain's sense of community coalesced during the perilous months of 1940–41, or that New York's sense of community was strengthened in the months following the 9/11 terrorist attacks). However, even if one grants that war can serve these ethical purposes, we may question whether they are the usual results. Certainly, the enormity of the terror and violence, and the sheer level of suffering inflicted by modern (nuclear, chemical, or even *conventional*) warfare would undermine any of the "mitigating advantages" that Hegel discusses, such as "the regeneration of the national spirit" and the "revitalization of cooperative solidarity" (see *PR*, §324A).⁶³

Critics of the idea of a world federation on Hegelian lines are surely right when they take him to task, as Janna Thompson does, for claiming that "without anything to contrast itself with or oppose itself to, there would be nothing to ensure that the consciousness of citizens in such an organization would be properly united and elevated."⁶⁴ What Hegel says, alas, is that "even if a number of states make themselves into a family [of nations], this group as an individual must engender

⁶²For more discussion on these and related issues, see Hicks (2002), 53–70.

⁶³See also Errol E. Harris, "Hegel's Theory of Sovereignty, International Relations, and War," in *Hegel's Social and Political Thought: The Philosophy of Objective Spirit*, ed. D. P. Verene (Atlantic Highlands, NJ: Humanities Press, 1980), 147–8.

⁶⁴Thompson, 120.

an opposite and create an enemy” (*PR*, §324A). However, given Hegel’s emphasis on the basis of obligation in international law and given the tendency of “the conciliation and mediation typified in the modern world” to blunt the edge of international conflicts,⁶⁵ it seems fair to ask whether such opposition and struggle for recognition as may be necessary and desirable could come from some sources other than warfare? Here it seems quite in the spirit of Hegel to suggest that the intensified seriousness of our global problems—the threat of nuclear annihilation, global warming, ecological degradation, chronic global poverty, global terrorism, the global spread of AIDS and other diseases, etc.—could provide the needed opponent or “other” from which mutual recognition and respect among the states and peoples of the globe could be gained. Such problems do affect all of us, directly or indirectly, as a world community. Moreover, no nation by itself seems capable of solving such problems. One only needs to consider that an environmental disaster or nuclear fall-out or viral epidemic in one part of the world will negatively affect the well-being of people living in other parts. Hence, the struggle to cooperate and interact with one another to come up with workable solutions for solving such problems could easily provide the means for elevating our particular national consciousness and loyalty, but also expanding these so that they become “moments” (as Hegel would say) in our consciousness of, and loyalty to, humanity as such—to an emerging “international We,” or *Einheit des Volkes*.

Moreover, in light of the tragic events of the twentieth century—the Armenian massacres, two World Wars, the Nazi Holocaust, Hiroshima and Nagasaki, the Cambodian “killing fields”—the peoples and regional communities of the early twenty-first century have gained (potentially, at least) a greater historical awareness of how the external sovereignty of the (territorially) limited nation-states of the past often resulted in those states’ taking international law into their own hands, usually with horrific consequences: the infliction of untold sufferings, recurring retaliations, genocidal outbreaks, etc. Thus, through a “dialectical reconstruction” of the past—that is, by constantly re-tracing the historical/dialectical process by which our present era of globalization has arisen out of the ashes of the violent and fragmented past—the national peoples and cultural communities of the present could gradually develop a “dialectical self-identity” of sorts precisely in contrast to this tragic past, and not just (as Hegel would have it) in contrast to the peer nationalities or even regional alliances of the present.⁶⁶ Such a historically based, “dialectic self-identity,” forged in contrast to the tragic actualities of the past, could provide, in turn, the basis upon which individuals today recognize themselves, and are recognized by others, as being members—not just of particular families, or nations, or religious or ethnic groups, but of an emerging intercultural global community and possibly, even, a new emerging global nationality. And since Hegel constructs his theory of ethical life around the concept of recognition, we can begin to take into account the particular ways in which globalization affects people’s lives

⁶⁵See Avineri, 207.

⁶⁶See Hicks (2002), 71; also cf. Butler.

(both positively and negatively), and how recognizing others as members of an intercultural global commonality can assist us in determining the kind of concrete ethical responsibilities we have towards them, e.g., towards those made chronically poor by the excesses of globalization. Given Hegel's views on the "abstractness" of cosmopolitan moral and political proposals, I do not think he would advocate the replacement of local or national cultures and traditions with a global, cosmopolitan identity. But I do think he would support the kind of "historically enlightened universalism" and institutionally "situated cosmopolitanism" (advocated recently by Seyla Benhabib and by Anthony Appiah, among others) that is rooted (a) in "a generalized attitude of moral equality [that] spreads [dialectically] in human history through conversations as well as confrontations across cultures," through commerce as well as conflicts, and (b) that combines a liberal nationalism and willingness to work for the good of one's own particular state with a sense of one's obligations and shared norms of sociation as a member of a global community.⁶⁷ In embracing obligations and concerns that extend beyond traditional national and state borders, Hegel would not want us to abandon those local, cultural, and political identities by which we understand ourselves as free rational beings and social participants. Rather, by finding new ways to engage with new intercultural global situations, the individual, in Hegel's sense, expands his or her socio-political identity and enhances his or her capacity to be concretely free. Precisely how we are to recognize and interact with others as members of a pluralistic, intercultural global commonality will not always be clear. But given Hegel's emphasis on the basis of obligation in international law, his interactive and recognitionally based views on human rights, and his notion of an expanding, trans-national civil society (and the inherent dangers of the "penurious rabble" that it generates), I think Hegel would want to extend his account of modern ethical life (*Sittlichkeit*) to include a cosmopolitan global engagement. The details of how best to accomplish this "global engagement" would require extensive analysis and a developed consideration of specifics that go far beyond the scope of this essay.

Yet for now, and in conclusion, I would say that for those who are concerned to promote a more just and peaceful world, Hegel's philosophy will continue to be a source of ideas and inspiration. Hegel champions a globalized ethical culture and a just international legal framework; he advocates a historically enlightened universalism and the gradual formation of a rationalized global order. Moreover, he strives to show us how we can have participation in the best of local, national, and regional cultures and traditions, as well as a sense of belonging to much broader historical, cultural, and social contexts—including, perhaps, an intercultural global community and a shared ethical life among nation-states.

⁶⁷See Seyla Benhabib, *The Claims of Culture: Equality and Diversity in the Global Era* (Princeton: Princeton University Press, 2002), 38–9; Anthony Kwame Appiah, "Cosmopolitan Patriots," *Critical Inquiry* 23, no. 3 (Spring 1997): 617–39; see also Buchwalter (2012), 227–229.

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Chapter 3

Contra Leviathan: Hegel's Contribution to Cosmopolitan Critique*

Robert Fine

“the *spirit of the world* produces itself in its freedom from all limits, and it is this spirit which exercises its right – which is the highest right of all – over finite spirits in *world history* as the *world's court of judgment*.” (Hegel, *Philosophy of Right*¹).

3.1 Introduction

Hegel's *Philosophy of Right* is often read as nationalistic and reactionary in relation to Kant's conception of the cosmopolitan condition or indeed to Hegel's own more youthful conception of the world spirit.² I want to suggest that this reading of Hegel's relation to cosmopolitanism is one-sided and ultimately untrue. Hegel praised Kant for having “some inkling of the nature of spirit . . . to assume a higher shape than that in which its being originally consisted.”³ He contrasted Kant to

*This chapter is a considerably revised rendition of an argument I have developed bit by bit in *Political Investigations: Hegel, Marx, Arendt* (London: Routledge, 2001); “Kant's Theory of Cosmopolitanism and Hegel's Critique,” *Philosophy and Social Criticism*, 29, no. 6 (2003): 609–630; and ch. 2 of *Cosmopolitanism* (London: Routledge, 2007). I should like to acknowledge the valuable suggestions regarding this chapter made by Daniel Chernilo, Lydia Morris and the editor, Andrew Buchwalter.

¹G.W.F. Hegel, *Elements of the Philosophy of Right*, ed. by Allen Wood, trans. H.B. Nisbet (Cambridge: Cambridge University Press, 1991) [hereafter *PR*], §340.

²Theodor W. Adorno, *Negative Dialectics* (London: Routledge, 1990), “World Spirit and Natural History,” 338.

³Hegel, *PR*, §343R.

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those for whom the concept of cosmopolitanism remained an “empty word.”⁴ He recognized the validity of Kant’s attempt to harmonize the principle on which the European revolution was based, the sovereignty of the state, with the universalism of enlightened thought. He echoed Kant’s insistence that “a human being counts as such,” regardless of his or her nationality or religion. He described this principle of human universality as one of “infinite importance.”⁵ As Hegel saw it, the main defect of Kant’s cosmopolitanism did not lie in the idea itself but in its elevation into a “fixed position . . . in opposition to the concrete life of the state.”⁶ To explore what Hegel might have meant by this criticism and thereby help recover Hegel’s contribution to our own understanding of cosmopolitanism is the aim of this paper.

3.2 Misreading Hegel

Let us begin with the clouds of critical discourse that surround Hegel’s text – or rather with an attempt to dispel them. A generation of scholars concluded with Karl Popper that in *The Philosophy of Right* “the state is everything and the individual is nothing.” In 1945 Karl Popper spoke for many when he wrote that the “old man” debased philosophy by turning it into a tool for state interests.⁷ In 1946 Bertrand Russell wrote that Hegel’s *Philosophy of Right* “justifies every internal tyranny and every external aggression that can possibly be imagined.”⁸ Even Ernst Cassirer wrote that “no other philosophical system has done so much for the preparation of fascism and imperialism as Hegel’s doctrine of the state.”⁹

These comments, which have done so much to create our sense of what the term “Hegelian” means, were written under the shadow of Nazism and reveal a temptation to hold Hegel’s *Philosophy of Right* partly responsible for the barbarities of a later age. My own view, following Hannah Arendt, is that none of the revolutionary thinkers of the nineteenth century – Hegel, Kierkegaard, Marx, Nietzsche – can be held responsible for the assault on human civilization that took the name of totalitarianism in the twentieth century. However, they all shared, including Hegel, a premonition of dark times to come.¹⁰

If Hegel’s *Philosophy of Right* were the compliant philosophy of state this reading takes it to be, there would be little point in recovering it today except as a salutary warning of how the idea of human freedom can be converted into its opposite, a doctrine of worshipping authority. And yet we must acknowledge

⁴Hegel, *PR*, §343R.

⁵Hegel, *PR*, §209R.

⁶Hegel, *PR*, §209R.

⁷Karl Popper, *The Open Society and Its Enemies* (London: Routledge, 1966), 31.

⁸Bertrand Russell, *A History of Western Philosophy* (London: Unwin, 1984), 768–9.

⁹Ernst Cassirer, *The Myth of the State* (New Haven: Yale University Press, 1946), 273.

¹⁰Hannah Arendt, *Between Past and Future* (Harmondsworth: Penguin, 1977), 27.

there are passages in the *Philosophy of Right* which seem, at least at first sight, to confirm this reading. At the start of the section on "The State" Hegel describes the state as "the actuality of the ethical Idea . . . *self-consciousness* . . . raised to its universality."¹¹ He writes that in the state "freedom enters into its highest right in relation to individuals" and that we should "expect nothing from the state except what is an expression of rationality." The state, he writes Hobbesian-style, "consists in the March of God in the world"¹² and it is the duty of members of the state to venerate it and acknowledge its divinity.¹³ It certainly appears in these passages that Hegel was seeking to persuade us that the modern state is the actualization of God's will in the world. If this is so, it does not bode well for any cosmopolitan sensibility, particularly as Hegel also seems to uphold the rationality of archaic institutions such as the monarchy, the House of Lords, capital punishment and the exclusion of women.

It is now well established that there is another side to Hegel's *Philosophy of Right* which provides a counterpoint to this paean to the state and which characterises "the right of subjective freedom" as the achievement of the modern age:

The state is the actuality of concrete freedom. But concrete freedom requires that personal individuality and its particular interests should reach their full development and gain recognition of their right for itself . . . The principle of modern states has enormous strength and depth because it allows the principle of subjectivity to attain fulfilment in the self-sufficient extreme of personal particularity . . . The essence of the modern state is that the universal should be linked with the complete freedom of particularity and the well-being of individuals . . . Only when both moments are present in full measure can the state be regarded as articulated and truly organised.¹⁴

He views the emergence of subjective freedom as a marker of the difference between the ancient and modern world:

In the states of classical antiquity university was indeed already present but particularity had not yet been released and set at liberty . . .¹⁵

Hegel maintains that the ripples of the modern right of subjective freedom spread not only into economic, legal and political forms (like the declaration of the rights of man and citizen, the institution of trial by jury, the separation of church and state and the system of needs in civil society), but also into the spheres of social and spiritual life: Christianity and the eternal salvation of the individual; romantic love, morality and conscience; the history of art, the sciences and philosophy.¹⁶ It would appear from these passages that for Hegel the right of subjective freedom is the solid ground on which *modern* identities and institutions are based.

¹¹Hegel, *PR*, §257.

¹²Hegel, *PR*, §258A.

¹³Hegel, *PR*, §272A.

¹⁴Hegel, *PR*, §260.

¹⁵Hegel, *PR*, §260A.

¹⁶Hegel, *PR*, §124R.

The difficulty Hegel's text leaves us with is how to reconcile what appear as two quite distinct emphases: on the one hand, state deification; on the other, the right of subjective freedom. In the secondary literature we find various ingenious explanations. Critical Theory places its emphasis on the changing nature of modern capitalism itself. Herbert Marcuse and Theodor Adorno both argue that Hegel *attempted* to reconcile the state with individual freedom but *failed* because he could not confront the class antagonisms determining the future of bourgeois society. The value of the *Philosophy of Right* for them was that it revealed the vulnerability of the individual in the modern world. Marcuse wrote that Hegel ended up turning the state into an object of divine worship in order to achieve social integration in a capitalist society torn apart by class antagonisms. Adorno added that Hegel accurately depicted the fate of the individual in the modern world: one among "an endless procession of bent figures . . . no longer able to raise their heads under the burden of what is."¹⁷

The strength of this reading was to face up to the difficulties presented by Hegel's work and make the move from subjective freedom to state worship dependent on the contradictory nature of capitalist social relations. It contrasts with what may be a stronger tendency today to downplay or reinterpret those passages in the *Philosophy of Right* that refer to the deification of the modern state and emphasize instead the more acceptable aspects of Hegel's text. Shlomo Avineri set the scene for this affirmative reading of Hegel when he reread Hegel's idea of the "rational state" as an antecedent to the social democratic welfare state to come – a state "based on representation, served by a rationally ordered bureaucracy, allowing ample space for voluntary associations, and trying to strike a balance between *homo economicus* and *zoon politikon*."¹⁸

Following on from this important re-assessment, a number of American scholars have read *Philosophy of Right* as a republican treatise that both recognizes the necessity of private rights (because they make possible relations of mutual recognition among autonomous social actors), and the necessity of comprehensive public institutions (to educate individuals in the ethical life of the community as a whole).¹⁹ In this reading, if I am not mistaken, Hegel is put to use as a resource in the struggle against neo-liberalism and its program of freeing the market from political restraints. Hegel reminds us that the aim of liberalism, at least in its classical form, is not to prioritize private rights over social intervention but to find ways of harmonizing

¹⁷Herbert Marcuse, *Reason and Revolution: Hegel and the Rise of Social Theory* (Boston: Beacon Press, 1979), 314; Adorno *Negative Dialectics*, 309.

¹⁸Shlomo Avineri, *Hegel's Theory of the Modern State* (Cambridge: Cambridge University Press, 1972), 240.

¹⁹Drucilla Cornell et al., eds., *Hegel and Legal Theory* (London: Routledge, 1991); Fred Dallmayr, G.W.F. Hegel, *Modernity and Politics* (London: Sage, 1993); Michael Hardimon, *Hegel's Social Philosophy: The Project of Reconciliation* (Cambridge: Cambridge University Press, 1994); Steven Smith, *Hegel's Critique of Liberalism: Rights in Context* (Chicago: University of Chicago Press, 1991).

their co-existence.²⁰ In the more republican interpretations emphasis is placed on the proposition that the freedom of individuals requires active participation in the institutions of the modern *Sittlichkeit*. The question remains, however, how to reconcile a republican reading of Hegel with Hegel's apparent opposition to any politics that threatens to "destroy the absolutely divine principle of the state, together with its majesty and absolute authority"?²¹

It seems to me that the strength of this reading of Hegel is that it confronts asocial conceptions of right deriving from natural law and relocates the idea of right in the infrastructure of modern social and political life. In Robert Pippin's prose, "no account of . . . subjectivity can be complete . . . without a proper appreciation of the nature of [its] dependence . . . on the social world wherein such subjective tasks are formulated and acted on."²² However, it has less to say about the more *étatist* statements in Hegel's text. In the face of such difficulties some commentators simply conclude that there are two Hegels in the text – one *étatist*, the other sensitive to the rights and freedoms of individuals.²³ This reading accepts a fundamental inconsistency in Hegel's philosophy of right and asks us to choose which "Hegel" we prefer. A more integrated approach, which has the advantage of retaining the unity of Hegel's philosophy of right, is to be found in attempts to reconcile Hegel's view of the state as an "earthly divinity" with a non-authoritarian, republican view of political life.²⁴

I would emphasize that the additional cost of breaking up the unity of the text may also be to break up the unity of the system of right itself, that is, the unity of the object of Hegel's investigations. The point, I suggest, is not to distinguish between those aspects of Hegel's political philosophy we like and value and those we don't, but with Hegel to face up to the equivocations of modern political life. Perhaps Walter Benjamin was the most diligent student of Hegel when he put forward the proposition that "there is no document of civilisation which is not at the same time a document of barbarism."²⁵

²⁰Karl Löwith, *From Hegel to Nietzsche: The Revolution in Nineteenth Century Thought*, trans. David Green (New York: Anchor Books, 1967), 43.

²¹Hegel, *PR*, §258R.

²²Robert Pippin, *Hegel's Practical Philosophy: Rational Agency as Ethical Life* (Cambridge: Cambridge University Press, 2008), 239.

²³Andrew Arato, "A Reconstruction of Hegel's Theory of Civil Society," in *Hegel and Legal Theory*, ed. Drucilla Cornell, 301–320; K.-H. Ilting, "Hegel's Concept of the State and Marx's Early Critique," in *State and Civil Society: Studies in Hegel's Political Philosophy*, ed. Z.A. Pelczynski (Cambridge: Cambridge University Press, 1984), 93–113.

²⁴Andrew Buchwalter offers a heterodox reading of the text in "Hegels Begriff des Staates als Irdisch-Göttliches," *Deutsche Zeitschrift für Philosophie*: 56, no. 4: 495–509.

²⁵Walter Benjamin, "Theses on the Philosophy of History," in *Illuminations*, ed. Hannah Arendt (New York: Schocken, 1968), 256.

3.3 Decentering the Modern State

The aim of the *Philosophy of Right*, as Hegel presents it, is not to prescribe what the state ought to be but to understand what the state is. Hegel does not deny all normative intentions but he relegates them beneath his primary objective which is the “scientific treatment” of the modern system of right. His instruction is not to read his text as an expression of his opinions, which he says count for little, but as an attempt to understand “precisely what right is.” The aim of the philosophy of right, as he puts it, is scientific: it is “the comprehension of the present and the actual, not the setting up of a world beyond, which exists God knows where.”²⁶ Hegel placed a lot of emphasis on this instruction. He presented it as representing a leap from one kind of political philosophy to another: “Here is Rhodes; here make the leap.” As Robert Pippin observes, however, later commentators have more often than not discounted Hegel’s instruction and have assumed that Hegel meant to say that “the contemporary state, and even the contemporary Prussian state, was just as it ought to be.”²⁷ There seems to be a resistance on the part of political philosophy to hear Hegel’s instruction and approach his text from the scientific rather than normative viewpoint.

In the Introduction to the *Philosophy of Right* Hegel offers detailed guidance on what a science of right might look like. He maintains that its subject matter, the idea of right itself, is not merely an “eternal idea” in our heads but is out there in the modern world – a historical product of definite historical circumstances. It has a determinate starting point, develops in traceable ways, and is external to our consciousness of it or our feelings about it. The idea of right is in the world of “objective spirit”: spirit and object, concept and its actualization:

The subject matter of the *philosophical science of right* is the *Idea of right* – the concept of right and its actualization. Philosophy has to do with Ideas and therefore not with what are commonly described as *mere concepts*. On the contrary, it shows that the latter are one-sided and lacking in truth The concept and its existence are two aspects (of the same thing), separate and united, like soul and body²⁸

Let us put together Hegel’s instruction to treat his text from a scientific rather than normative viewpoint with his proposition that, taken in isolation, the concept is one-sided and lacking in truth. If we do so, we can understand in a new light Hegel’s identification of the state as an earthly divinity.

I suggest that it was not Hegel’s *opinion* that the modern state is divine and that we *should* worship it as such. According to his own account, what would his opinion count for anyway? Rather it was Hegel’s view that the modern state, notwithstanding its “strength and depth,” is prone to demand of its subjects that they treat it as an earthly God. It is the state that demands veneration of itself, not Hegel who demands

²⁶Hegel, *PR*, 20.

²⁷Pippin *Hegel’s Practical Philosophy*, 269.

²⁸Hegel, *PR*, §1.

eneration of the state. Hegel is not Hobbes. Hobbes expresses the spirit of the modern state when he describes it as the high point of reason.²⁹ But Hegel warns us that the concept of the state, taken in isolation, is one sided and untrue: it reveals a degree of continuity with past absolutism (“the divine rights of kings”) as well as the symptoms of a thoroughly modern megalomania. It is the delusion of the state that it is the March of God on earth.

The actual state, as Hegel saw it, is based on a “complex architectonic”: more like a medieval Cathedral than a classical temple. It configures a plurality of elements: constitution, executive, legislature, political leadership, system of representation, system of rights and so forth. Its rationality lies in the guarantees provided by the various elements of this differentiated “organism” but they too are burdened with their own contradictions: for example, between equal rights and substantive inequalities in civil society; between the claims of representative government to stand for political freedom and the marginal place representation actually occupies within the organism of the state as a whole; between the seeming timelessness of the constitution and its all too human authorship and finality; between the appearance of public interest served by the executive and the private interests and secret powers embodied in the bureaucracy itself. The image of the modern state Hegel presents to us is that of a contradictory and ambivalent rationality.

In the *Philosophy of Right* Hegel does not stop at the state because the world does not stop at the boundaries of the state. In the text he moves from the state to international law and finally to the largely uncharted terrain of World History. At the risk of overstating our case, we might say that the state is not the end of ethical life for Hegel but a “middle” between civil society on one side and world history on the other. In this dialectic the state is not the *telos* of the system but one moment in the system of right as a whole. What may appear as the end of a process of development is but the unfolding of new conflicts and contradictions. As Hegel puts it at the close of his *Philosophy of History*, “Agitation and unrest are perpetuated. This collision, this nodus, this problem is that with which history is now occupied.”³⁰ Hegel present every stage in the development of the idea of right –personality, property, morality, family, civil society, the state, international law – as the actualization of freedom in *one* of its determinations. Each stage gives determinate form to freedom. No particular form of right can be understood except in relation to the system of right as a whole. No particular form of right is absolute: “only the right of the world spirit is absolute in an unlimited sense.”³¹

If Hegel had a normative political credo I would say that it is that we need to learn to live with contradiction and ambivalence in the modern world. He described it as the error of “abstract thought” to elevate one particular form of right over the rest, as

²⁹Hobbes construed the Leviathan as a secular divinity. Its laws can “never be against reason” and every member of society “must acknowledge himself to be the author . . . of whatever he that is already their sovereign shall do and judge fit to be done.”

³⁰G.W.F. Hegel, *Philosophy of History*, trans. J. Sibree (London: Dover, 1956), 452.

³¹Hegel, *PR* §30R.

if freedom were embodied in this particular form alone and all the rest were external to it. Today we can detect this error of abstract thought in doctrines which, for instance, give supreme status to private rights (neo-liberalism), the associational life of civil society (communitarianism), the representative aspect of the state (radical democracy), or the state itself (*étatisme*). We can also see it, as I think Hegel did, in doctrines which turn cosmopolitanism into a “fixed idea” and elevate it as an abstract ideal.³²

Hegel understood that the error of abstract thought can also manifest itself negatively, in what we might call an absolute negativity that expresses itself in a virulent hatred of all legally determined forms of right, law and state:

Hatred of law, of legally determined right, is the shibboleth whereby fanaticism, imbecility, and hypocritical good intensions manifestly and infallibly reveal themselves for what they are, no matter what disguise they may adopt.³³

In opposition to such “false theories” Hegel came to the defense of a more affirmative critique:

The state is not a work of art; it exists in the world . . . and bad behavior may disfigure it in many respects. But the ugliest man, the criminal, the invalid, or the cripple is still a living human being; the affirmative aspect – life – survives in spite of such deficiencies, and it is with this affirmative aspect we are concerned here.³⁴

Hegel acknowledges that all criticism contains a negative aspect and that negativity is an “essential determination” of our freedom and must not be dismissed. The problem arises when negativity is elevated to supreme status. A purely negative conception of freedom, he argues, occurs frequently in history but in the modern world appears concretely in the “active fanaticism of both political and religious life.”³⁵ It proved itself quite compatible with the Reign of Terror in the French Revolution:

This was a time of . . . intolerance towards everything particular. For fanaticism wills only what is abstract, not what is articulated, so that whenever differences emerge, it finds them incompatible with its own indeterminacy and cancels them. This is why the people, during the French revolution, destroyed once more the institutions they had themselves created, because all institutions are incompatible with the abstract self-consciousness of equality.³⁶

The pretext put forward for the aim of destruction may well be the construction of a new world order, but the target of Hegel’s critique is a conception of freedom that is fundamentally destructive.

Whatever such freedom believes that it wills can in itself be no more than an abstract representation and its actualization can only be the fury of destruction.³⁷

³²Hegel, *PR* §209R. See also *PR*, Preface, 20.

³³Hegel, *PR*, §258 footnote.

³⁴Hegel, *PR*, §258.

³⁵Hegel, *PR*, §5A.

³⁶Hegel, *PR*, §5A.

³⁷Hegel, *PR*, §5.

In such negative absolutism self-determination, as Hegel put it, becomes “sheer restless activity which cannot yet arrive at something *that is*.”³⁸ It may be noted in passing that the affinity of Hannah Arendt's analysis of totalitarian tendencies in modern politics to Hegel's critique of negative freedom is striking, even if it was not, as far as I know, acknowledged by Arendt herself.³⁹

3.4 Hegel's Critique of Kant's Cosmopolitanism

Let us now turn more directly to Hegel's critique of Kant's cosmopolitanism. Hegel's *Philosophy of Right* may be read in large measure as a response to Kant's *Metaphysics of Justice*. One of the strengths Hegel saw in Kant's work lay in the systematic character of the methodology he employed. Kant understood that rights comprise a system and in his analysis of this system he moved from its simplest elements to increasingly more complex and concrete forms. Thus he began with private law, moved onto public law, thence to international law and finally to cosmopolitan law. According to Kant, the actual historical development of private and public law, at least in republican states, was far in advance of that of international and cosmopolitan law. The development of international and cosmopolitan law was for Kant the next logical step: not in the sense that it would *displace* the already existing forms of law, but in the sense that the freedom of the subject requires the system of right as a whole to be in place.⁴⁰ The concrete freedom of individuals is dependent not only on the existence of private rights but also on the formation of republican states, the creation of legal and peaceful relations between states, and the institution of cosmopolitan rights for non-citizens. In a world

³⁸Hegel, *PR*, §108A. In the first half of the twentieth century the “Hegelian” philosopher, Giovanni Gentile, coined the term “totalitarian” to express the idea of “total freedom” in which the self-realisation of the individual is identified with the universality of a “comprehensive, all embracing, pervasive . . . total” state. See Richard Bellamy, *Modern Italian Social Theory* (Cambridge: Polity, 1988). Gentile's “actualist” philosophy exemplifies the error of abstract thought Hegel alerted us to: to elevate the concept of the state into an abstract ideal, raise the state to supreme status, and demand it be actualized.

³⁹See Robert Fine “Judgment and the Reification of the Faculties: a Reconstructive Reading of Arendt's *Life of the Mind*,” *Philosophy and Social Criticism* 34, no. 1–2 (2008): 157–176.

⁴⁰T.H. Marshall wrote in a not dissimilar vein of a movement from civil rights to political rights to social rights that has characterised modern constitutional states. He assigned them broadly to the evolution of constitutional states in the eighteenth, nineteenth and twentieth centuries. His distinctive contribution has less to do with his much criticized evolutionary claims than with the argument that modern citizens are only full citizens if they possess all three kinds of right. We can view the idea of *human* rights as a further stage in the development of the idea of right itself. The emergence of human rights should not be understood as making obsolete less developed legal forms. It supplements civil, political and social rights associated with the nation state. See T.H. Marshall, *Citizenship and Social Class and Other Essays* (Cambridge: Cambridge University Press, 1950).

in which millions of individuals engage in international commerce, migration and travel as well as flight from oppression and poverty, where “the peoples of the earth have entered in varying degrees into a universal community,” freedom requires a complex framework of private and public laws within, international laws between, and cosmopolitan rights across states. It requires that not only should nationals have the “rights of man and citizen” but that all individuals should have the right as “citizens of the world” to visit other countries, initiate communication with other peoples, try to engage in commerce with them, and appeal to them for help.

Kant’s opposition to a world state was grounded precisely in the systematic character of his philosophy of right. The role of the Federation of Nations was not to annul the sovereignty of states but to confront the *cult of sovereignty* states demand of subjects.⁴¹ The point was not to abolish sovereignty but to make it relative. In the non-European world the problem was that sovereignty was not at all respected by colonial states and corporations. In a world of multiple interconnections the hubris of European states had to be contained within legal bounds. The rights of man and citizen could no longer stop at the gates of the city.⁴²

It seems to me that Hegel fully endorsed Kant’s insight that every sphere of right must have its due in the system of right as a whole, that the system of right must be extended beyond its national limitations, and that this process of sublation (*Aufhebung*) was not just one of overcoming but also of reconstitution. Hegel’s critique of what we might call the fetishism of the modern state, its claim to divine status, was deeply indebted to Kant’s normative political philosophy, even though he criticized the *a priori* methodology that lay at its roots. Hegel understood that the idea of right is a social form of the subject in the modern world, not a deduction from the postulates of practical reason, and that the juridical categories Kant claimed to “deduce” from the postulates of practical reason were in fact based on categories of Roman law.⁴³ He observed, for example, that one of the limitations of this approach had to do with Kant’s inability to distinguish between civil society and the state.⁴⁴ It was not possible within the framework of Roman Law to understand civil society in its modern form, as a de-traditionalized society separated on one side from the family and on the other from the state, because this relatively independent sphere of social life only came into being with the development of modern urban society.

Hegel also criticized Kant’s tendency to think that the only rational way of dealing with problems is to “sweep away the inherited clutter from traditions, clean the slate and start again from scratch.”⁴⁵ Kant argued that the tradition

⁴¹Garrett Brown, “State Sovereignty, Federation and Kantian Cosmopolitanism,” *European Journal of International Relations* 11, no. 4 (2005): 495–522.

⁴²Sankar Muthu, *Enlightenment against Empire* (Princeton: Princeton University Press, 2003).

⁴³Gillian Rose, *Hegel Contra Sociology* (London: Athlone, 1981), 84.

⁴⁴Manfred Riedel, *Between Tradition and Revolution: The Hegelian Transformation of Political Philosophy*, trans. Walter Wright (Cambridge: Cambridge University Press, 1984).

⁴⁵Stephen Toulmin, *Cosmopolis: The Hidden Agenda of Modernity* (Chicago: University of Chicago Press, 1992), 175.

of international law merely painted a legal gloss on a system in which rulers granted themselves the licence to go to war as they pleased, use any means of warfare necessary, exploit newly discovered colonies as if they were lands without people, and treat foreigners as aliens without rights. Kant presented himself as breaking radically from this tradition. Hegel observed that this break was less radical than Kant imagined. The natural lawyers whom Kant lumped together as “sorry comforters” (Grotius, Pufendorf and the rest) were the first to conceive of the unity of the human race in spite of its division into nations and the first to argue that human unity was a natural law even if it went unacknowledged by those who held that the duties of humanity ought to be conferred on compatriots alone. The *ius gentium* they developed stood for legal principles that were binding in the absence of higher authority: treaties had to be respected, states had to recognize one another reciprocally as sovereign, the conduct of war had to preserve the possibility of a future peace.⁴⁶ States were not conceived merely as private persons, as Kant thought, but as members of an international society in which every state was entitled to be recognized as an independent power in the eyes of other states. Hegel pithily observed that when Napoleon declared that “the French Republic is no more in need of recognition than the sun is,” the illusion of self-sufficiency proved his undoing.⁴⁷

Hegel's point, I think, was that in overstating his own break from the natural law tradition, Kant also overstated the break between the envisaged cosmopolitan order – based on international legal norms, an international legal authority and the right of foreigners to “hospitality” – and the existing system of right. The light of the cosmopolitan future may shine all the brighter, the darker one paints the image of the past, but this light can also distort our understanding of the present. Hegel argued, for example that colonialism was more embedded in society than was evident from Kant's predominantly juridical perspective. European states were *driven* to establish colonies by the inability of civil society to prevent an excess of poverty despite its own excess of wealth. The roots of colonialism lay not *only* in the deficiencies of the international legal order but also in the social question at the heart of bourgeois society: “the emergence of a mass of people who cannot gain satisfaction for their needs by their work when production exceeds the needs of consumers.”⁴⁸ Hegel also revealed something of his own normative stance when he commented that the liberation of the colonies would prove to be of great advantage not only to the subjugated peoples themselves but also to the colonial state: “just as the emancipation of slaves is of the greatest advantage to the master.”⁴⁹

Similarly, whilst Kant thought he had provided a legal solution to the problem of wars between European states, Hegel demonstrated that the roots of the problem went deeper into the inner workings of European political community. He pointed out, for example, that whilst republican states may require the consent of the

⁴⁶Hegel, *PR*, §333.

⁴⁷Hegel, *PR*, §331A.

⁴⁸Hegel, *PR*, §246.

⁴⁹Hegel, *PR*, §248.

people to go to war or at least finance war, responsibility for making war and peace and for the command of armed forces usually remains with the rulers and that in any event the people may be more prone to martial enthusiasm than their rulers. He demonstrated that the “rights of man” could be subverted into a duty of unconditional obedience to the nation that grants these rights and that the very rationality of republican institutions could be a source of patriotic identification with them.⁵⁰ In times of war, he argued, when the independence of the state is at risk, popular identification with the state can lead to a situation in which the rights of individuals become a matter of complete indifference compared with the survival of the state.⁵¹ Hegel also maintained that we should not underestimate the utility of wars for modern states: they can serve as means of averting internal unrest and consolidating the power of the state within; they can appear as “ethical” because they elevate the interests of the community over the private interests of individuals; they can appear justified by the feeling that one has suffered an injury from another state or that the security of the people is at risk. Once we explore the inner relations of the modern state, the ratcheting of cosmopolitan laws and institutions onto these raw materials is revealed as far more difficult than is apparent within the Kantian schema.

3.5 Beyond Natural Law

Kant’s philosophy of right was self-consciously within the natural law tradition. Natural law, he wrote, provides “the immutable principles on which all positive legislation must rest.”⁵² Kant sought to give natural law a *critical form* by arguing that natural laws are laws to which “an obligation can be recognised *a priori* by reason without external legislation,”⁵³ and a *critical content* by deducing the necessity of cosmopolitan laws from the postulates of practical reason. Kant took a huge step forward in advancing a relational theory of right as “the sum of those conditions within which the will of one person can be reconciled with the will of another in accordance with a universal law of freedom.”⁵⁴ His insight was to see that individuals can be free only in relation to others and that this is possible only through the medium of law.

Hegel recognized that Kant laid the foundation for a critical philosophy of right but argued that the project of simply cancelling the empirical world in favor of

⁵⁰Hegel, *PR* §268.

⁵¹Hegel, *PR*, §145.

⁵²Kant, *Political Writings*, ed. Hans Reiss, trans. H.B. Nisbet (Cambridge: Cambridge University Press, 1991), 132.

⁵³Immanuel Kant, *The Metaphysical Elements of Justice*: part 1 of *The Metaphysics of Morals*, trans. John Ladd (Indianapolis: Bobbs-Merrill, 1965), 26.

⁵⁴Kant, *Metaphysical Elements of Justice*, Intro §B.

the *a priori* allows for definite social institutions to be “smuggled in.” By turning relations of bourgeois society into the *a priori* condition of social organisation – or more specifically into the *a priori* condition of the asocial form of sociality that results from a multitude of conflicting interests – Kant turned bourgeois society into his hidden premise. As a consequence, Kant’s relational theory of right was limited by its individualistic assumptions. Hegel argued that the essential element of Kant’s definition of right was “the *limitation* of my freedom or *arbitrary will* in such a way that it may coexist with the arbitrary will of everyone else in accordance with a universal law.”⁵⁵ Since this conception of right contains only a *negative* determination, the limitation of my will by the arbitrary will of others, what was advanced as “rational” may appear merely as a limitation on my freedom and give rise to the demand that this limitation be abolished. An individual self-consciousness can equally well give precedence to the “arbitrariness of its own particularity,” for once the principle is accepted that the idea of “doing as you please” is the main aim of life and that law is a “perennial and hostile struggle against one’s own satisfaction,” the path is prepared for treating all legal determination as a limitation on my freedom.⁵⁶ At the level of inter-state relations, every state could consider legal determination to be a limitation on its freedom and treat legal indeterminacy as the only true freedom on the international stage.

I think that in Hegel’s eyes this conception of right compromised Kant’s analysis of the system of right as a whole, including its cosmopolitan moments. Kant offers a *roughly* accurate account of the forms of the modern state (albeit failing to distinguish between state and civil society) only to convert them into the juridical postulates of practical reason. He imposed his own “ought” onto the world. The modern state is a necessity everyone *must* recognize. The unilateral will of individuals must give way to a “collective, universal and powerful Will” actualized in the state. The people must obey the laws of the state once they have entered into a “civil condition.”⁵⁷ The duty of the citizen is to “endure even the most intolerable abuse of supreme authority.” The “well-being of the state” must not be confused with “the welfare or happiness of the citizens of the state.”⁵⁸ The limitation Hegel found in Kant’s critical philosophy was that it was not critical enough: in refusing to consider the subjective dispositions of individuals, it could not resist the temptation to impose a utopian blueprint on them.

Kant’s cosmopolitanism expressed an awareness that the cosmopolitan ideals that lit up the dawn of the French revolution had succumbed to war, xenophobia, colonial adventures and unbridled nationalisms.⁵⁹ Kant kept faith with the cosmopolitan ideals of the revolution by arguing that longer-term historical tendencies were conducive to their revival: in a commercial age peace is more profitable than

⁵⁵Hegel, *PR*, §29.

⁵⁶Hegel, *PR* §139.

⁵⁷Kant, *Metaphysical Elements of Justice*, §8.

⁵⁸Kant, *Metaphysical Elements of Justice*, §86.

⁵⁹Julia Kristeva, *Strangers to Ourselves* (New York: Columbia University Press, 1991).

war or pillage; as European states arm themselves, the escalating risks and costs of war would threaten to ruin their rulers; as the enlightenment and empowerment of republican citizens grow, so too making peace would become a demand from below. Kant acknowledged countervailing tendencies, not least the shallowness of what is called “the civilizing process,” but his faith remained that the “germ of enlightenment necessarily evolves toward a universal end.”⁶⁰ He also acknowledged that the education Nature offers us is “harsh and stern”: the means it employs “to bring about the development of innate capacities is that of antagonism with society”; it can only teach us by way of “great hardships” even to the extent of nearly destroying the human race. And yet Kant’s obstinacy was to insist that “the universal end is guaranteed by no less an authority than the great artist *Nature* herself.”⁶¹

It seems to me that Kant’s metaphysics offers us a far from comforting vision of humanity’s future: split, as it was, into extremes of pessimism and optimism. We find a similar split in political thought today. On the one hand, the so-called “human rights revolution” has given rise to the feeling that at last we are entering a cosmopolitan age. In the not too distant past international law operated largely in terms of treaties and other agreements between sovereign states; the idea of republican statehood was restricted to Europe and America; the rest of the world was under imperial control or outside world society altogether; there was no United Nations and no concept of human rights as such. Today by contrast it might appear that Kant’s vision of a cosmopolitan condition is finally taking root. On the other hand, the gulf between this image of an age of cosmopolitanism and the actual world of vast financial, military and ecological risks has given rise to a deep scepticism about the cosmopolitan project and indeed the very idea of a “universal humanity.”

To my mind, re-reading Hegel today allows us to recover our footing: not to look down on the existing world of rights, laws, states and global institutions from a great height and declare them without value; but neither to elevate cosmopolitanism into yet another abstract ideal. We should try to *understand* newly emergent forms of right before we judge them right or wrong. The panoply of human rights, world courts, international criminal laws, global institutions, anti-torture conventions and so forth are now, for better or for worse, part of our social world. Their existence is a fact. There is no going back to a time prior to their emergence without invoking the spectre of barbarism. Their present-day necessity lies in addressing the heinous crimes that hide behind the mask of absolute sovereignty. They are emergent forms of political modernity and have come into existence because they are useful in relation to our needs.⁶² They have entered into what Hegel called “the *ceaseless* turmoil of . . . passions, interests, ends, talents and virtues, violence, wrongdoing and vices” which marks the texture of our political life.⁶³

⁶⁰Kant, *Political Writings*, 50.

⁶¹Kant, *Political Writings*, 114.

⁶²Hegel, *PR*, §209A.

⁶³Hegel, *PR*, §340, my emphasis.

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Chapter 4

Between Statism and Cosmopolitanism: Hegel and the Possibility of Global Justice

Thom Brooks

4.1 Introduction

Strictly speaking, Hegel pays relatively scant attention to the subject of global justice in the *Philosophy of Right* covering about a dozen pages in one of the text's shortest sections and far shorter than his treatment of domestic politics.¹ The duties of citizens seem to extend only to one another and not cross state boundaries. Those of us looking to develop compelling theories of global justice may believe that Hegel's stated views on the subject offers us little assistance. Perhaps unlike the other contributors to this volume I would agree. However, I believe there is much more to the story than this. I will argue that we should separate two different understandings we can derive from a close study of Hegel's *Philosophy of Right*. The first reading is an understanding of Hegel's stated positions in the area of global justice. The second reading is an understanding of a *Hegelian* position which differs from Hegel's stated views, but developed from resources within Hegel's political philosophy. I will argue for a greater engagement with the second reading which I believe offers us real promise in taking an interesting position between statist and cosmopolitan theories of global justice. Therefore, strictly speaking, Hegel's stated position may offer little possibility of global justice, but a Hegelian position reconstructed using resources from Hegel's political philosophy offers us the possibility of global justice in a compelling form.

My discussion will proceed in the following way. First, I will present Hegel's theory of international affairs and explain its limitations as a theory of global justice.

¹See G.W.F. Hegel, *Elements of the Philosophy of Right*, ed. A. Wood, trans. H.B. Nisbet (Cambridge: Cambridge University Press, 1991) [hereafter *PR*], §§321-40.

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Secondly, I will consider the statist position of David Miller and the cosmopolitan positions held by Martha Nussbaum and Thomas Pogge. My argument will be that these different camps share something important in common. Thirdly, I will then argue that Hegel's political philosophy can offer us resources by which he, too, can claim similar commonality and may even help better ground it. The discussion will close with a consideration of wider importance of my claims.

4.2 Hegel on International Relations

Hegel understands conflict arising between states as part of his more general theory of international relations.² This theory is composed of three related, but different, claims. First, each state is an independent, self-sustaining agent. Secondly, these independent states exist together within an anarchical state of nature where conflict between states is inherent. Thirdly, states only achieve full sovereignty when they are recognized as such by other states in the international system. In this section, I will examine more closely these three claims of Hegel's international relations and how they each contribute to Hegel's understanding of how conflicts arise between states. If I am correct that these three claims are supported by Hegel, then we can safely establish that Hegel's theory of international relations is a realist theory of international relations. I will conclude the section with a discussion of the further importance of this position for global justice.

4.2.1 *The State as an Independent, Self-sustaining Agent*

For Hegel, the state is conceived of as a self-sufficient and independent agent.³ Hegel is not referring to any state in particular, such as England or Prussia at his time.⁴ Instead, he is trying to capture essential characteristics found in all states.⁵ Not every state will have these characteristics to the same degree, as some states will

²This section borrows from Thom Brooks, *Hegel's Political Philosophy: A Systematic Reading of the Philosophy of Right* (Edinburgh: Edinburgh University Press, 2007), 115–20, 174–77.

³See Hegel, *PR*, §332: "independent states are primary wholes which can satisfy their own needs internally." See also *ibid.*, §§259A, 332, 330A; 331; G.W.F. Hegel, *Lectures on Natural Right and Political Science: The First Philosophy of Right, Heidelberg 1817–1818 with Additions from the Lectures of 1818–1819*, trans. J.M. Stewart and P. Hodgson (Berkeley: University of California Press, 1995) [hereafter *LNR*], §161R; and G.W.F. Hegel, *Hegel's Aesthetics: Lectures on Fine Art, vol. II*, trans. T.M. Knox (Oxford: Oxford University Press, 1975), 1061.

⁴See Hegel, *PR*, §258A.

⁵See G.W.F. Hegel, *Hegel's Science of Logic*, trans. A.V. Miller (Amherst: Humanity Books, 1969/1999), 757: "The worst state, one whose reality least corresponds to the concept [*Begriff*] [of a State], insofar as it still exists, is still Idea" (translation modified).

embody them more fully than others. For example, states that are truly self-sufficient and independent are considered to be more developed than states that depend upon others for their survival.⁶

Another example is the degree to which certain political institutions, such as constitutional monarchy, are represented in the state.⁷ This is because, for Hegel, only a monarchy can lend the state a necessary, organic unity as an individual “one.”⁸ Without such unity, the state can be conceived as nothing more than an aggregate of competing interests. The monarch can represent *all* citizens in a way that elected representatives cannot. Hegel says:

the usual sense in which the term “popular sovereignty” has begun to be used in recent times is to denote *the opposite of that sovereignty which exists in the monarch*. [As conceived] in this opposition [*in diesem Gegensatz*] [to the sovereignty of the monarch], popular sovereignty is not one of those confused thoughts which are based on a *garbled notion* [*Vorstellung*] of the *people*. Without its monarch and that *articulation* of the whole which is necessarily and immediately associated with monarchy, *the people* is a formless mass.⁹

In other words, Hegel objects to the use of elections in choosing the head of state because it runs counter to his view of the state as organic. Rather, the head of state is a necessary part of the just state and beyond all particular interests of the citizenry.¹⁰ Thus, states that are not yet functioning constitutional monarchies, for Hegel, are less developed states than those which are.

As independent agents, states relate to one another as best suits their individual interests. For Hegel, the state’s own welfare is its priority in its relation with other states.¹¹ Hegel speaks of these states as “individuals.”¹² Individual human beings differ from states insofar as only human beings are interdependent, relying on their manifold relations with other persons within the state in order to satisfy their needs.

⁶See Hegel, *LNR*, §160.

⁷See G.W.F. Hegel, *The Encyclopaedia Logic: Part I of the Encyclopaedia of Philosophical Sciences with the Zusätze*, trans. T.F. Geraets, W.A. Suchting, and H.S. Harris (Indianapolis: Hackett, 1991), §80A and Thom Brooks, “No Rubber Stamp: Hegel’s Constitutional Monarch,” *History of Political Thought* 28 (2007): 91–119.

⁸See G.W.F. Hegel, *Hegel’s Philosophy of Mind: Part Three of the Encyclopaedia of the Philosophical Sciences (1830)*, trans. A.V. Miller (Oxford: Clarendon, 1971) [hereafter *PM*], §524R.

⁹Hegel, *PR*, §279R (translation modified).

¹⁰This is not to say that Hegel denies the expression of these particular interests in the state. Indeed, the representation of individual interests is reserved for Hegel’s legislative body. However, it is to say that Hegel’s head of state cannot be an elected official. (See Hegel, *PR*, §§201–6, 298–318.)

¹¹Hegel, *PR*, §336.

¹²In this way, Hegel can be thought to avoid “the domestic analogy” that “states: international relations = individuals: domestic realm” that some have found problematic. (See Chiara Bottici, “The Domestic Analogy and the Kantian Project of *Perpetual Peace*,” *Journal of Political Philosophy* 11 (2003): 392–410.)

The persons who decide which international policies best promote the state's interests are the monarch and his cabinet, a fact overlooked by most interpreters.¹³ Hegel says:

The outward orientation of the state derives from the fact that it is an individual subject. Its relationship with other states therefore comes under the *power of the sovereign* [*die fürstliche Gewalt*], who therefore has direct and sole responsibility for the command of the armed forces, for the conduct of relations with other states through ambassadors, etc., and for making war and peace, and [enter into] concluding treaties of other kinds [*und andere Traktate zu schließen*].¹⁴

The monarch and his cabinet as “the power of the sovereign” represent the state because, for Hegel, states relate to one another as independent, individual subjects.¹⁵ All decisions relating to foreign affairs are decided by the monarch and the relevant member of his cabinet, whom the monarch may replace at will. The legislature does not approve decisions to go to war, although they alone must approve setting, collection, and spending of public taxes.¹⁶ With the monarch at the state's head, Hegel can say: “In this determination, the state has *individuality*, which essentially exists as an individual and, in the sovereign, as an actual and immediate individual.”¹⁷ As a result, states relate to each other not only as individual agents, but through a particular individual that represents the organic unity of the state: the monarch.

4.2.2 Anarchy

Hegel believed that individual relations are characterized by anarchy.¹⁸ This anarchy is largely a product of the fact that, as states are independent agents, there is not a higher authority to regulate the relations between states.¹⁹

¹³The few exceptions include David Boucher, *Political Theories of International Relations: From Thucydides to the Present* (Oxford: Oxford University Press, 1998), 343 and Kenneth R. Westphal, “The Basic Context and Structure of Hegel's *Philosophy of Right*,” in *The Cambridge Companion to Hegel*, ed. Frederick Beiser (Cambridge: Cambridge University Press, 1993), 260.

¹⁴Hegel, *PR*, §329 (translation modified).

¹⁵See Hegel, *PR*, §§329, 331.

¹⁶See Hegel, *PM*, §544 and Hegel, *PR*, §301A.

¹⁷Hegel, *PR*, §321 (translation modified) [“*Der Staat hat in dieser Bestimmung Individualität, welche wesentlich als Individuum, und in Souverän als wirkliches, unmittelbares Individuum ist.*”]

¹⁸See Hegel, *LNR*, §161.

¹⁹See Hegel, *PR*, §333R: “There is no praetor to adjudicate between states.”

Hegel's position is indebted to that of Hobbes.²⁰ For Hobbes, states exist side by side as independent agents in a state of nature.²¹ This state of nature "is a condition of War" of one versus all.²² Hobbes says:

To this warre of every man against every man, this is also consequent; that nothing can be Unjust. The notions of Right and Wrong, Justice and Injustice have there no place. Where there is no common Power, there is no Law: where no Law, no Injustice.²³

Thus, for Hobbes, conflict arises naturally when there is an absence of any governing authority that can settle disputes. In addition, these disputes are not matters of law nor justice as either would entail a legitimate power.

Likewise, Hegel thought states existed in "a state of war" resulting from anarchy.²⁴ Such conflicts arise naturally: "wars must be regarded as necessary because independent peoples exist alongside one another."²⁵ Hegel is not justifying war, only describing one essential feature of wars in general. Without any governing authority in the international sphere, there is no institution that a state can appeal to if a dispute should arise between another state and itself. Instead, states must solve such disputes by themselves. One manner of resolving difference is by waging war.²⁶ These wars should not be considered as "an absolute evil [*Übel*]."²⁷ Following Hobbes, this is because, for Hegel, "it is just not possible to say anything against wars since states are opposed to one another as individuals living in nature [*Naturindividuen*]."²⁸ Conflict between states is a natural by-product of the state of nature that all states find themselves in. It is not good or evil in itself. In a phrase, just as we might say "life happens" we can say "war happens." The existence of war is akin to the existence of love, friendship, and loss: they are all a part of the human condition.

None of this entails that states cannot agree to treaties or any other kind of agreement with one another. Indeed, it may well be true, following Alexander Wendt, that "anarchy is what states make of it."²⁹ Rather, all that is entailed is that

²⁰For example, see J. N. Findlay, *Hegel: A Re-examination* (London: George Allen & Unwin, 1958), 326; Herbert Marcuse, *Reason and Revolution: Hegel and the Rise of Social Theory* (2nd ed.) (London: Routledge & Kegan Paul, [1941] 1955), 222; John Plamenatz, *Man and Society*, vol. 2 (New York: McGraw Hill, 1963), 260–61; and Hugh A. Reyburn, *The Ethical Theory of Hegel: A Study of the Philosophy of Right* (Oxford: Clarendon, 1921), 256.

²¹See Thomas Hobbes, *Leviathan*, ed. Richard Tuck (Cambridge: Cambridge University Press, [1651] 1996), 244 [chapter 31].

²²See Hobbes, *Leviathan*, 111 [chapter 16].

²³Hobbes, *Leviathan*, 90 [chapter 13].

²⁴See Hegel, *PM*, §545.

²⁵See Hegel, *LNR*, §160R.

²⁶See Hegel, *LNR*, §162 and Hegel, *PR*, §§333R, 334.

²⁷Hegel, *PR*, §324R.

²⁸Hegel, *LNR*, §162R.

²⁹See Alexander Wendt, "Anarchy is What States Make of It: The Social Construction of Power Politics," *International Organization* 46 (1992), 391–425 and also Alexander Wendt,

these treaties require no greater obligation than that they “ought to be [*Sollen*]” adhered to—although states need not do so.³⁰ That is, states “ought” to make good their promises to one another. However, each state is an independent agent and, as such, decides for itself whether it will continue to honour its particular agreements. If it elects to discontinue an agreement, the state may have broken its promise to another state, but it has not contravened right and there is no higher authority that may punish it.

4.2.3 *Relations Between States*

As we have seen above, Hegel conceives of the state as an independent, self-sufficient agent that exists alongside other states in a state of nature. In addition, Hegel says:

Without relationship [*Verhältnis*] with other states, the state can be no more an actual individual [*Individuum*] than an individual [*der Einzelne*] [human being] can be an actual person without a relationship [*Relation*] with other persons. On the other hand, the legitimacy of a state, and more precisely—insofar as it has external relations—of the power of its sovereign, is a purely internal matter.³¹

Every state has legitimacy insofar as it is a state, i.e. an independent, self-sufficient agent.

Some commentators claim that relations between states are akin to Hegel’s discussion of the master and slave found in his *Phenomenology of Spirit*,³² where Hegel says: “it is only through staking one’s life that freedom is won. . . . The individual who has not risked his life may well be recognized as a persons, but he has not attained to the truth of this recognition as an *independent* of self-consciousness.”³³ Thus, these commentators believe the state might likewise be thought to gain complete freedom only by putting its existence at risk in a struggle for recognition from other states. If the state can do this and survive, it attains a higher level of acknowledgment as an independent, sovereign entity.

“Collective Identity Formation and the International State,” *American Political Science Review* 88 (1994), 384–96; and Alexander Wendt, *Social Theory of International Politics* (Cambridge: Cambridge University Press, 1999). For the opposite view of anarchy, see Kenneth N. Waltz, *Man, the State, and War: A Theoretical Analysis* (New York: Columbia University Press, [1959] 2001), 160.

³⁰See Hegel, *PR*, §333.

³¹Hegel, *PR*, §331R (translation modified).

³²For example, see Boucher, *Political Theories of International Relations*, 342–44. On the master and slave example, see G.W.F. Hegel, *Phenomenology of Spirit*, trans. A.V. Miller (Oxford: Oxford University Press, 1977), 111–19. See also an illuminating account of the master and slave by Robert Stern in his masterful *Hegel and the Phenomenology of Spirit* (London: Routledge, 2002), 71–85.

³³Hegel, *Phenomenology of Spirit*, 114.

The main difficulty with this view is the fact that Hegel nowhere suggests that states must engage in struggle in order to achieve full sovereignty.³⁴ Nor must states engage in a struggle for recognition.³⁵ In fact, again, in the *Philosophy of Right*, he says that “the legitimacy of the state . . . is a purely internal matter,” independent of the views of other states.³⁶ For these reasons, I do not believe the master and slave analogy is applicable at all to Hegel’s views on international relations. States do not need to ever enter into a struggle with other states in order to attain full sovereignty.

It is also important to note that the relation between states in the international sphere is rather different from the relation between individual persons in civil society. Hegel says:

In civil society, each individual is his own end, and all else means nothing to him. But he cannot accomplish the full extent of his ends without reference to others; these others are therefore the means to the end of the particular [person]. But through its reference to others, the particular end takes on the form of universality, and gains satisfaction by simultaneously satisfying the welfare of others.³⁷

Thus, on the one hand, states are conceived to be self-sufficient and independent agents. Any state that does rely on other states for its survival is degenerate to some degree. On the other hand, individuals are interdependent agents. It is then incorrect to think that the relations between individuals in civil society are analogous to the relations between states in international relations.³⁸ States do not exist interdependently: only individuals within a state exist interdependently.

4.2.4 Hegel’s Realism in International Politics

Hegel’s theory of international relations has been correctly thought by many to fit comfortably within the school of realist international political theory.³⁹ For example, E. H. Carr says:

³⁴The relevant passage—found in Hegel, *PM*, §435A—occurs in the section “Acknowledging Self-consciousness [*Das anerkennende Selbstbewußtsein*]” within Hegel’s discussion of “Consciousness as Such [*Das Bewußtsein als solches*]” in the ‘Phenomenology of Spirit’ “[*Die Phänomenologie des Geistes*]” section of his *Encyclopaedia of the Philosophical Sciences*.

³⁵See Hegel, *PM*, §432A.

³⁶See Hegel, *PR*, §331R.

³⁷Hegel, *PR*, §182A.

³⁸I therefore disagree rather strongly with Hans-Martin Jaeger. (See Thom Brooks, “Hegel’s Theory of International Politics: A Reply to Jaeger,” *Review of International Studies* 30 (2004), 149–52 and Hans-Martin Jaeger, “Hegel’s Reluctant Realism and the Transnationalisation of Civil Society,” *Review of International Studies* 28 (2002): 497–517.

³⁹For example, see David Boucher, “British Idealist International Theory,” *Bulletin of the Hegel Society of Great Britain* 31 (1995), 73 (“Hegel’s ill-deserved, but not wholly unfounded, reputation as a brutal realist”); Brooks, “Hegel’s Theory of International Politics,” 149–52; Kimberley Hutchings, *International Political Theory: Rethinking Ethics in a Global Era* (London: Sage, 1999), 94 (Hegel “is acknowledged as a key figure in realism”). See also Chris Brown, Terry Nardin, and Nicholas Rengger, eds., *International Relations in Political Thought: Texts from the*

The realist view that no ethical standards are applicable to relations between states can be traced from Machiavelli through Spinoza and Hobbes to Hegel, in whom it found its most finished and thorough-going expression.⁴⁰

Thus far, I have argued that Hegel's theory of international relations is a thoroughgoing *realist* theory of international relations. To further clarify, contemporary theorists ascribe four primary characteristics to realism:⁴¹

1. States are primary actors and behave as unitary-rational agents.⁴²
2. Relations between states are akin to a state of nature.⁴³
3. Agreements between states are only temporary, as there is no higher adjudicator.⁴⁴
4. The state is the ultimate unit of social and political life.⁴⁵

I have tried to demonstrate how Hegel adopts all four of these theses. States are independent, self-sufficient agents that relate to one another in a state of nature and without any governing authority to manage their disputes, as the state is the highest form of political life.⁴⁶ When disputes arise between states, they can only resort to war when negotiations fail (or are undesirable).

It is important to acknowledge Hegel's political realism in order to best understand how his views on international politics cohere with global justice. In short, strictly speaking, Hegel's theory of international politics does not offer us an attractive theory of global justice.⁴⁷ Often theories of global justice offer us an

Ancient Greeks to the First World War (Cambridge: Cambridge University Press, 2002), 462, 465 and Chris Brown, *International Relations Theory: New Normative Approaches* (New York: Columbia University Press, 1992), 66.

⁴⁰Edward Hallett Carr, *The Twenty Years' Crisis 1919–1939: An Introduction to the Study of International Relations* (London: Macmillan, 1962), 153.

⁴¹See Brooks, "Hegel's Theory of International Politics," 149.

⁴²See Joseph M. Grieco, *Cooperation Among Nations: Europe, America, and Non-Tariff Barriers to Trade* (Ithaca: Cornell University Press, 1990), 3–4.

⁴³See Kenneth N. Waltz, *Theory of International Politics* (Reading: Addison-Wesley, 1979), 102.

⁴⁴See Waltz, *Theory of International Politics*, 79–128.

⁴⁵See Waltz, *Theory of International Politics*, 93–94; Robert O. Keohane, "Theory of World Politics: Structural Realism and Beyond," in *Neorealism and Its Critics*, ed. Robert O. Keohane (New York: Columbia University Press, 1986), 163–65.

⁴⁶I therefore disagree with David Boucher who argues that "any resemblance between the conclusions of Hegel and those of the Realists will be to some extent coincidental . . . [because Hegel] rejects the philosophical foundations of Realism, that is, the use of nature as a criterion of conduct." (Boucher, *Political Theories of International Relations*, 339.) I disagree because it seems clear on my reading that Hegel does not, in fact, reject realism, in endorsing realism's four main characteristics. If I am correct to argue that Hegel does support this view of realism, then it is difficult to see why precisely we would be mistaken to understand his theory of international relations as a *realist* theory of international relations even if we found insubstantial differences between Hegel's views and the views of other realists.

⁴⁷On global justice, see Thom Brooks, ed., *The Global Justice Reader* (Oxford: Blackwell, 2008).

account of any duties (positive or negative) that some states or peoples may have to others.⁴⁸ Yet, there is no such account to be found in Hegel's *Philosophy of Right*.

For Hegel, my duties as a citizen end at the state's boundary. I may exercise any number of duties to fellow compatriots, but there are at least no clear duties to compatriots of foreign states. Again, this fits within his understanding of politics whereby my state is the ultimate unit of social and political life in the absence of any higher form of governance beyond my state. This is *not* to argue that there is no understanding of an international ethics in Hegel's *Philosophy of Right*. On the contrary, there exists at least some ethical relations between states that ought to be honored by all states even in the absence of a higher governing body. One example is that we should respect ambassadors.⁴⁹ Nevertheless, Hegel offers few other examples and, in any event, these examples indicate only a fairly thin understanding of global ethics. Our conclusion must be that Hegel's theory of international politics offers us an unattractive theory of global justice.

This is far from the end of the story for I believe that there remain resources within Hegel's political philosophy that can be brought to bear in an attractive theory of global justice. Let us now turn to this now.

4.3 Bringing Together Statism and Cosmopolitanism

In this section, I want to change gears slightly. We have now seen that *Hegel's* stated theory of international politics perhaps offers us limited usefulness as a theory of global justice. This is primarily in the fact that my duties, on his view, are to others within my political community alone. I do not have duties to others beyond my state, nor does my state have duties to other states.

Now I want to change our focus to leading figures in two rival camps: statists, *a la* David Miller, and cosmopolitans, *a la* Martha Nussbaum and Thomas Pogge. My argument will be that there is an interesting common ground between statists and cosmopolitans concerning the importance of identity.⁵⁰ However, this common ground might be developed further. In the following Sect. 4.4, I will explain how Hegel may offer us useful resources to further develop this common ground, the space between statism and cosmopolitans.

Let us begin by identifying two polar opposites. The first view we might call *universal cosmopolitanism* (or even *extreme cosmopolitanism*). This view argues that all persons should be treated equally. For example, if we were faced with a

⁴⁸For example, see David Miller, *National Responsibility and Global Justice* (Oxford: Oxford University Press, 2007) and Thomas Pogge, *World Poverty and Human Rights*, 2nd ed. (Cambridge: Polity, 2008).

⁴⁹See Hegel, *PR*, §338.

⁵⁰My understanding of identity and global ethics is indebted to the work of my dear friend, Bhikhu Parekh. (See Bhikhu Parekh, *A New Politics of Identity* (Basingstoke: Palgrave Macmillan, 2008).)

situation where we could save only one of two persons in need of rescue, then universal cosmopolitans would say that we cannot prioritize the safety of one person over any another. We cannot prioritize one person over another because doing so would fail to treat all persons equally. A second view we might call *atomistic individualism*. This is an extreme form of non-cosmopolitanism which claims that the only person with relevant moral weight is myself and no one else. Thus, we should prioritize someone over all others, namely, oneself.

Both universal cosmopolitanism and atomistic individualism are extreme positions that few, if anyone, would accept. They represent the far ends of a continuum of justice. On the one hand, a problem with atomistic individualism is that it is overly restrictive in denying that other people are worthy of equal moral concern. On the other hand, a problem with universal cosmopolitanism is that it is overly wide in denying that we can ever justifiably prioritize some people over others on any grounds. Instead, the more defensible position is to be found somewhere in the middle.

My purpose in identifying these two opposing positions is *not* to claim that either is a defensible theory of global justice. Instead, I only wish to highlight the truism that virtually all of us would locate our own considered views of global justice somewhere in between these two views. In our discussions of global justice, opposing sides in the debate do not argue that only oneself or one's own nation is exclusively of moral concern. Nor does the other side argue that it is always an injustice to ever prioritize anyone over others across all instances. On the contrary, most of our global justice debates find us arguing somewhere in the middle.

Let us begin with one position within this middle ground. David Miller's theory of national responsibility argues that the fact that someone else is a co-national is not morally irrelevant in considerations of global justice.⁵¹ The moral relevance of a co-national arises from our shared relationship and identity as co-nationals. Miller begins by using the following example which we might call *the missing child case* where a child is missing and there are fears for the child's safety.⁵² In this case, we have a moral reason to help with search and rescue efforts all things considered. We need not have a special connection to this particular child in order to recognize that there is a moral reason to help where we can. Therefore, we do not need to have a relationship to the missing child in order to accept that we should help find this child.

⁵¹See Miller, *National Responsibility and Global Justice*, 17 and David Miller, *On Nationality* (Oxford: Oxford University Press, 1995), 49–80, reprinted in Brooks, *The Global Justice Reader*, 284–305.

⁵²See Miller, *National Responsibility and Global Justice*, 39 and David Miller, "Cosmopolitanism: A Critique," *Critical Review of International Social and Political Philosophy* 5 (2002): 80–85. See also Thom Brooks, "Cosmopolitanism and Distributing Responsibilities," *Critical Review of International Social and Political Philosophy* 5 (2002): 92–97, at 92–93. While Miller does refer to these examples, he does not use any formal identifying name for this and other examples.

Consider a second case which we might call *our missing child case*. In this case, a child is missing and there remains fear for the child's safety. The difference now is that the missing child is *our* child. We have a moral reason to help locate the missing child in both cases. However, in our missing child case, we have a further moral reason to help, namely, that the missing child is our own child. We might deny that we should give additional moral weight to any one child over another where both are equally situated. This would be a view endorsed by universal cosmopolitanism. Instead, I believe that we should believe that both I should aid rescue efforts in both cases and I have a further reason to assist rescue efforts directed at locating my own child. This position does not deny that each child is equally of moral concern, but it does not deny that my reasons for supporting rescue efforts may be stronger in one case over the other.

Miller argues that my relationship with co-nationals may likewise contribute further moral weight to them in similar circumstances. Thus, we should assist in locating kidnapped adults where we can (call this *the kidnapped adult case*). However, if the kidnapped adult was also a co-national, then we might have further reason to assist, again, where we can (call this *the kidnapped co-national case*). Miller argues that we can have such a relationship with co-nationals for several reasons. The first reason is that the relationship we enjoy amongst our co-nationals is intrinsically valuable.⁵³ It is certainly true that many people find their identity within a political community of value. Miller explains:

people who deny the significance of their national identity in circumstances where such an identity is available to them are missing out on the opportunity to place their individual lives in the context of a collective project that has been handed down from generation to generation, involving among other things the shaping of the physical environment in which they live, and whose future they could help to determine, by political participation and in other ways. The issue here is not whether this is the highest human good—for most people it is unlikely to be—but whether it is *one* of the human goods that have intrinsic value, alongside family life, creative work, and so forth.⁵⁴

National identity can be intrinsically valuable and, as such, our identity with co-nationals may give rise to new moral weight on account of the value we place in our shared identity. Moreover, the continuity of the national community is also seen as valuable, not least for helping to sustain their shared nationality.

A second reason is that our duties to co-nationals should be integral to the relationship that we share with each other. A political community exists as a community when its members can identify and recognize one another as fellow community members, such as where each adheres to and participates in a shared public culture. This recognition of shared identity helps make possible special duties to co-nationals. We identify with one another in our mutually recognized value of

⁵³Miller, *National Responsibility and Global Justice*, 37.

⁵⁴Miller, *National Responsibility and Global Justice*, 39.

our shared relationship. Our shared identity in a community of value for us can allow us to accept the view that co-nationals may deserve an additional moral consideration over non-nationals.

Finally, a third reason is that even if we afford additional moral weight to the claims of co-nationals there need not be any intrinsic injustice to non-nationals. This is because the view that co-nationals may be deserving of additional moral weight need not give us any reason to offer non-nationals less consideration than they deserve. Instead, we may claim no more than that we can have reason to offer co-nationals an additional consideration than they might otherwise deserve. There is then no injustice in recognizing different treatment between co-nationals and non-nationals.

Together, these reasons may offer support for the view that, where co-nationals and non-nationals are similarly situated and we should be forced to choose between them, it may not be unjust for us to choose our co-nationals on account of our shared identity. Moreover, our shared national identity entails national responsibility. Miller says: “By virtue of identifying with compatriots, sharing their values, and receiving the benefits that national communities provide, we are also involved in collective responsibility for the things that nations do.”⁵⁵ We receive benefits from our membership in a nation with a special relationship—including special responsibilities—to our co-nationals. Together, we also share a collective voice in global affairs. We are rightly called to account for when we contribute to harms affecting other nations. Likewise, we are also rightly called to action when we may contribute to addressing problems of moral concern affecting other nations even where we are only remedially responsible. The ties that bind us together generate both our national identity and our national responsibilities.

While Miller’s theory of national responsibility may be described as *statist* (or non-cosmopolitan), there is a central position in this theory that we can find in the work of *cosmopolitans* (or non-statists), such as Martha Nussbaum and Thomas Pogge. For example, recall our missing child case. Pogge accepts that we have a greater reason to assist rescue efforts where the missing child is our own child. He says: “we do not all have equal responsibilities to everyone.”⁵⁶ Pogge argues that it is not unjust to recognize that some persons have a greater moral weight than others on account of any shared relationship with us on the condition that we do not offer persons lacking such a relationship with us less than they deserve. For example, he says:

Miller is right that persons may, by living together in a political community, *increase* what they owe one another, well above what they owe to human beings in general . . . But I add this qualification: Persons can *not*, by living together in a political community, *decrease* what they owe foreigners.⁵⁷

⁵⁵Miller, *National Responsibility and Global Justice*, 125.

⁵⁶Thomas Pogge, “Cosmopolitanism: A Defence,” *Critical Review of International Social and Political Philosophy* 5 (2002), 86–91, at 87. See also Frances Myrna Kamm, “The New Problem of Distance in Morality,” in her *Intricate Ethics* (Cambridge: Harvard University Press, 2007), 368–97.

⁵⁷Pogge, “Cosmopolitanism,” 91.

There is no reason why Miller cannot accept this important qualification.⁵⁸ Thus, while significant differences may continue to remain between Miller and Pogge, both agree that we may give additional moral consideration to some over others on account of our having a shared national identity *as long as we do not give non-nationals less than they might deserve*.

Additionally, Martha Nussbaum is a cosmopolitan who also accepts the broad outlines of this picture, although she develops this view in a further direction.⁵⁹ Nussbaum accepts that our shared identities as members of a family or a nation has an important value for us. However, as important as these identities may be, they should never trump our identification with humanity. We should identify ourselves first as human beings and as national members second.

Nussbaum recognizes that our identification as part of humanity is not our most immediate form of identity. Instead, she refers to the Stoic's conception of identity as a series of concentric circles. The first circle is our identity as an individual person. A second circle is our identity as members of our immediate family with a third encircling our extended family. The fourth and succeeding circles grow larger and larger encompassing our shared identity with neighbours, local groups, and fellow nationals before concluding with the largest circle of all, namely, the whole of humanity. Our project should then be to draw these circles together so that they ultimately overlap and so that no single circle of identity has a greater priority over any other. Nussbaum says:

We need not give up our special affections and identifications, whether ethnic or gender-based or religious. We need not think of them as superficial, and we may think of our identity as constituted partly by them . . . we should also work to make all human beings part of our community of dialogue and concern, base our political deliberations on that interlocking commonality, and give the circle that defines our humanity special attention and respect.⁶⁰

On this picture, there are ties that bind us together, namely, the ties of shared identity. These ties should command a space in our considerations of justice. However, our shared relationship as co-nationals is secondary to our more important relation as members of a common humanity.

We may question whether or not it is possible for us to draw together these circles in this way. Nussbaum readily recognizes that cosmopolitanism may “have a hard time gripping the imagination” because our common humanity by itself may fail to excite the “intensity and passion” that more local identities of community and

⁵⁸In personal correspondence, Miller has confirmed that he does accept this. Nor should this be surprising as it appears to be wholly consistent with his position.

⁵⁹See Martha C. Nussbaum, “Patriotism and Cosmopolitanism,” in *For Love of Country? Debating the Limits of Patriotism*, ed. Joshua Cohen (Boston: Beacon Press, 2002), 2–17, 145, reprinted in Brooks, *The Global Justice Reader*, 306–14. References will be to *The Global Justice Reader*.

⁶⁰Nussbaum, “Patriotism and Cosmopolitanism,” 309.

nation may arouse.⁶¹ She argues that the way to bridge this gap is to build up from our more immediate shared identities, such as our identity in a family, toward our more universally shared identities, such as our common human identity. Thus, the route to Nussbaum's cosmopolitanism is through a recognition of how our different identities may build and develop off of each other.

Whether or not it is possible to construct identity formation in this way, the importance of this view for present purposes is as follows. Miller argues that we can have national identities and that they entail national responsibility. A central part of this view is that it is not always unjust to give additional moral weight to those who are co-nationals. I have tried to demonstrate that this central part of Miller's statist theory has some support from cosmopolitans, such as Nussbaum and Pogge. Thus, there is a common ground we can locate held by statist and cosmopolitans. Interestingly, Hegel can help us develop this ground between statist and cosmopolitans.

4.4 Towards a Hegelian Theory of Global Justice

This is where we return to Hegel. If we have a national identity that may give rise to national responsibility, then are there other identities we possess that may give rise to other forms of responsibility? For Nussbaum, we have various shared circles of identity that include both national identity and humanity, but we also possess other shared circles of identity where our identities may take other forms. It is here where a Hegelian theory of global justice may offer us useful resources. My remaining discussion will aim to outline what these resources may be before offer some concluding remarks.

One question we can ask concerns selecting which shared identities may be relevant to considerations of global justice. A second and related question we can ask concerns the *ground* of our shared identities. I shall take these in reverse order. It is clear that what is central to the importance of a shared identity is not merely the fact that an identity is shared between two or more persons, but the fact that this shared identity develops within a sphere of recognition amongst such persons. The fact that we recognize each other as possessing a shared identity, such as co-nationality, is what makes possible the moral importance of our shared identity. Again, it is not the fact an identity is shared, but its *recognition* as a shared identity that does important philosophical work at this foundational level.

Of course, this is one area where Hegel offers us useful philosophical resources to make best sense of this position. For Hegel, we develop our personality through a process of mutual recognition. Our personhood is at first an "abstraction" and

⁶¹Nussbaum, "Patriotism and Cosmopolitanism," 312–13. See Andrew Dobson, "Thick Cosmopolitanism," *Political Studies* 54 (2006): 165–84.

it becomes more substantiated when “particularized.”⁶² We become particularized through the creation of a common will in mutual recognition.⁶³ The mutual recognition of one and other as possessing a recognized form of what we might call *commonality* creates the possibility of the development of personhood. Thus, I am an American in substantive part because I am recognized as an American by other Americans. And so on. Again, Hegel can help us better understand the positions of Miller and others on the importance of co-nationality in this way. It is not merely the *fact* that I am a co-national, but the fact I am *recognized* as a co-national that carries the moral weight in question. In addition, we may even do wrong to others that we fail to recognize with respect to a given status where they deserve such recognition.⁶⁴

Hegelian resources may be employed in a further fruitful way when we consider the question of which shared (or ‘mutually recognized’) identities may be relevant to our considerations of global justice. For example, Miller’s discussion focuses exclusively on the moral significance of co-nationality. Yet, why think this shared identity alone has this significance?

A further shared identity of significance may be my identity with an organized religion.⁶⁵ Organized religions are structured communities of believers joined in shared identity. Religious organizations have an identifiable public culture and often cross national boundaries. These religious believers place great value in both their faith, as well as their membership in a religious community. There is reason to claim that shared religious identity may well entail a reciprocally recognized responsibility amongst members and not unlike that found among persons sharing a national identity. Moreover, organized religions—again, often transnational in size and scope—may also play a role in global affairs.

For example, let us suppose that I am a member of the Roman Catholic Church. The Church has its own public culture as well as other public goods, not unlike a nation.⁶⁶ Church members enjoy a shared identity that has value for each member, as well as creating responsibilities between them. Not unlike other organized religions, the Church is highly active in shaping its public culture in a variety of ways even beyond worship practices, such as maintaining pastoral support groups, administering schools and universities, missionary work, and publishing. Together, these activities support a shared identity amongst Catholics that is not without significant value for them.

While it is undeniable that there are significant differences between the national identity and religious identity, it remains the case that both may give rise to shared

⁶²See Hegel, *PR*, §49R.

⁶³See Hegel, *PR*, §75.

⁶⁴See Hegel, *PR*, §§82-104 on “wrong” [*das Unrecht*].

⁶⁵While my focus will be on organized religion, I do not want to suggest that non-organized religions fail to offer an equally significant source of shared identity.

⁶⁶On Miller’s view that nations support a public culture and public goods, see Miller, *National Responsibility and Global Justice*, 131.

identities through Hegelian mutual recognition fostering special responsibilities to group members without necessarily condoning any injustice. Thus, as a further example, let us now consider *the kidnapped fellow Catholic case*. I may have an equal responsibility to assist in rescue efforts of any kidnapped person all things considered. However, I may have an *additional* moral responsibility to assist in efforts over and above what would be deserved normally where there is an additional relationship through shared religious identity. Thus, I may have a greater reason to participate in the case of a missing fellow Catholic on account of our mutually recognized shared religious identity than if the kidnapped person were of a different faith or lacked faith altogether.

Why should we rely on national ties and nations alone to remedy the suffering of the world's poor? Our world is composed of more than mere nations. Moreover, nations are not the only actors that may benefit or be held to account for their decisions. Problems of global justice can be addressed by other entities as well, such as organized religions, which similarly find their ground in the mutual recognition of their members. Likewise, such groups should not be altogether absent from our considerations of global justice.

However, religious identity is not the only identity that we should highlight. We might also point to our mutually recognized shared identities within other institutions and organizations. For example, we can have such an identity through our work, an idea also defended by Hegel. For Hegel, we possess several forms of mutually recognized shared identity through family membership, our activities in civil society, and our citizenship within a state. Thus, identities forged through work are akin to “a *second* family” where we join together in a common project and recognize special responsibilities towards one another.⁶⁷ We can form valuable associations through our shared professional identity.

As an example, let us take professional philosophers. It is not difficult to view philosophers as having a shared identity recognizing special responsibilities towards one another. To illustrate, philosophers often work in universities where they earn far less than they might earn in the private sector. Philosophers often perform unpaid work for the benefit of fellow and new members, such as refereeing journal articles, editing journals, and producing articles, as well as participating in academic conferences. The primary motivation is then not instrumental, but vocational with a recognition of the intrinsic value of professional philosophy and the special relationship that we share with others in our profession.⁶⁸ In addition, philosophers most often identify with each other rather than the academic institutions where they work.

Professional identities are not limited to academic philosophers and can easily be extended to others. Such a professional identity may compose a virtual community, but it is a community nonetheless. Moreover, just as national identity may entail

⁶⁷See Hegel, *PR*, §§252-53.

⁶⁸It might also be said that professional philosophers enjoy a public culture celebrating eye-opening teaching, critical discussion of ideas, and publication.

national responsibility, professional identity may entail a form of professional responsibility. The future of philosophy may be affected by many factors, but contemporary philosophers may be expected to help promote their profession where they can.

To conclude this part of the discussion, I have already argued that, strictly speaking, Hegel does not offer a theory of global justice. Our duties to each other within our state and they do not clearly extend beyond it. We should not defend *Hegel's* theory of international politics as such, but a *Hegelian* theory. This is because the latter contains useful resources. These resources include his theory of mutual recognition and how it can transform shared identities into providing moral weight. When viewed in this light, Hegel's political philosophy can help contribute to further developing a common ground between statists and cosmopolitans held by philosophers, such as Miller, Nussbaum, and Pogge.

4.5 Conclusion

In the *Philosophy of Right*, Hegel says precious little directly on the subject of global justice and international affairs. What little he does say squarely defends a traditional realist understanding of international politics. Duties of citizens are to fellow citizens, not citizens beyond one's own state. The possibility of developing a theory of global justice seems weak and unhelpful.

My argumentative strategy was instead to claim that Hegel's political philosophy may continue to be of interest to those of us working in global justice even if his theory of international politics is not. I turned our attention to a discussion of Miller's theory of national responsibility and the centrality of his understanding of nationality as a particular kind of shared identity for it. I then argued that this importance of shared identity in global justice is broadly adopted in different ways by Nussbaum and Pogge. My next move was to argue that Hegel's philosophy contains resources, namely, his theory of mutual recognition that also speaks to this common ground between statists and cosmopolitans. Moreover, his understanding of mutual recognition gets right that it is not the fact of shared identity, but the fact of the mutual recognition of shared identity that is at issue. Furthermore, we can see that there are more forms of mutual recognition of relevance to global justice beyond co-nationality.

Thus, while *Hegel's* theory of international politics offers us very limited usefulness as a theory of global justice, a *Hegelian* theory of global justice does contain great usefulness and wider promise. Those seeking a more defensible theory of global justice should take greater notice.⁶⁹

⁶⁹Part of this essay was presented to a workshop coordinated by the Centre for the Study of Mind in Nature (CSMN) at the University of Oslo. My most sincere thanks to this audience and also David Boucher, Fabian Freyenhagen, Kim Hutchings, Kasper Lippert-Rasmussen, Raino Malnes, David Miller, Bob Stern, Leif Wenar, and Andrew Williams for helpful comments and discussions. I am most thankful to Andrew Buchwalter for the kind invitation to contribute to this important collection.

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Chapter 5

Toleration, Social Identity, and International Justice in Rawls and Hegel

Maria G. Kowalski

One of the most striking features of *The Law of Peoples (LP)*¹ is Rawls's rejection of individuals and states and his adoption of "peoples" as agents participating in the second original position, whose aim is to determine international principles of justice.² By arguing that the interests of the peoples are fundamental, Rawls seems to be accepting the possibility that the intentions and interests of individuals can be overridden. And one of the most controversial ideas presented in this work is his claim that decent nonliberal peoples, even if they are unjust from the liberal perspective, ought to be tolerated and recognized as equal members of the Society of Peoples.³ Some reviewers have strongly criticized Rawls for including decent nonliberal societies in the Society of Peoples, arguing that these societies should not be tolerated because they unjustifiably deny several rights which are critical to the ability of individuals to exercise their autonomy.

With its innovative account of international justice as a hypothetical contract between "peoples" and its insistence that cultural diversity be given due respect, *The Law of Peoples* has garnered much criticism, spawning a vast body of literature

¹John Rawls, *The Law of Peoples; With "the Idea of Public Reason Revisited"* (Cambridge, MA: Harvard University Press, 1999) cited as *LP*. Other references to Rawls's writings will be as follows: *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971) as *TJ*; *Political Liberalism* (New York: Columbia University Press, 1993) as *PL*.

²Rawls rejects "states" as agents determining principles of international justice because they seek to maximize their interests and power. Unlike states, decent societies possess a moral power. For Rawls's discussion of states see section two of Part I of *The Law of Peoples*.

³The other controversial claims include the non-applicability of distributive justice to the international sphere and the truncated list of human rights.

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that attempts both to reject and defend its less than appealing tenets.⁴ This chapter belongs to the former set, insofar as its objective is to show that, while Rawls properly understands the political significance of social identity, he misunderstands the nature of social identity and the conditions required for its realization. This misunderstanding explains why Rawls advocates a peoples-based approach to international justice, which by his own admission is “fair to peoples and not individuals” (*LP*, x).

In *The Law of Peoples*, Rawls sets for himself a very ambitious objective: the formulation of a theory of international justice that reconciles respect for human rights with respect for what he calls—and credits Hegel with identifying as important—the “deep social rootedness of people within an established framework of their political and social institutions.”⁵ It is only when this “rootedness” of people, Rawls claims, is taken into account that the “concept of person and society fit together, each requires the other and neither stands alone.”⁶ Like Hegel, Rawls acknowledges the overwhelming importance of recognizing and respecting the value of cultural affiliation and its role in facilitating social identity. Also with Hegel, he maintains that national sovereignty must be constrained by respect for universal human rights, even if nation-states must be allowed to interpret these rights in accordance with their own distinctive traditions—albeit within limits. In a stark contrast to Hegel, however, Rawls argues that such limits need only include “*urgent rights*, such as freedom from slavery and serfdom, liberty (but not equal liberty) of conscience, and security of ethnic groups from mass murder and genocide” (*LP*, 79 *ital added*).⁷ On Rawls’s account, decent societies are not required to protect non-urgent rights, such as full liberty of conscience and equality before the law.

⁴See, for example, Charles Beitz, “Rawls’s Law of People,” *Ethics* 110 (2000): 669–96; Allen Buchanan, “Rawls’s Law of Peoples: Rules for a Vanishing Westphalian World,” *Ethics* 110, no. 4 (2000): 697–721; Simon Caney, “Cosmopolitanism and the Law of Peoples,” *Journal of Political Philosophy* 10, no. 1 (2002): 95–123; Andrew Kuper, “Rawlsian Global Justice: Beyond the Law of Peoples to a Cosmopolitan Law of Persons,” *Political Theory* 28, no. 5 (2000): 640–74; Darrel Moellendorf, “Constructing the Law of Peoples,” *Pacific Philosophical Quarterly* 77 (1996): 132–54; Thomas Pogge, “An Egalitarian Law of Peoples,” *Philosophy and Public Affairs* 23, no. 3 (1994): 195–224; Thomas Pogge, “The International Significance of Human Rights,” *Journal of Ethics* 4, no.1 (2000): 45–69; Kok-Chor Tan, *Toleration, Diversity and Global Justice* (University Park, PA: Penn State University Press, 2000); Kok-Chor Tan, “Critical Notice: Rawls’s *The Law of Peoples*,” *Canadian Journal of Philosophy* 31, no. 1 (2001): 113–32; Fernando Tesón, *A Philosophy of International Law* (Boulder: Westview Press, 1998); Leif Wenar, “The Legitimacy of Peoples,” in *Global Justice and Transnational Politics*, ed. P. de Greiff and C. Cronin (Cambridge, MA: MIT Press, 2002).

⁵John Rawls, *Lectures on the History of Moral Philosophy* (Cambridge, MA: Harvard University Press, 2000), 366.

⁶John Rawls, *Lectures on the History of Moral Philosophy*, 366. He further claims that *A Theory of Justice* not only takes account of this Hegelian idea but articulates it when “it takes the basic structure of society and the first principles of justice they select are to apply to the basic structure.”

⁷I will refer to Rawls’s list of human rights as “urgent”; “basic human rights” will refer to a list of human rights that is more extensive than Rawls’s.

Rawls and Hegel also agree that justice cannot be assumed to be a matter simply of applying the same principles of justice regardless of the circumstances; they both argue that the international order demands principles of justice different than those of the domestic order. But it is Hegel who sets a higher standard for international justice by insisting that basic human rights of each individual be respected. These basic human rights include rights absent from Rawls's list: the right to full liberty of conscience and the right to nondiscrimination. The main justificatory reason for why these rights must be included in basic human rights is that, for Hegel, the idea of individual autonomy cannot be meaningful without these rights. It is not my aim here to defend the particular list of human rights that I take to be present in Hegel's *Philosophy of Right*. I shall limit myself instead to showing that Hegel's grounding of human rights is political, non-parochial, and respectful of cultural diversity—and even more importantly, his list of human rights includes the right to full liberty of conscience and the right to nondiscrimination. My conclusion is that Hegel's approach is more successful and consistent than Rawls's: Hegel's theory shows not only why social identity is important but how it can be reconciled with a strong doctrine of individual rights.

In considering Rawls's theory of international justice, my main focus will be to examine and evaluate his conception of toleration and his justification for adopting toleration toward decent nonliberal peoples. To do justice to Rawls's claims, I will begin by explicating his conception of decent nonliberal peoples and his reasons for including decent nonliberal peoples in the Society of Peoples, in spite of the fact that these societies, by his own admission, may violate some human rights (even if they cannot violate those rights he calls "urgent"). The discussion of decent nonliberal peoples will entail an analysis of the normative weight that Rawls assigns to toleration when he adopts toleration as a norm fundamental to international principles of justice. Examining the notion of toleration is important because it identifies the dilemma that Rawls fails to resolve: the reconciliation of the liberal commitment to respecting each individual's freedom and equality with respect for cultural diversity. In my analysis, I will show that his theory does not satisfactorily explain why culture ought to be respected and, more importantly, why respect for culture justifies some human rights violations.

Given that diversity and pluralism are ineradicable features of our global order, Rawls is right to think that a viable theory of international justice must exhibit due respect for a wide variety of cultural, ethical, and religious convictions, while at the same time affirming core principles that set general standards for international justice and cooperation. We do need a theory of international justice that is principled and capable of commanding universal consent, yet also compatible with and respectful of the fact of pluralism. The challenge of a theory of international justice is to identify a justificatory framework which is principled, providing norms that enable cooperation and stability, but which, as Rawls points out, must avoid controversial parochial views. In *The Laws of Peoples*, Rawls contends that respect for cultural diversity is not compatible with the individual-based approach specific to liberalism, choosing instead to adopt the peoples-based approach. Granted, the diversity of comprehensive views is far greater on the global scale than in

democratic societies; nonetheless, my argument here will show that the greater diversity of the global order need not undermine a commitment to basic human rights, including rights to equality and full liberty of conscience.

What will become clear in my discussion is that a theory of international justice that embraces the individual-based approach characteristic of human rights and recognizes the value of culture is indeed possible, and can be found in Hegel's political philosophy. My aim in the second section is to show how Hegel's philosophy successfully reconciles respect for social identity with a strong commitment to human rights. While Hegel agrees with Rawls that international principles of justice ought to embrace human rights, his theory is better equipped to support a more robust list of human rights, one more attentive to the ideals underlying the idea of human rights, as well as the idea of toleration understood as respect for cultural identity, which for Rawls is important for a theory of international justice. In particular, I argue that Hegel's theory of individual rights improves on Rawls's in three important respects. First, Hegel provides a more comprehensive justification of the origin and meaning of rights without becoming prey to parochialism. Second, Hegel's theory—unlike Rawls's—is consistent insofar as its doctrine specifies why human rights are fundamental—fundamental in the sense that these rights are to be recognized and respected regardless of affiliations. Finally, Hegel's *Philosophy of Right* provides a justification of individual rights that recognizes and respects the dignity of all human beings regardless of contingent circumstances; indeed, it is in his account of individual rights that we see how respect for rights creates a framework in which individuals can secure social identity and express their particularity.

Hegel's philosophy shows why culture is both necessary for the formation of autonomy and social identity and the inevitable consequence of their expression; his defense of culture as having significant value in enabling social identity is not derived from the intrinsic worth of toleration or of culture itself but rather from the value it has for individuals. In this sense, respect for cultural pluralism is compatible with human rights, given that the latter provide the conditions necessary for the protection of autonomy. Rawls himself expresses this thought in a *Theory of Justice* when he claims that just regimes are “something we ought to realize for the sake of individual human persons, who are the ultimate units of moral concern. . . . Their well-being is the point of social institutions” (*TJ*, 115). The fact that culture and community enable and enrich valuable human life does not justify a conception of toleration that would discount individual autonomy or prioritize culture over individual, for it is precisely the value that culture has for individuals that makes it significant.

5.1 Decency as an International Norm

Rejecting comprehensive or metaphysical foundations of justice, Rawls develops in *Political Liberalism* a conception of justice that is “political”—political in the sense that it neither advances nor relies on comprehensive doctrines regarding human

nature or good—and defends a theory of *political* liberalism whose account of justice is presented “in terms of fundamental ideas viewed implicitly in the public political culture of democratic society” (*PL*, 13). In the *Law of Peoples*, Rawls eschews this approach; while he argues that human rights ought to be recognized as “necessary conditions of any system of social cooperation” (*LP*, 68), he associates theories of human rights that rely on comprehensive conceptions of morality, human nature, or human good with parochialism, and thus thinks they would be rejected by nonliberal peoples.

In denying the possibility of using comprehensive doctrine to ground human rights, Rawls assumes that such doctrines cannot be justified to nonliberal peoples. His rejection of individuals and states and his adoption of peoples as the relevant subjects of international justice reflect his concern that other traditions and ways of ordering political and social institutions be given their due respect. Instead of extending and imposing liberal convictions on other societies, he thinks liberals ought to seek fair terms of cooperation that would meet the criteria of reciprocal acceptability to well-ordered peoples (i.e., both liberal and decent nonliberal societies).⁸ Whereas in liberalism the ideal of autonomy is restricted to the political realm in order to accommodate pluralism, in the *Law of Peoples* this ideal is replaced with a more elementary requirement of decency.

In order to be entitled to membership in the Society of Peoples, a society must fulfill both the internal and external standards of decency. The internal criteria of decency has three parts: First, “a decent hierarchical people’s system of law, in accordance with its common good idea of justice . . . , secures for all members of the people what have come to be called human rights” (*LP*, 65). A social system that does not protect these urgent human rights “lacks the idea of social cooperation” (*LP*, 65), and since it does not meet the standard of being well ordered, it would be denied membership in the Society of Peoples. On Rawls’s account humans right neither derive from nor are dependent on any particular or comprehensive religious doctrine or philosophical doctrine of human nature (*LP*, 68). They are not “politically parochial” (*LP*, 65).⁹ Second, individuals qua citizens are viewed in decent societies as “responsible and cooperating members of their respective groups” (*LP*, 66). And third, “the law must be guided by a common good idea of justice” (*LP*, 66). Insofar as a common good idea of justice entails commitment to urgent rights, the laws assign “human rights to all members of a people” (*LP*, 66).

⁸Societies that do not fall into the well-ordered category include aggressive *outlaw states*, which do not respect urgent human rights; societies *burdened by unfavorable conditions*; and *benevolent absolutisms*, which are not aggressive, obey human rights, but deny their citizens a “meaningful role in making political decisions” (*LP*, 4).

⁹Rawls argues, “The Law of Peoples does not say, for example, that human beings are moral persons and have equal worth in the eyes of God; or that they have certain moral and intellectual powers that entitle them to these rights. To argue in these ways would involve religious or philosophical doctrines that many decent hierarchical peoples might reject as liberal or democratic, or as in some way distinctive of Western political tradition and prejudicial to other cultures” (*LP*, 68).

According to Rawls, a decent peoples' system of law is formed in accordance with its "common good idea of justice," which secures and guarantees for all of its citizens (at minimum) urgent human rights (*LP*, 65).¹⁰ These urgent human rights, which enable a scheme of political and social cooperation among peoples, include "right to life (to the means of subsistence and security); to liberty (to freedom from slavery, serfdom, and forced occupation, and to sufficient measure of liberty of conscience to ensure freedom of religion and thought); to property (personal property); and to formal equality as expressed by the rules of natural justice (that is, that similar cases be treated similarly)" (*LP*, 65).¹¹ Decent peoples are not required to guarantee institutional protection of the standard set of liberal rights, such as full liberty of conscience, equality before the law, participation on equal terms in political decision-making processes; furthermore, they are mandated to secure only a "sufficient measure" of freedom of expression and associations (*LP*, 71–5).

While the individuals qua citizens of decent societies are entitled to urgent human rights, their position and nonurgent rights are defined and restricted by the society's "common good idea of justice." Rawls's appeal to "common good idea of justice" would seem to imply some sort of agreement, yet the conditions for such an agreement are not secured in decent nonliberal societies, insofar as these societies are not required to guarantee freedom of speech, equal right to participation, and equal freedom of conscience. Decent societies must also fulfill external criteria: they cannot adopt aggressive or expansionist aims in their foreign policy. To summarize: decent peoples are to be recognized and respected as members in good standing in a reasonable Society of Peoples because they exhibit peaceful and cooperative behavior on the international level and are respectful of urgent human rights, the common good idea of justice, and the rule of law on the domestic level.

5.2 Human Rights as Free Standing

In *Political Liberalism*, Rawls maintains that the idea of political autonomy is derivative of the political culture present in liberal democratic states, and because there is no particular political culture ascertainable in the international realm, he abandons this idea of political autonomy when developing the principles of international justice. Claiming that the idea of the individual as free and equal is

¹⁰Rawls's example of a decent nonliberal society is a hypothetical Islamic society that he calls Kazanistan. My discussion of decent societies is limited to the arguments Rawls makes—not the description of Kazanistan, for as Buchanan points out, "a nonliberal society *could* be as benign as Kazanistan, but that is beside the point." Allen Buchanan, "Taking the Human Out of Human Rights," 151.

¹¹Rawls seems to think that a right to full liberty of conscience applies only to liberal democratic societies. For an argument that show that freedoms of conscience need not be exclusively associated with democratic systems see Joshua Cohen, "Pluralism and Proceduralism," *Chicago-Kent Law Review* 69, no. 3 (1993–94): 589–618.

too mired in parochialism to be acceptable by nonliberal societies, Rawls rejects this standard as a basis for international principles of justice. Yet while Rawls's break with liberalism when defining principles of international justice may have the admirable advantage of respecting cultural pluralism, it entails an indefensible minimal list of human rights. He assumes that his minimal list would be agreed upon by differing peoples, but provides very little justification for holding this view. Rawls's doctrine of human rights, to use his own terminology, is "free standing" (*PL*, 170). But insofar as no reason is given to justify the particular set of rights, which he identifies as "urgent," as qualifying as universal, and insofar as these human rights lack any comprehensive justification, they lack prescriptive force.¹²

One of the most troubling aspects of Rawls's discussion of decent societies is his claim that such societies' conception of the person does not require acceptance of the liberal idea that persons are citizens first and have equal basic rights as equal citizens. Rather "it views persons as responsible and cooperating members of their respective groups" (*LP*, 66). Most problematic to his short list of human rights is the fact that it recognizes only limited protection against discrimination. This aspect of Rawls's doctrine of human rights is explored by Buchanan, who contends that Rawls's truncated list of human rights would not provide adequate protection against egregious discrimination; in fact, Buchanan concludes that Rawls's list of human rights is "compatible with severe discrimination and oppression."¹³ By trying to accommodate incommensurable understandings of rights, Rawls loosens their determinacy to such a degree that such rights are rendered impotent.

Instead of grounding his notion of human rights in some comprehensive idea(s) regarding the value of human beings, Rawls identifies three roles that human rights play in international justice. First, human rights specify the conditions of decency of a society's political and legal institutions; second, they stipulate the conditions (i.e., violations) necessary for justified forceful intervention; and third, they mark the outer boundaries of pluralism (*PL*, 80). The political roles that Rawls attributes to human rights is the closest that he comes to offering any justification of their significance; however, they do not constitute a principled defense and as such fail to provide reasons justifying the universal applicability of human rights and the criteria necessary for distinguishing urgent from non-urgent human rights.

At one point Rawls argues that a "(reasonable) Law of Peoples must be acceptable to reasonable peoples who are diverse," and stipulates that the "fact of reasonable pluralism limits what is practically possible here and now" (*LP*, 11–12). But even if we interpret Rawls as arguing that human rights need only be justified to *reasonable* peoples, there is still a need for justification not only to those peoples who are reasonable but also those who may not be reasonable but must still comply

¹²I borrow this terminology from David Ingram, "Between Political Liberalism and Postnational Cosmopolitanism: Toward an Alternative Theory of Human Rights," *Political Theory* 31, no. 3 (2003): 359–91.

¹³Allen Buchanan, "Taking the Human Out of Human Rights," 151.

with the standards set by urgent human rights in order to avoid foreign intervention. Rawls's strategy here seems to be one of shifting the burden of proof onto the idea of reasonableness. There are two important roles that the idea of reasonableness must fulfill when principles of international justice are being determined: it must explain why it is reasonable for liberals to put aside their commitment to treating each individual as free and equal and why it is reasonable for decent nonliberal societies to desire some liberal rights but not others (like right to nondiscrimination and full liberty of conscience). The problem with the notion of reasonableness is that Rawls says too little regarding what is reasonable for this norm to be operational in a meaningful way. In liberal democratic societies the notion of reasonableness can be derived from liberalism's fundamental ideas; in the international realm, however, there are no comparable ideas accepted by Rawls as fundamental, with the result that role and function of reasonableness is ambiguous and, at times, even obscure.¹⁴

The problem with Rawls's reliance on the reasonable is compounded when he claims that the boundary of reasonable disagreement needs to be expanded while also insisting that all peoples accept urgent human rights. Given that he thinks that all peoples will accept urgent rights, Rawls seems to assume that what is reasonable is identifiable, yet he offers no principled explanation or justification how reasonable is to be determined and why it would entail urgent human rights. Some critical questions arise at this point. One, why ought the boundary of reasonable disagreement be defined by *urgent* human rights as opposed to *basic* human rights? And two, what justifies these human rights and their minimalism?

There is evidence to suggest that Rawls's justification of human rights derives from the requirements of cooperation, but invoking cooperation to justify human rights is problematic for two reasons. First, this approach subjects human rights to the needs of cooperation; so understood, rights are only instrumental to achieving cooperation and peace and do not constitute a fundamental doctrine. And if the notion of cooperation that Rawls is proposing pertains only to relations among peoples, then the status of human rights is indeed perilous. Perhaps cooperation is more fundamental than human rights, but this ordering needs elaboration and justification. Second, this approach assumes that peoples will agree that the particular list of human rights that Rawls supplies is precisely what is needed to establish international cooperation. This is also not self-evident. Although Rawls distinguishes between cooperation as part of the principle of justice and cooperation

¹⁴In *Political Liberalism* Rawls's use of the concept "rational" corresponds to the first moral power of the person, the capacity for form, revise and pursue a notion of the good. His use of the concept "reasonable" corresponds to the second moral power, the capacity to have and act in accordance to an effective sense of justice, which includes the willingness to propose and respect fair terms of cooperation, to treat others as free and equal citizens and to recognize the burdens of judgment. The relationship between the reasonable and the rational is subject to hierarchical ordering: reasonable subordinates the rational. For a comprehensive discussion of Rawls's notion of reasonable see James W. Boettcher, "What Is Reasonableness?" *Philosophy & Social Criticism* 30, no 5–6 (2004): 597–621.

as *modus vivendi*, he offers no reason why the former is to be preferred, and why he thinks his list of urgent human rights would support cooperation in former as opposed to the latter sense—or either, for that matter.

If urgent rights are to merit universal designation, Rawls must show either that these particular rights are universal because they are founded on reasons or interests that have universal characteristics or that present in the international public political culture are certain ideas which can implicitly justify the particular set of rights which he deems important and worthy of protection in the international realm. In regard to the first approach, Rawls eschews any reference to universal commonalities. Although he assumes that urgent rights are universal and applicable to all societies, he does not provide any reasons for this assumption, presumably because he thinks that each society ought to be allowed to provide a justification which derives from its particular culture. Clearly such approach undermines the prescriptive force of human rights: there is no reason why a society cannot reject urgent rights if it deems them incompatible with its culture.

What is implausible about Rawls's position is that he seems to be claiming that there are no commonalities or characteristics which all human beings share that could justify human rights, while also assuming that some rights are universal. He also assumes that political autonomy does not have universal applicability, presumably because it is parochial, but it is not clear why political autonomy is not universal while urgent rights are. Given his concern that human rights not encroach on social identity, one would expect Rawls to provide a clear criterion—and justification—for determining which human rights are urgent. Rawls provides neither a clear explanation nor substantive defense of the truncated list of human rights. Absent substantive justification, Rawls's minimalism regarding the justification of human rights seems to be the product of his concern for toleration.

5.3 Toleration

Rawls makes two claims regarding toleration. First, he says that to tolerate means to “refrain from exercising political sanctions—military, economic, or diplomatic—to make a people change its ways” (*LP*, 59). Second, he claims that toleration is also means “to recognize these nonliberal societies as equal participating members in good standing of the Society of Peoples” (*LP*, 59). The second notion of toleration as respect is different from the first notion as non-interference. In the first instance, toleration is defined in terms of an obligation not to intervene in the internal affairs of society; in the second instance, toleration is defined in terms of positive recognition and respect. It is the second use that requires a more robust justification, for it stands at odds with our common understanding of toleration, which does not typically include the idea of respect.¹⁵ In the context of Rawls's theory, this

¹⁵Freeman argues that liberal peoples ought to tolerate decent peoples and recognize them as having equal status because they have “nothing to fear” from a society that endorses the Law of

distinction is critical because liberals are expected to respect—not just abstain from criticizing or intervening—those cultures that violate core liberal values and commitments.

Given that Rawls demands that toleration ought to entail respect and given that he takes toleration to be fundamental to international justice, it is important to understand what defense he offers to support this stance. Rawls seems to propose four bases for such defense: the first arises from liberalism; the second is contained in the conditions for international cooperation; the third is connected to the idea of reasonableness; and the fourth is confined to the value of culture.

5.4 Toleration and Liberalism

Rawls's principal worry is that extending the liberalism constitutive of the liberal state to the international order would entail a criterion too demanding for nonliberal societies. This criterion also would fail to respect cultural diversity and encroach on societies' prerogative to determine their own ends. Rejecting comprehensive liberalism as a feasible basis for international justice, he adopts instead the notion of toleration, which stipulates that any people that satisfies the criterion of decency ought to be accepted as an equal member of the Society of Peoples. Rawls adopts toleration as fundamental to the idea of global justice because if "all societies were required to be liberal, then the idea of political liberalism would fail to express due toleration for other acceptable ways (if such there are, as I assume) of ordering society" (*LP*, 59). This argument is unconvincing because it replaces persons with peoples as agents of justice without specifying and justifying their differences. The most important difference is that liberal citizen's comprehensive doctrines are to be tolerated *only* if they are compatible with reasonable political conception of justice and its public reason, which embodies and expresses the liberal idea of each person as free and equal.¹⁶ In the international realm, on the other hand, a society need only uphold urgent human rights in order to be tolerated by other societies and accepted as an equal member in the Society of Peoples. Rawls's defense of toleration in liberal societies is principled, reflecting the notions of reasonable and reciprocity; his defense of toleration in the international arena is unprincipled in the sense that he invokes the idea toleration and says that it is inherent to liberalism but rejects the liberal premise of each individual being treated as free and equal.

Peoples. But if we accept Rawls as adopting toleration in the strong sense, as requiring respect, then the absence of fear seems an unlikely basis for respect. Samuel Freeman, "The Law of Peoples, Social Cooperation, Human Rights, and Distributive Justice," *Social Philosophy and Policy* 23, no.1 (2006): 48.

¹⁶For a discussion of Rawls's idea of "liberal public reason" in *Political Liberalism*, see David A. Reidy, "Rawls's Wide View of Public Reason: Not Wide Enough." *Res Publica* 6, no. 1 (2000): 49–72 and Charles Larmore, "Public Reason," in *The Cambridge Companion to Rawls*, ed. Samuel Freeman (Cambridge: Cambridge University Press, 2002).

5.5 Toleration and Cooperation

Recognizing that the liberal view of toleration would not sufficiently respect cultural diversity, Rawls looks to the needs of cooperation to determine what will be tolerated in the international sphere.¹⁷ While acknowledging that peoples' philosophical ideals of life are likely to be contestable, he thinks that both liberals and decent peoples might nevertheless be able to agree that public aims such as cooperation and stability are important; it is "part of a people's being reasonable and rational that they are ready to offer to other peoples fair terms of political and social cooperation" (*LP*, 35). We are likely to agree with Rawls that cooperation and stability are necessary conditions for any kind of life free of continuous fear and strife, but we are just as likely to argue that they need not necessarily be foundational to international principles of justice. The defense of toleration based on the needs of cooperation is problematic as it is also inconsistent with Rawls's claim that peoples have a moral nature: unlike states their motivation is not purely determined in terms by their own interests; rather, they seek "to assure *reasonable justice* for all its citizens and for *all peoples*" (*LP*, 29 *ital added*).

5.6 Toleration and Reasonableness

At times Rawls seems to suggest that toleration would be extended only to reasonable peoples, and he understands a people's being "reasonable and rational" as entailing a readiness "to offer to other peoples fair terms of political and social cooperation" (*LP*, 35).¹⁸ Given the plurality of incompatible views held by citizens of the world, he argues further that the idea of cooperation suggests that we liberate the idea of "reasonable" from its liberal premise, such that "religious or philosophical doctrines that deny full and equal liberty of conscience are not unreasonable." While they are not reasonable, he thinks that they are "not fully unreasonable." "One should," he claims, "allow space between the fully unreasonable and the fully reasonable"; an example of not fully unreasonable doctrine is one that allows, in Rawls words, "a measure of liberty of conscience" (*LP*, 74).

Toleration limited to reasonable peoples would appear to be both too restrictive and not restrictive enough, especially given that Rawls does not provide a formal criterion for reasonableness in the international realm. And since he moves away from the more precisely articulated notion of reasonable provided in his account of liberal societies, it is not clear what views would qualify to be entitled to respect.

¹⁷For an excellent discussion of the different application of toleration in the domestic and international spheres, see Kok-Chor Tan, "Liberal Toleration in Rawls's Law of Peoples," *Ethics* 108, no. 2 (1998).

¹⁸In fact, Rawls ends *The Law of Peoples* with this observation: "If a reasonably just Society of Peoples whose members subordinate their power to reasonable aims is not possible, and human beings are largely amoral, if not incurably cynical and self-centered, one might ask, with Kant, whether it is worthwhile for human beings to live on the earth" (*LP*, 128).

In trying to reconcile Rawls's use of reasonableness in *Political Liberalism* and *The Law of Peoples*, Buchanan argues that in the latter Rawls's use of *reasonableness* is "general" insofar as it "speaks of only fair terms of cooperation"; the former, on the other hand, speaks of "fair terms of cooperation among persons considered as free and equal."¹⁹ I reject this interpretation. While there are instances where Rawls uses *reasonable* to indicate "fair terms of cooperation," he does not consistently employ the term only in this way. But even if we accept Buchanan's interpretation that reasonable refers to fair terms of cooperation, it is still not clear why what is "not fully reasonable" ought to be accepted as a fair standard of cooperation.

At some points of his argument Rawls seems to rely strongly on the idea of reciprocity to arrive at a notion of reasonable; people's being reasonable and rational, he argues, implies "the criterion of reciprocity" (*LP*, 35). The extension of the idea of public reason, which in the domestic case is "given by the family of liberal principles of justice for a constitutional democratic regime" (*LP*, 57), to the international context requires that "in proposing a principle to regulate the mutual relations between peoples, a people or their representatives must think not only that it is reasonable for them to propose it, but also that it is reasonable for other peoples to accept it" (*LP*, 57). At other instances, when Rawls invokes the idea of reciprocity as a criterion of justice, he seems to think that it entails "reasonable sense of due respect" (*LP*, 35). But why would liberalism fail to express respect by insisting on full liberty of conscience for all individuals? And why is it reasonable for peoples to accept "sufficient" amount of liberty of conscience and unreasonable to demand a right to a full liberty of conscience? An appeal to Rawls's conception of reasonable does not resolve this issue in a convincing way. In both instances Rawls depends on the idea of the reasonable to define the notion of reciprocity. This argument suffers from circularity: one cannot rely on reciprocity to justify reasonable, for reciprocity itself is defined in terms of reasonableness.

Furthermore, Rawls at one point seems to replace the idea of reasonable with the idea of decency as the operative norm of international relations: "I think of decency as a normative idea of the same kind as reasonableness, though weaker (that is covers less than reasonableness does)" (*LP*, 67). Yet it is unclear how the criterion of reasonableness relates to that of decency. Moreover, in conjoining "reasonableness" with decency, Rawls's theory becomes so overextended that it cannot fulfill its prescribed normative role. What becomes apparent is that a justification of Rawls's notion of toleration can not rely on his conception of the reasonable.

5.7 Toleration and Culture

I now turn to examine if Rawls's justification of toleration can be defined and defended in terms of value of culture itself. On the one hand, Rawls seems to suggest that cultural diversity is a good in itself; on the other hand, he seems to claim that

¹⁹Allen Buchanan, "Taking the Human Out of Human Rights," 79.

cultural diversity is good because it is valuable to its members. “Leaving aside the deep question of whether some forms of culture and ways of life are good in themselves (as I believe they are), it is surely, *ceteris paribus*, a good for individuals and associations to be attached to their particular culture and to take part in its common public and civil life. In this way political society is expressed and fulfilled” (*LP*, 61). Yet what does it mean to say that a “form of a culture and ways of life” are good in themselves? And why should respect of “culture and ways of life” be taken as possessing more value than the basic political and social institutions? Perhaps an even more important question is: why does Rawls assume that toleration is more effective in preserving culture? Is a culture that is not fully shared by and supported by its members worthy of preservation? And if all cultures are inherently valuable, should not provisions be made to secure all cultures—even those that do not meet the standards of decency?

The closest that Rawls comes to defending culture as a good in itself and providing the most explicit argument for the moral priority of social commitments over individualism is when he discusses “associations.” He considers decent societies as “associationist in form”; this lends support to the significance of culture as embodied in the idea of rootedness or social identity. The associationist view sees “persons first as members of groups” (*LP*, 68). Presumably the point that Rawls is making in emphasizing membership is that it is both important and valuable to individuals. More specifically, his argument is that in “‘associationist social forms’ any characterization of the individual’s good is irreducibly social, and indeed not just social, but *particularistic* in the sense that the good of an individual cannot even be characterized simply by reference to his or her membership in a particular society, but also must include reference to her particular associative identity within the society.”²⁰ The associationist conception of the individual, then, holds that in order to understand the individual’s notion of the good, one must take into account the particular identity of the group to which one belongs. Rawls seems to push particularism as far as it can go. But this particularism is inconsistent with his two other claims, which have a more universalizing force: his defense of human rights and the common good conception of justice. Rawls fails to justify the priority of social identity over other individual values, and in the absence of this justification we are led to question this priority.

Rawls’s argument is plagued with inconsistencies, the first of which arises because regardless as to which association an individual belongs, she must also accept the society’s “common good idea of justice.” Furthermore, a decent people’s system of law, which must be in accordance with its common good idea of justice, must secure for all its members urgent human rights. These two requirements of decency—human rights and common good idea of justice—undermine the strength of the associative view that takes persons “first” as members of groups. The associationist conception of the good entails the view that there are conditions that must be satisfied in order for society to be decent, but both of these criteria

²⁰Buchanan, “Taking the Human Out of Human Rights,” 157.

place individuals' rights as being prior to their membership. In spite of his avowed attachment to particularism, Rawls claims that all decent societies must exhibit commitment not only to rights but to the same urgent human rights—both of which are universal claims.

In light of my analysis Rawls's contention that decent society's conception of the person "does not require acceptance of the liberal idea that persons are citizens first" (*LP*, 66) must be adjusted to state that a decent society's conception of the person requires acceptance of the idea that persons are citizens first and members of associations second. Given that Rawls takes toleration as fundamental to liberalism, one would expect him to provide strong reasons why culture is a good, but by arguing that of all nonliberal peoples only decent societies deserve toleration, he seems to deviate from his argument that culture is good in itself—at least that it is good in an absolute sense. And since Rawls does not provide an argument to support the thesis that cultures are good in themselves, we are left wondering why it deserve the respect and the priority that he grants it.

The basic flaws of Rawls's defense of tolerating decent societies are two assumptions: one, that tolerating decent nonliberal societies is necessary for treating them as equal; and two, that judging a social practice as unacceptable automatically entails coercive intervention. Indeed, in his discussion of human rights, Rawls clearly states that their role is to "restrict the justifying reasons for war and its conduct, and they specify limits to a regime's internal autonomy" (*LP*, 79). What Rawls seems to readily dismiss is the possibility of an intervention that is non-coercive; instead of coercively forcing the government or the citizens of a state into changing their practice(s), a state could use less coercive means that aim to persuade citizens and public officials and encourage more gradual changes.²¹

At best Rawls's defense of toleration offers prudential reasons for restraining coercive intervention to the most egregious violations; it does not provide principled reasons for limiting human rights to *urgent* human rights or for extending toleration to decent nonliberal societies. Prudence would counsel us to give decent societies the opportunity to reform so that they may meet the criteria set by human rights, but it is questionable whether prudence would counsel liberals to abandon their commitment to respecting each individual as an autonomous being and tolerate societies that, for example, oppress women or dissenters.

Given that Rawls claims that toleration is not only important when determining international principles of justice but that it is *fundamentally* important, one would expect a principled defense of toleration. As I have shown, however, Rawls does not offer any substantial reasons why toleration is to be accepted as foundational. Apart from making some vague references to liberalism, value of culture, cooperation, and reasonable pluralism, Rawls provides no arguments for adopting toleration as fundamental to global justice and as applicable to peoples who are not fully reasonable.

²¹ According to Rawls, all political power is coercive; in a democratic state, coercive state power is legitimate only if reasonable and rational persons agree to its exercise. See Rawls, *Political Liberalism*, 216.

5.8 Hegel and the Value of Culture

Hegel's theory not only provides a more convincing argument as to why cultures matter, he shows why respecting cultural diversity cannot justify tolerating human right violations. An international theory of justice based on individual autonomy need not, as Rawls feared, undermine the rights of nations to culture, self-determination, and respect. Indeed, it is the individualistic premise that provides the strongest support for self-determination since it is as members of particular communities that individuals acquire the conditions through which they can realize and express their autonomy and their social identity. What Hegel's philosophy of freedom shows is that respect for culture is consistent with individualism. The standpoint that Hegel adopts in regards to cultural diversity is one that views culture as being worthy of respect because of the value it has for its members. The force of this claim is echoed by Will Kymlicka, who argues that we ought not protect cultural practices that are oppressive, as doing so would threaten "the very reason we had for being concerned with cultural membership—that it allows for meaningful individual choice."²² To this Hegel would add that culture and cultural diversity facilitate social identity which ought to be a product and expression of autonomy. If the normative weight of cultural diversity resides in the value it has for individuals, then there is no justification for the priority of cultural diversity over basic human rights.

Hegel agrees with Rawls that to be reconciled to one's social world means that one must be able to view it as rational. My aim in what follows is to show that for Hegel the protection of human rights is crucial to realizing this reconciliation. Furthermore, I will argue that his emphasis on rights is compatible with respect for culture, but the value of culture must be derived from the value it has for individuals. One's sense of identity is informed by and is formed in a social setting which is characterized by particular cultural affiliation, but one cannot realize one's identity as a person if one cannot exercise one's rights, including the right to full liberty of conscience and the right to nondiscrimination. For Hegel ethical life must enable the full realization and articulation of each individual's right to freedom in order to be considered rational.

Though Hegel does not, regrettably, provide us with explicit principles of international justice, he stipulates that any principle foundational to justice must recognize and respect the idea of each individual having a right to freedom. Right to freedom, for Hegel, is the definitive factor of justice, and both national and international laws must be premised on this fundamental right. Hegel does not deny that rights are a product of time and are influenced by cultural, technological, and economic development; nonetheless, insofar as his theory of right is grounded on the idea of personhood, it holds that the dignity of the individual person, respect for life and freedom, equal justice before law, etc., must constitute basic human rights,

²²Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Clarendon Press, Oxford, 1995), 171–72.

which must be recognized universally. But this does not lead Hegel to conclude that the universal recognition of rights necessitates the dissolution of state sovereignty; the state must retain its sovereignty if it is to properly function as a framework that makes possible for citizens to claim and realize their rights. The state sovereignty, however, cannot be absolute, as it is itself subject to the standards specified by basic human rights.

5.9 Right to Freedom

On Hegel's account, to be respected as a person means that the rights to which an individual is entitled—those essential to personhood and autonomy—are to be fully recognized by the state. The modern state, for Hegel, embodies respect for a person as an autonomous and free will through the universal content of its constitution, its institutions, and its laws. Both the constitution and the laws of the state must be rational, which means that they give full recognition to the rights of the individual, including the *right to conscience, free speech, and equal treatment before the law*. In the discussion that follows my aim is to advance a non-parochial, non-metaphysical grounding of human rights, which I take to be implicit in Hegel's philosophy of right. In my discussion of Hegel's theory of rights, I will show how he justifies rights and that he justifies a list of human rights more robust than the one offered by Rawls. A full justification of human rights grounded in the idea of individual as rights bearer is beyond the scope of this work. Nonetheless, I want to show at minimum how this notion can meet the requirements set by Rawls's theory: it is not parochial; it gives due respect to cultural diversity; and it justifies basic human rights.

In grounding human rights in the idea of human beings as rights bearers, a characteristic common to all human beings, Hegel manages to avoid the parochialism of comprehensive theories. He also avoids reliance on a full theory of human good. According to Hegel, one's status as a right-bearing individual depends on one's being an autonomous self, which follows from his contention that the most fundamental right possessed by an individual is the right to freedom. Our respect for actual concrete laws is premised on our respect for freedom, i.e., respect of each person's right to freedom. Hegel's aim in *Philosophy of Right* is to present the institutions that are required by the content and structure of freedom, the concept informing his account of ethical institutions.

Hegel subscribes to a view of the modern self, which holds the self as possessing both the capacity and the right to realize its essential nature as free. The political realm is not an entity that is imposed on this notion of the self; rather, it is seen as arising from the inherent nature and needs of this modern self. For Hegel, the self-determining character of the self is rendered fully recognized insofar as the self is posited as having the right to find both subjective and objective freedom, and this right is expressed in his claim that the self possesses the power to authenticate the social and political institutions of the state. The indispensability of the state lies in

its rationality and its capacity to provide the conditions necessary for individuals to realize their individuality—which includes the realization of freedom, of being treated as equals before the law, and being recognized as beings of value who have the right to pursue their own particular interests.

5.10 Abstract Right and Personhood

The rationality and viability of a state for Hegel rests in the ability of its institutions to respect the rights entailed in his concept of person in Abstract Rights and subject in *Moralität*. Hegel's philosophy of right presents a sequence of stages of right that realize a corresponding concept of the free will. At each stage—abstract right, morality, civil society, and the state—the free will undergoes an immanent development, completing the essential nature of the stage preceding it and at the same time comprehensively realizing itself until it finally becomes a totality, a normative reality, in the state. Abstract right, the first stage of right, delineates those rights and duties that belong to human beings, not because they are citizens but simply because they are persons. Abstract right embodies the concept of right that is grounded in autonomy; that is, individuals are free and equal moral persons who must recognize and respect each other as persons having moral capacities for rights and duties.

For Hegel rights are grounded in the notion of will; the subject of rights is the rational will (*vernünftige Wille*). At the core of Hegel's grounding and defense of individual rights is the idea—to use Rawls's terminology—of “personal inviolability” (*TJ*, 3), an inviolability of the free will which, because it expresses the idea of respect for individual freedom, can never be sacrificed for the sake of satisfying other objectives or interests. For Hegel, abstract rights are based on a certain conception of a person as a free will, which is the defining element of “personality.” Hegel claims that the will is free because the “will without freedom is an empty word, just as freedom is actual only as a will or a subject” (*PR*, §4A).²³ Freedom, he says, is a “basic determination of the will” (*PR*, §4A). Simply stated, the will cannot will unless it is free. The free will, for Hegel, has itself as its end and purpose, and it is in this regard self-determining; it realizes itself objectively through self-conscious, self-mediating activity. In abstract right the notion of the free will is still abstract: “Personality,” Hegel claims, “contains in general the capacity for right and constitutes the concept and the (itself abstract) basis of abstract and hence formal rights” (*PR*, §36). The significance of this sphere lies in its determination that a person as a free will is the ground of rights.

²³References that include “PR” are to *Grundlinien der Philosophie des Rechts*. Translated as *Elements of the Philosophy of Right*, trans. H.B. Nisbet and ed. Allen W. Wood (Cambridge: Cambridge University Press, 1991). Citation is by paragraph number and, when relevant, “R” for “Remarks” and “A” for “Additions.”

For Hegel, the will is genuinely free when it rationally deliberates and its undertakings and choices reflect the will's consciousness of itself as a free will, a rational agent. Concrete freedom and individuality can be achieved only when the will becomes determinate not only in the universal sense as a free will but as a particular being with particular interests, goals, etc. It must be made clear that rights, for Hegel, entail claims to the fulfillment of an individual's essential nature as free (not his arbitrary interests or desires); the fundamental right to freedom that each individual has requires that he act with respect to other persons and their rights.

5.11 *Moralität* and the Right to Subjectivity

Like "abstract right," *Moralität* is an abstraction that is fully realized only in the ethical realm of the state. Whereas in abstract right an individual was shown to have a right to realize himself as a *person*, the right associated with *Moralität* is the right the individual has to give himself the determination of a *subject*. The consciousness of oneself as a "subject," according to Hegel, is a definitive aspect of modernity and crucial to one's identity. The essential characteristic of *Moralität* is the "reflection of the will into itself and its identity for itself" (*PR*, §105); this means that the individual has a consciousness of himself as a particular, rational, moral, and free being—a "subject." The subjective will has a right to express and realize its subjective end concretely. The source of this inviolable right to subjectivity and subjective freedom is the essential nature of the will as free and self-determining. The moral point of view is concerned with the subject, the individual's inward conscience: "*Conscience* expresses the absolute entitlement of subjective self-consciousness to know *in itself* and *for itself* what right and duty are, and to recognize only what it thus knows as the good" (*PR*, §137R). According to Hegel, freedom of conscience is an essential requirement of a fully rational state.

Morality embodies the "development of the *right* of the subjective will" (*PR*, §107R). The individual recognizes and knows himself as being absolute and self-determining; hence, the will in this realm follows only the dictates of its own reason. The moral point of view involves the development of the will that is still an abstraction, but it is an abstraction that involves self-consciousness, which was lacking in the more formal abstraction at the level of abstract right. "Person" as an abstraction involved only the recognition of formal freedom; "subjectivity" emerges with the advent of self-consciousness, of being able to recognize oneself as a contingent individual. By claiming that the subjective will has a right, Hegel is making the point that the will has the right to determine the content of its "subjectivity," to recognize and become only that which it recognizes as holding its content. The subject's particularity has a right to find its satisfaction—Hegel refers to this as the right of "subjective freedom" (*PR*, §124R).

5.12 Rational State

Ethical life is characterized by the supersession of the resolution present in the moral sphere, one expressed in the unity of the subjective and the objective good (*PR*, §141). This convergence of the universal and the particular engenders a new form of freedom. In the rational social order, the “interpenetration of universality and individuality” (*PR*, §258R) refers to the unity of the two wills; this unity is exhibited when the two wills unite in the pursuit of universal ends since the achievement of their individual pursuits is dependent on the state itself being realized and maintained. In order for the state to be rational, it is necessary that it actualize freedom and that the members of the state recognize it as recognizing their freedom—implicitly and explicitly recognizing their autonomy and their rights in its institutions. The right to personhood, identified in the first stage of development of the free will, and the right to subjectivity, identified in the second stage, therefore, must not only be preserved in the state but must also receive their full articulation.

Social roles play a critical part in Hegel’s ethics, and although they serve to identify the kinds of rights and duties a citizen in a particular state has, the force of the requirements that follow from those roles is due to their being viewed as rational by the citizens. This is the demand of freedom: the free will willing only that which it consciously accepts as being rational. Role obligations and the duties the individual has are subject to what Hardimon calls “reflective acceptability”; to say that a “social role is *reflectively acceptable* is to say that one would accept it upon reflection.”²⁴ The assessment of the reflective acceptability of a given role involves a comprehensive examination of the rationality of the institutional framework which created the particular role, and if either the role or the institutional framework that engendered the particular role cannot be justified on rational grounds, then the obligation to fulfill the role loses its moral force. Identifying with one’s culture and social roles is not, according to Hegel, to be taken to mean that one’s sense of self is to be superseded by one’s sense of being a particular member with particular roles, but rather from one’s sense of self as a self who can abstract itself from its culture and particular social roles and assess their moral force.

In order for the state to realize substantive freedom, social membership must acknowledge and enable the individual to articulate one’s right to freedom, for in exercising this right one both expresses one’s essentially free will and at the same time promotes the kind of social membership which in turn allows one to develop a greater grasp of what a strong sense of individuality entails. Obviously much has changed since Hegel’s time, and the notion of what a state is has grown much more complex, making its comprehension as “inherently rational” a challenging task. But the idea of a political and ethical community that enables and promotes the full articulation of the private and public lives of its citizens has become even more important now than it was in Hegel’s time.

²⁴Michael Hardimon, “Role Obligations,” *Journal of Philosophy* 91, no. 7 (1994): 348.

The rational state realizes freedom because its organization secures the environment necessary for each individual to find expression for his right to freedom. The individual's right to freedom can only be realized, according to Hegel, in a *Rechtsstaat*, a state that is determined by a system of laws which itself is expressive of and consistent with the rational content of the individual's free will; the constitution is indeed "the Idea and consciousness of the rational" (*PR*, §274A). Hegel maintains that people must be able to actualize themselves as individuals, both in the sense that they actualize their own individuality and their social identity. What this means is that the social and political constructs must be such that they enable and encourage this kind of actualization. The notion of the state that Hegel presents has as its *foci* the rights of individuals. In exercising his rights, the individual actualizes himself, but this actualization can take place only within a realm of a rational and ethical community where each individual's rights are recognized.

One is not defined apart from who one is as a member of a particular cultural and political entity, but one is also not defined purely in terms of one's social roles in a particular community. Self-actualization, for Hegel, involves a process in which both identities—the identity of the self apart from one's social roles and the identity of the self as a social member—are developed, but this development ends in the actualization of the rational and autonomous self. Reconciliation for Hegel is achieved when the rational agent accepts his membership as being compatible with his rational self. Viewing his true nature as a rational and autonomous being does not preclude the individual from recognizing the important role that being a member of a community plays in the formation of his identity, but the rights the individual accrues in the society are by virtue of his being an autonomous and rational being rather than because he is an "individual social member."

The rational state, according to Hegel, must realize substantial freedom, which is the unity of subjective and objective freedom, where the former refers to the laws and institutions of the rational social order and the latter refers to the capacities and attitudes associated with the individual (*PR*, §144). Subjective freedom for Hegel denotes the nature of the relationship that a citizen has to the state. An individual forms an identity with the political and social institutions when he considers these institutions as embodying his essence, his end, and the product of his activity. Subjective freedom can be achieved only when the citizen consciously wills himself to follow the rules and laws of the social order. To view the state as being the product of his own activity, the individual must first come to understand his role as an agent who collectively makes the political and social institutions possible and through whose support the institutions will continue to exist and function properly.

The concept of objective freedom is critical to Hegel's argument because it provides a justification of why an individual acts rationally when he conforms to the requirements of the political and social institutions in the state. Objective freedom addresses the issue of what the context of the political and social institutions must be in order for those institutions to be considered as being inherently rational by the citizens. When members of rational state successfully achieve objective freedom, they

view the institutions as having a universal validity.²⁵ *Objective freedom* means that the institutions embody in their content and structure the realization of freedom that can be universally validated. To claim that a state is rational means that its institutions provide the circumstances in which the individuals can attain objective freedom *and* subjective freedom.

5.13 Right to Freedom and International Law

Hegel views the role of international law as endorsing the doctrine of “universal right,” which he claims “ought to have an international validity” (*PR*, §333). For Hegel, international justice—like domestic justice—must exhibit a commitment to human rights, the most fundamental being the right to freedom. As he points out, however, “the universal determination of international law remains only an obligation, and the (normal) condition will be for relations governed by treaties to alternate with the suspension [*Aufhebung*] of such relations” (*PR*, §333). On Hegel’s view the realization of one’s right to freedom requires the rule of law—both on the state and international level. The rational state, for Hegel, is a properly ordered constitutional state [*Rechtsstaat*]. Since one’s right to freedom and all the rights that follow from it do not depend on one’s membership but belong to one by virtue of being a human being, a peaceful international order can be attained only if human rights—derived from the right to freedom—define the purpose and content of international law. Thus the principle inherent in both state and international law is Hegel’s right to freedom. His insistence that basic human rights be universally respected ought not be interpreted as denying the importance of culture; his position is rather that the value of culture cannot be assumed or measured without taking into account the value it has for its members: a culture that has value for its member is one that respects human rights.

While Hegel rejects Kant’s notion that perpetual peace could be achieved by a league of nations, he does not rule out the possibility of interstate agreements entered into for the sake of promoting a more peaceful international order. But Hegel claims that “a relationship between states ought also be inherently governed by right” (*PR*, §330A) and “the principle of *international law* [*Völkerrecht*]” should be a “*universal right* which ought to have international validity in for itself” (*PR*, §333). These claims may have the appearance of contradicting Hegel’s insistence that states are sovereign, but this is only so if one fails to understand that, for him, international and state laws must protect basic human rights. The obligatory force of international law is derived from its expression of rational interests of states, but, as Hegel notes, the rational interests of states is the realization of the right to freedom which each individual is endowed with as a human being. The global order that

²⁵The argument supporting universalistic interpretation of Hegel’s ethics is made by Allen Wood in *Hegel’s Ethical Thought* (Cambridge: Cambridge University Press, 1990), 212.

is envisioned by Hegel can be captured by the term “transnationalism.” I take this term to express a condition in which states lack absolute sovereignty (given that they must comply with international law), while retaining the freedom to determine their own objectives, provided that they do not violate human rights.

This discussion would not be complete if I failed to address Rawls’s claim regarding the similarity between his decent hierarchical society and Hegel’s conception of the ethical state. The similarity, Rawls says, is as follows:

[I]n the well-ordered decent society, persons belong first to estates, corporations, and associations—that is groups. Since these groups represent the rational interests of their members, some persons will take part in publicly representing these interests in the consultation process, but they do so as members of associations, corporations, and estates, and not as individuals. The justification for this arrangement is as follows: whereas, so the view goes, in a liberal society, where each citizen has one vote, citizens’ interests tend to shrink and center on their private economic concerns to the detriment of the bonds of community, in a consultation hierarchy, when their group is so represented, the voting members of the various groups take into account the broader interests of political life. Of course, a decent hierarchical society has never had the concept of one person, one vote, which is associated with a liberal democratic tradition of thought that is foreign to it, and perhaps would think (as Hegel did) that such an idea mistakenly expresses an individualistic idea that each person, as an atomistic unit, has the basic right to participate equally in political deliberation.” (*LP*, 73)

This particular claim is misleading in that it seems to cast Hegel as being anti-individualist. In the previous section I hope to have shown that such interpretation of Hegel cannot be sustained. Nevertheless, Rawls brings attention to a potential problem in Hegel’s commitment to individualism: is Hegel’s commitment to individual rights compatible with his endorsement of corporate forms of representation? Granted, Hegel defines social and political participation in terms of membership in estates, yet this does not change his claim that a rational social order must be structured such that the integrity of each individual’s free will—his right to freedom—is respected. This requirement imposes on the social order the duty to ensure that each member participates in and contributes to the preservation and rational functioning of the state.

In addressing Hegel’s doctrine of corporate representation, I will briefly consider what I take to be its most important elements. Against those who view Hegel’s corporatism as a doctrine that is too historically contingent to be useful to moderns, I argue that his doctrine of corporatism was never intended to be limited to the narrow historical interpretation which denotes membership in the feudal guilds of the Middle Ages. Indeed, for Hegel corporations include a whole range of professional associations, organizations, special interest groups, etc., that have evolved as civil societies developed.

The objective of Hegel’s doctrine of corporatism is to increase participation and at the same time make it more effective in the complex modern nation-states where direct participation in the affairs of the state is no longer viable. “In our modern states,” he observes, “the citizens have only a limited share in the universal business of the state” (*PR*, §255A). Furthermore, Hegel adds, direct universal suffrage displays a strong tendency in producing apathy and atomization among the

citizens (*PR*, §303R); “in large state in particular, the electorate inevitably becomes *indifferent* in view of the fact that a single vote has little effect when numbers are so large; and however highly they urged the value the right to vote, those who enjoy this right will simply fail to make use of it” (*PR*, §311). In response to these issues, Hegel sought to identify a system of representation that would enable active and effective participation—a fuller expression of the right have one’s voice heard. For Hegel the solution lies in the idea of representation being achieved through mediated structures—structures that bridge the chasm between the particular and the universal, individual interests and political life of the state: the “determination (of the Estates) requires that they should embody in equal measure both the *sense* and *disposition* of the state and *government* and the *interests* of *particular* circles and *individuals* [*Einzelnen*]” (*PR*, §302). The mediating function was to be carried out by the deputies who would represent their constituents (corporate bodies, professional associations, interest groups, etc.) in the legislative assembly; for Hegel it is imperative that the deputies be “familiar with and party to its (constituents’) special needs, frustrations, and particular interests” (*PR*, §311) for only then they possess the proper understanding of the true interests and concerns of their constituents, and only then they can properly represent them in the legislative assemblies. Hegel strongly believes that corporate representation will also decrease the possibility that a branch of the society be will overlooked and denied proper representation.

Hegel’s adoption of corporate representation, thus, is not in any way intended to restrict the individual’s right to be represented; on the contrary, he views corporate representation as a remedy to the maladies of popular suffrage in modern states. As Buchwalter points out, it is “in and through nongovernmental corporate associations that a broader notion of public spiritedness is possible.”²⁶ Corporate membership also enables strong identities: “A community requires subordinate and superordinate sphere of influence for the development of diverse human capacities; it requires specific forms of organization with which the individual can identify.”²⁷ Though one could argue that Hegel overstates the problems associated with direct universal suffrage, I hope to have shown that, *pace* Rawls, his doctrine of corporate representation aims to secure and articulate individual’s right to vote and be represented in the governing body.

5.14 Conclusion

The effect of Hegel on Rawls is apparent in the moral significance that Rawls assigns to political communities, a significance that both pays due respect to the basic human good of social rootedness and provides good reasons for respecting

²⁶Andrew Buchwalter, “Hegel’s Concept of Virtue,” *Political Theory* 20, no. 4 (1992): 572.

²⁷Steven B. Smith, *Hegel’s Critique: Rights in Context* (Chicago: University of Chicago Press, 1989), 143.

self-determination of well-ordered political communities. Clearly, Rawls strongly believes that toleration is a value that ought to be fostered in the international order, an order characterized by pluralism of differing and often conflicting values. But if we adopt a notion of toleration as demanding respect—and here Hegel is in agreement with Rawls that we should—then the criteria for what would justify respect must be identified and defended. It is in this respect that Rawls's theory proves to be less than adequate. I hope to have shown that if peoples are to respect each other and respect the idea of self-determination and sovereignty, then they must commit themselves to respect a list of human rights more extensive than Rawls's, insofar as they include a right to full liberty of conscience and nondiscrimination.

For Rawls and Hegel, societies are more than collections of individuals; they have a moral nature and a sense of history and pride. It is for this reason that collective self-determination ought to be protected—so long as it would be compatible with principles of global justice. As Rawls says, “[s]elf-determination, duly constrained, is an important good for people” (*LP*, 84); individuals do need social rootedness in order to develop their particular identity. The problem is not that Rawls supposes that self-determination of societies is an important good because it supports culture; rather, it is his failure to provide principled justification for ignoring the self-determination of the citizens. When Rawls discusses the idea of being reconciled to one's social world, he asserts that “one must be able to see it as both reasonable and rational” (*LP*, 126–127); this claim is both cogent and compelling—but it is far from fully or persuasively realized in his idea of international justice.

Hegel argues for the legal protection of rights of personhood of each human being irrespective of nationality, race, religion, social status, etc. Whereas respect for persons need not be limited to respect for their rights, their dignity cannot be respected if their rights are being violated. Hegel's argument is particularly strong on this point precisely because it shows how the capacity of being a subject of rights brings with it the awareness of all others as being rights bearers (i.e., it proves that rights are universal). And finally, Hegel succeeds in showing how respect for rights and cultural diversity can be accommodated. Hegel's stance on human rights is universalist, but he does not support the abolition of states, for only states can provide the proper framework for the development and expression of particularity. It is only in virtue of being members of and participating in a particular cultural and political community that individuals come to recognize themselves as agents. Cooperative social institutions are essential to agency, and it is for this reason that we can identify as a fundamental interest of all human beings qua moral persons the need to secure the cooperative social schemes that take individual autonomy as the primary objective.

On Hegel's account, a normative system of political authority can have significant meaning for its members only if its purpose is the good of all those members. In order for citizens to view their obligations as being genuine in the sense that they confer due recognition of their agency, the system of authority must be such that the citizens can seek and receive public accountability of state actions. If all citizens have this right to evaluate and criticize public officials and institutions, then the right

to freedom of thought, full liberty of conscience and nondiscrimination cannot be constrained by the idea of sufficiency invoked by Rawls.

While the emphasis he places on rights is universal, Hegel believes it can nonetheless provide a framework that is sensitive to the particularity of individuals and diversity of their cultures. The protection of basic rights secures spaces within which individuals can mold and express a particular identity. Only a framework committed to the idea of rights as universal can accommodate different cultures; indeed, in so far as cultural identity is constituent of personal identity, individual rights must be secured in order for an individual to be able to express his/her individuality in a more complete sense. Ultimately social identity, for Hegel, has value because of the value with which an autonomous individual endows it; the value of culture cannot be assumed but must be understood in the context of the value it brings to individuals. On Hegel's account, principles of international justice cannot tolerate or condone violations of basic human rights. While he agrees with Rawls that international justice must accept some inequalities (i.e., inequalities of income, goods, etc.), Hegel contends that a principle of international justice cannot condone violations of human rights, such as enslavement, oppression, and discrimination.

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Chapter 6

Hegel, Civil Society, and Globalization*

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Hegel's political philosophy has raised and focused issues and themes that have been at the heart of important political debates ever since he wrote. Recently, Hegel's thought has been inserted into dialogues about globalization and global justice, cosmopolitanism and multi-state federations, and international law and its constitutionalization. In this chapter, I wish to focus on how for Hegel civil society relates to globalization, because his treatment of civil society and state provides an intelligent alternative both to Kantian cosmopolitanism and to the Hobbesian international "state of war." After a brief introduction, I describe the key elements, the strengths and dilemmas, of Hegel's civil society (Sect. 6.2), and then focus on civil society as the locus of rights (Sect. 6.3). But the dilemmas of civil society remain – and need to be resolved – in a world of globalization where property and the market are central institutions (Sect. 6.4). I conclude with some reflections on how Hegel's view of increasing international co-operation contrasts with Kantian views (Sect. 6.5).

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6.1 Introduction

Hegel's *Philosophy of Right* – his mature presentation of his political philosophy (1821) – is a statement of a full and sophisticated freedom.¹ For Hegel, freedom is the development, enactment, and expression of a variety of human capabilities that constitute our individuality, within a constitutional modern state whose institutions encourage (and require) the development of those capabilities and that individuality. The mutual and mutually reinforcing constitution of individuality and institutions is dynamic, vibrant, and harmonious. Modern individuality can only exist within the complex, variegated modern political order, within which the family encourages individuation, civil society includes areas for the pursuit of private interests and of shared goods, and the political state unites everyone in general or common goals. Conversely, those institutions can only exist when individuals have a sense of themselves as subjects able to act in the world, engage themselves in multiple spheres of life, and are differentiated from other individuals in a society marked by different personal interests, goals, and accomplishments. Hegel's synthesis of individual freedom and modern state institutions is his great accomplishment in Western political philosophy; his is a political philosophy of freedom.

The sovereign and independent modern state is central to Hegel's idea of freedom. The state with its rational institutions and free citizens is an important achievement. Using language similar to Hobbes's when he calls his Leviathan a "mortall God," Hegel asserts that the state is "the march of God in the world" (*PR*, §258A). Citizens see that the state upholds their substantive ends (even when the state may be acting against their immediate interests or wishes), and so it is "the individual's substantive duty . . . to maintain . . . the independence and sovereignty of the state, at the risk and the sacrifice of property and life, as well as of opinion and everything else naturally comprised in the compass of life" (*PR*, §324). States as autonomous totalities with differing interests and values will come into conflict with each other, and may go to war. At first glance and for many interpreters, Hegel's view of inter-state (or, to use common modern parlance, international) relations seems like Hobbes's, where independent and autonomous states are the international actors. States relate to each other through contingent and transitory contracts or treaties that can be broken by the arbitrary will of either sovereign. With cannons on their borders,² sovereigns are ready to go to war for whatever reason, and war is a concern only for the warring combatants. Also, states have, in principle, no business

¹G.W.F. Hegel, *The Philosophy of Right*, trans. by T.M. Knox (Oxford: Clarendon Press, 1942). All citations to *The Philosophy of Right* are in parentheses in the text, and to section, not page, number, preceded by "PR": where the material cited is from the main text of the section, the section number alone is given; where it is from the "remarks" Hegel added to the text, the section number is followed by "R"; where it is from the "additions" that later editors appended to posthumous editions by collating student lecture notes, the section number is followed by "A." The material in *The Philosophy of Right* is presented in briefer compass in G.W.F. Hegel, *Philosophy of Mind*, trans. William Wallace and A.V. Miller (Oxford: Clarendon Press, 1971); it is cited like *The Philosophy of Right*: in parentheses in the text, to section number, preceded by "Enc."

²Thomas Hobbes, *Leviathan*, chap. XIII.

interfering in the internal affairs of any other state. But Hegel's view is not a simple Hobbesianism or Westphalianism.³

At the level of states, Hegel sees that states interact not by the (Hobbesian) sovereign's arbitrary will making contingent and transitory connections but by the on-going relation of recognition. A state gains "its full and final legitimation through its recognition by other states" as each agrees with each other to respect each other's autonomy (*PR*, §331R), and so states' relations to other states are integral to each state's self-definition. States define their norms for interacting with other states, discuss those norms with other states, and establish those norms (not as effective laws but) as an "ought-to-be" that each state has a value in upholding. (Of course, in practice not all stated and agreed-on norms are upheld; conversely, even in war many interstate norms remain effective, Hegel thinks [*PR*, §339A].) So Hegel sees that, in the modern world, each state as an individual defines itself in relation to other states, gains recognition and legitimation from other states, and develops norms and co-operative interactions with other states. War is an ever-present possibility, because states have differing interests and values that can come into conflict; but recognition and interaction in peace are also ever-present.

As states recognize, interact with, and develop norms of common behavior with other states, their interstate relations certainly fall far short of Kant's cosmopolitan ideals of a federation of republics or of a world government. But Hegel does indicate how states can generate relatively binding norms and patterns of interaction with other states, and gradually move towards regional ties marked by co-operation and a confluence of values and interests – even at the same time that the possibility of divergent interests, conflict, and war remains a possibility. I have discussed this dimension of Hegel's views on globalization elsewhere.⁴ Here I would like to discuss how Hegel's comprehension of civil society leads to some acute insights into globalization.

6.2 Civil Society

For Hegel, civil society is "the achievement of the modern world" (*PR*, §182A). The space between the intimate sharing of the family and the universalism of the state, civil society consists of the system of needs, the administration of justice,

³Nor is it a straightforward anti-Kantian position, despite Hegel's criticisms of Kantian ideals of perpetual peace, cosmopolitanism, and international federations. (By "Kantian ideals" I refer to the ideas in Immanuel Kant, *Perpetual Peace and Other Essays*, trans. Ted Humphrey [Indianapolis, IN: Hackett, 1983], James Bohman and Matthias Lutz-Bachmann, eds., *Perpetual Peace: Essays on Kant's Cosmopolitan Ideal* [Cambridge, MA: The MIT Press, 1997], and Jürgen Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy* [Cambridge, MA: The MIT Press, 1998].)

⁴In "Hegel as a Colonial, Anti-Colonial, and Post-Colonial Thinker," in *Europe and Its Borders*, edited by Andrew Davison and Himadeep Muppidi (Lanham, MD: Lexington Books, 2009), 25–48.

and the public authorities and corporations (or *Korporationen*, in Hegel's German). Civil society, and especially the system of needs, is a fairly free and open space where individuals can pursue their own values and interests in their own way (or, in the charming language of William Wallace's translation, where individuals have as their aim "their own petty selves and particular interests" [*Enc.* §523].) A "system of the atomistic" (*Enc.* §523), the system of needs is the sphere where human beings have needs, work to satisfy those needs, exercise their abstract rights to property and contract, and interact with each other "as private persons whose end is their own interest" (*PR*, §187). It is, as Hegel suggests, the sphere discussed by the classical political economics of "Smith, Say, and Ricardo" (*PR*, §189R). The administration of justice enforces law, so that individuals' rights to life, liberty, and property are protected. The public authorities act to provide public goods (like street lighting) and to mitigate systemic problems (like sharp changes in prices caused by distant circumstances of which local merchants know little, such as a crop failure in a distant land or the collapse of incomprehensible mortgage-backed securities). Further support is added by the *Korporationen*. These are not business corporations, as in contemporary American usage, but organizations composed of those who have common interests, values, or goals; they provide knowledge and protection for those engaged in common undertakings. They can also pursue their own good more effectively because of the knowledge, security, and camaraderie that *Korporationen* provide.

In other words, civil society actualizes the rights that Hegel discusses in earlier sections of *The Philosophy of Right*. In "Abstract Right" the person claims the rights to life, liberty, and property; in civil society these rights are exercised as individuals freely pursue their goals, exchange and use their property, and make choices within the laws and enforcement of the administration of justice. At the same time, the public authorities and the *Korporationen* especially actualize some key rights of "Morality," such as the individual right to welfare, the satisfaction of his particular needs, and respect for conscience (*PR*, §§123, 124R).⁵

Hegel expresses the freedoms and interactions that Smith and Ricardo emphasize: the individual's "natural liberty," his pursuit of his own interests in his own way, the reliance not on benevolence but on needs and work, and the increase in wealth that results. Indeed, for Hegel civil society realizes liberty (*Enc.* §539R), equality (*PR*, §209R), and fraternity (*PR*, §255R), the principles of the French Revolution, in a system that is a dynamic, active, and variegated.

Hegel also captures some aspects of freedom that Smith and Ricardo do not stress. For Hegel, needs and work, which appear to be natural, are social and liberatory: human beings have needs and in interaction in the system of needs they develop new needs, new ways of working to satisfy the new needs, and new tools

⁵Of course, neither abstract nor moral rights can be asserted or exercised without limit: e.g., property rights are limited by law, regulations, taxation, and the demands of war; and similarly the moral right of conscience, to do only what you understand as good, is limited by the state's determination of what is the common good.

and machines (and modes of interaction, like divisions of labor and organizing labor into factories) to work more efficiently, satisfy needs, and develop social interactions. One result of needs, work, and interactions is that different individuals have different resources (or capital or wealth), and so class divisions develop; individuals work on different materials, and so divisions between agriculture and manufacturing develop – and individuals in different lines of work develop different attitudes towards nature and others (*PR*, §§200-205). So our “needs and work” are not immutable natural impulses but are generated only within (and continue to generate) a social and cultural context, or (in Hegelian language) have a social “moment.”

Reciprocally, all the differences among individuals develop with that social and cultural context, so that all that individuates anyone from another – all the particular characteristics that an individual has – are in practice the result of the possibilities and workings of his specific cultural context. Individuality, individualism, and individual freedom are tied to the workings of civil society, develop in the context of social interactions, and with that social moment become tied into society such that the individual is not an alien in his own homeland but rather has developed his own characteristics in ways that are useful, respected, and beneficial for both the individual and his society. Or, in Hegel’s language, the “social moment” is liberatory – individuals are liberated from their natural impulses, from their idiosyncratic ways of acting, and from their isolation, to civilized needs and wants, to ways of acting that are effective vis-à-vis the natural world and human beings, and to social interactions that enhance individual education (or *Bildung*) in its broadest sense, the ability of the individual to act in the world and realize his goals therein. The individual undergoes a process of education and acculturation in which he develops from a particular natural being into one who gains intersubjective (or, in Hegel’s language, universal) modes of being and acting.

Hegel also keeps in mind that the purpose of “needs and work” is the welfare of the individual, and so he insists that the public authorities play a role in assuring the satisfaction of needs in ways that go beyond (and impinge upon) a free market of property-exchange. To assist with the individual’s moral right to welfare, the authorities can regulate goods that satisfy daily needs to protect against fraud and adulteration (*PR*, §236); they provide public goods like hospitals and street-lighting (*PR*, §242R); and they provide relief for the poverty-stricken (*PR*, §242). To actualize the individual’s moral right of conscience, or his right to know, the administration of justice is charged with making the laws known and applying them fairly and publicly. Hegel’s civil society actualizes abstract and moral rights in an active and vibrant social order; it establishes “the principle of the self-subsistent infinite personality of the individual, the principle of subjective freedom” (*PR*, §185R).

At the same time that civil society is a locus of freedom, it contains limitations. As Hegel presents “one of the most acute insights into the working of modern, industrial society,”⁶ he indicates that civil society has some serious problems and

⁶Shlomo Avineri, *Hegel’s Theory of the Modern State* (Cambridge: Cambridge University Press, 1972), 94.

shortcomings that render it insufficient on its own. The human beings of civil society find themselves constricted: precisely where civil society allows economic freedom to flourish, it imposes on individuals limited ways of thinking and acting. Existence, indeed survival, in a market society of atomistic contractors requires from its participants a definite cast of mind; as Adam Smith said, in an exchange society “every man . . . becomes in some measure a merchant,”⁷ pursuing his own ends, concerned with getting and spending. For Hegel, just as the attitude or “propensity to truck, barter, and exchange”⁸ derives from commercial society, so do the specific needs of men in modern, industrial society. When needs become social, they are liberatory; but even liberated needs carry their own restrictions. Needs become socially determined to an extreme, fashion and fancy rule, and “everything private becomes something social. In dress fashions and the hours of meals, there are certain conventions which we have to accept because in these things it is not worth the trouble to insist on displaying one’s own discernment. The wisest thing here is to do as others do” (*PR*, §192A, see 191A). Similarly with work, the social and cultural milieu generates the kinds of specific tasks we wish to and can undertake, and under what conditions we do them.

Moreover, the prevalence of consensual contracts based on rights forces specific kinds of relations. Human relations are reified and instrumentalized: money – impersonal and abstract – courses through the society, depersonalizing relations; in contract persons relate to other persons through the mediation of money and the things being exchanged, and they exchange for their own calculated and utilitarian purposes (*PR*, §§63A, 75, 80). At the same time, the economic order throws man into positions of subservience and dependence. Civil society is “a system of complete interdependence where in the livelihood, happiness, and legal status of one man is interwoven with the livelihood, happiness, and rights of all. On this system, individual happiness, &c., depend, and only in this connected system are they actualized and secured” (*PR*, §183). In Hegel’s civil society, “the individual man . . . must frequently make himself a means to others, must subserve their limited aims, and must likewise reduce others to mere means in order to satisfy his own interests.”⁹

Just as the liberation and freedoms of men in civil society are incomplete, so too the institutions of civil society have deficiencies. Even within itself and on its own terms, modern civil society faces problems and difficulties that threaten its continued existence and regeneration in the form Hegel presents.¹⁰ The *Korporationen*, important for integrating individuals into a community that pursues common goals,

⁷Adam Smith, *An Inquiry into The Nature and Causes of The Wealth of Nations*, Bk. I, ch. 4.

⁸Smith, *Wealth of Nations*, Bk. I, ch. 2.

⁹G.W.F. Hegel, *Aesthetics*, trans. T.M. Knox (Oxford: Clarendon Press, 1975), 149.

¹⁰Two brief notes: I do not here address the question, to what extent do existing states realize or live up to the standards or the concepts put forth in *The Philosophy of Right*; and I think that neither Hegel nor his readers should expect that civil society be perfect or free from flaws, because for Hegel any principles or practices of objective spirit present “finite” not “absolute” spirit (*Aesthetics*, 99).

recognizing the value of their work, and providing human dignity and meaning, are threatened with decline, as the spirit of individualism undercuts their rationale for existence (*PR*, §255A); in addition, they seem inadequately comprehensive because day-laborers are excluded from membership and hence from the corporation's economic and spiritual benefits (*PR*, §252R). The liberating dimension of work is threatened both by the intensification of the division of labor ("the subdivision and restriction of particular jobs" [*PR*, §243]) and by advances in technology and mechanization (*PR*, §198, *Enc.* §256). The mechanization of farming undermines the ethos of the agricultural estate, moving it from one based in nature and family to one that has much more in common with the manufacturing sector (*PR*, §255R), with a resulting imbalance between the three estates (*PR*, §203A).

Hegel also analyzes acutely "poverty and the limits of civil society."¹¹ Hegel recognizes that formally equal contracts result in substantively unequal distributions of resources and wealth. The active pursuit of private interests in the hustle and bustle of civil society produces "a spectacle of extravagance and want as well as of the physical and ethical degeneration common to them both" (*PR*, §185). In boom times when the society is producing vast amounts of goods and services, technological progress and an intensified division of labor lead to the "creation of a rabble of paupers" and a "concentration of disproportionate wealth" among the few (*PR*, §244). Both the very poor and the very rich do not work, and so do not gain the ethical, liberatory, and social benefits of work. Moreover, for Hegel, civil society does not have effective means to counter poverty. To give the poor direct welfare grants undercuts the "feeling of individual independence and self-respect" gained from work; and to employ the poor through public works would increase the "excess of production" of the society. "It hence becomes apparent that despite an excess of wealth civil society is not rich enough, i.e. its own resources are insufficient to check excessive poverty and the creation of a penurious rabble" (*PR*, §245). Nonetheless, civil society and its public administration are responsible for allaying the distress of the poor and providing for their welfare.¹²

In part, the individual and institutional shortcomings of civil society stem from Hegel's distinguishing political from civil society. While Locke talks in the same breath of "political or civil society,"¹³ for Hegel the distinction is important. The institutions of civil society are limited because they do not contain the means to determine and enact the common good or the universal will of the community. The rules of that determine the scope and practices of the market in the system

¹¹An excellent extended analysis can be found in Avineri, *Hegel's Theory*, 147–54.

¹²Hegel does propose one means within civil society to solve the problems of overproduction and the rabble in civil society: overseas colonies, which can absorb excess production and excess population from the European country (*PR*, §§246–48). But colonization clearly has its limits because the world is finite: at some point European powers are going to run out of non-European areas to colonize. Moreover, and consistently with his principles, Hegel argues for the eventual freedom of the colonies (*PR*, §248A). Colonizing is clearly not a long-term solution to the problems of civil society.

¹³John Locke, *Two Treatises of Government, Second Treatise*, Chap. 7, title.

of needs, the content of the laws enforced by the administration of justice, and the scope and activities of the public authorities – all these need to be determined by the political order, the state, which establishes them in accordance with the needs, practices, and goals of the people.

Similarly, human beings when engaged in civil society have different attitudes and practices from when they are involved as citizens of the state. Civil society is the sphere of individual rights, where men seek “the security and protection of property and personal freedom” and their individual interest (*PR*, §258R); by contrast, the state, the political, is the realm of the common good, the universal will, a complex totality in which the self-consciousness of the individual member is raised to a consciousness of universality (*PR*, §§257, 258).¹⁴

Because civil society is a realm of the atomistic where the universal frequently works behind individuals’ backs, the member of civil society is not politically active and does not participate in the laws by which he is governed – although the *Korporationen* do provide members of civil society with “work of a public character over and above their private business” in which they can focus on the needs and goals of a larger group and so engage in “a known and thoughtful ethical mode of life” (*PR*, §255A). Only in the state does one engage in the political sentiment of constitutional patriotism: trust, expression of public opinion, and joining and understanding the legislative debates (*PR*, §§268, 314, 317).

Hegel’s distinction between civil and political society means that, even though civil society’s accomplishments include some concomitant constrictions of human beings and some important shortcomings of institutions, civil society is a crucial dimension of human freedom in the state. It also means that many of the norms of freedom in civil society are trans-state or cosmopolitan norms, which can have validity in any political community. The (abstract or liberal) rights to life, liberty, and property exist potentially for all persons, regardless of their natural conditions, religious tradition, or political membership; and the moral rights to welfare and conscience equally are all in principle sharable by all human beings.

6.3 The Rights of Human Beings in Civil Society

In his discussion of civil society, Hegel holds and asserts one principle that is crucial to his thinking in cosmopolitan terms beyond the boundaries of the state:

It is part of education, of thinking as the consciousness of the single in the form of universality, that the ego comes to be apprehended as a universal person in which all are identical. A man counts as a man in virtue of his manhood alone, not because he is a Jew,

¹⁴Or, as Hegel lectured in his introductory material about fine arts (*Aesthetics*, 98), “in a state which is really articulated rationally all the laws and organizations are nothing but a realization of freedom in its essential characteristics. When this is the case, the individual’s reason finds in these institutions only the actuality of his own essence, and if he obeys these laws, he coincides, not with something alien to himself, but simply with what is his own.”

Catholic, Protestant, German, Italian, &c. This is an assertion which thinking ratifies and to be conscious of it is of infinite importance. It is defective only when it is crystallized, e.g. as a cosmopolitanism in opposition to the concrete life of the state. (*PR*, §209R)

Hegel's political thought, then, insists on the universal recognition of individuals as equal, identical as human beings, at the same time that they are different in substantive and important ways, like religious belief and citizenship. So, for Hegel, every contemporary human being has rights. That all are equal as human beings is an accomplishment of civil society, i.e., it is a development towards cosmopolitanism or universal rights that occurs at a sub-state level.

For Hegel, rights to be effective need concrete existence in practice, and the rights of man gain their concrete existence in civil society. There the abstract rights to property and contract are realized and lived in the secular world of human action and interaction in the relatively free and open market society of the system of needs; the right to welfare follows from the pervasiveness of the market and the system of needs, which pulls everyone in. These rights come to the explicit consciousness of actors in the administration of justice, where rights are codified as laws, knowable by and known to all, with specific definitions replacing ambiguities and ambivalences of individual or natural reasoning about what is right, and enforced by a judge committed to the neutral and just application of the law. So the practices of civil society are necessary for the existence of rights.

Those practices are, as Hegel emphasizes, the result of historical development. Hegel famously sees freedom as developing over time: "in the oriental world, one is free; in the Greek and Roman world, some are free, and in the Germanic, all are free."¹⁵ When some were free and some were slaves, rights could not be shared across all human beings, because politically the free are qualitatively different from the enslaved,¹⁶ as Hegel illustrates in a charming and pedantic excursion into the Roman law of the family and the *potestas* of the family shows circumstances in which the arbitrary rule of the paterfamilias enslaved or otherwise deprived of rights his children and his spouse (*PR*, §180R). Only in the modern world where "all are free" can the idea of *human* rights or the rights of the person come into existence. Hegel attributes the beginning of such rights to Christianity, and notes that "it is about a millennium and a half since the freedom of personality began through the spread of Christianity to bloom and gain recognition as a universal principle from a part . . . of the human race. But it was only yesterday, we might say, that the principle of the freedom of property became recognized in some places" (*PR*, §62R).

¹⁵This short-hand version of the quotation is probably inaccurate; see G.W.F. Hegel, *Lectures on the Philosophy of World History: Introduction*, trans. H.B. Nisbet (Cambridge: Cambridge University Press, 1975), 54 and 130–31 (and *passim*) for the themes of this paragraph.

¹⁶In a similar vein Marx makes the argument that his important category of "abstract labour" could not be discovered even by the greatest economist and thinker of antiquity, Aristotle, because for Aristotle there was the labor of slaves, of women, and of free men, but not homogenous (or categorically similar) human labour.

Hegel's conceptualization of human or personal rights in civil society is important for the conversation about globalization in a number of interconnected ways. One is simply the importance of civil society with its various institutions that embody and manifest rights; at the very least, one can say that civil society has been historically and is, into Hegel's present, the sphere of society where the rights of human beings have developed and exist in practice. If – or as – new rights develop, like a cosmopolitan right to hospitality, it will likely develop as an extension of the rights already realized in civil society.

Moreover, and as is stressed by others such as Hannah Arendt,¹⁷ rights need not only to be proclaimed in theory (or asserted as “abstract rights” or moral norms) but also enacted and enforced in practice; and Hegel's emphasis, in *The Philosophy of Right*, on assuring that abstract rights and moral norms have concrete existence in civil society shows his concern that rights be actualized. Part of Hegel's skepticism about cosmopolitan rights (*PR*, §209R) probably derives from his sense that they are, in his time, simply abstract,¹⁸ norms that are proclaimed but not practiced or enforced.

But even with an emphasis on enactment and enforcement Hegel's is not merely a status quo or statist stance.¹⁹ Because of Hegel's stress on historical development, a reader can readily imagine that the rights of man can and will change and develop over time after 1821, just as Hegel saw rights as developing in human history up to his writing *The Philosophy of Right*. Trade and decolonization are two means by which rights can spread.

The realized concept of rights is spread by trade. Trade, Hegel states, upsets the rooted-ness to the soil of agriculture (and the rooted-ness to land and place of family life); trade moves individuals' horizons beyond “the limited circle of civil life with its pleasures and desires” in the “System of Needs.” Trade, especially “trade by sea creates commercial connexions between distant countries and so relations involving contractual rights” (*PR*, §247); trade expands the sphere of actualized abstract rights, of property and contract, throughout the world, making everyone persons who need to respect others as persons (*PR*, §36) and who in contract commit themselves to agreement with others and to increasingly self-policing rules of behavior (*PR*, §79). Trade also involves risk, expansive activity, a willingness to explore and interact with others in a peaceful manner respectful of rights; as Hegel says, “commerce of this kind is the most potent instrument of culture” (*PR*, §247).

¹⁷See her argument about “the decline of the nation state and the end of the rights of man”: Hannah Arendt, *The Origins of Totalitarianism* (New York: Meridian Books, World, 1958), Chapter Nine, 267–302.

¹⁸I think for Hegel in this paragraph “abstract” is the opposite of “actualized” in practice and by “enforcement” – which leaves open the possibility that abstract and moral rights can gradually become more concrete (and enforceable) through human action.

¹⁹In an odd but important way, Locke's theory of right now appears as the status quo stance; given that Locke thinks rights are natural and found out by human reason, the rights that Locke discerns in 1680 are, for him, the definitive rights of human beings. Hegel's stress on the development of rights mean that the rights discerned and practiced in 1821 are not the final iteration of human rights.

Hegel's ideas on trade express and expand the tradition of Montesquieu's and other eighteenth-century theorists' ideas of *doux commerce*.²⁰ And it is not difficult to fit later international developments into Hegel's understanding of how commercial and other related interactions are potent instruments of culture: international trade, international organizations, and other forms of non-state actors tend to reinforce and expand the rights of man to private property and contract, to laws and practices of reciprocity, and to co-operative undertakings with others. For Hegel, the on-going universalization of the practices of civil society advances human rights and freedoms.²¹

Certainly Hegel's advocacy of decolonization suggests that non-Europeans can work to develop rights in their own countries; it seems likely that as other states decolonized, become independent, and move towards becoming modern constitutional states, they need active and engaged members and institutions of civil society in order to realize in practice and enforce in law the rights of man and the citizen. Because even in Europe laws and practices differ in civil society, it is to be expected that decolonization will produce more variations on the specific contents of the realizations of rights. But different countries with different specific statements of rights and law can try to work out their differences so that they can engage in trade and other exchanges. In what directions rights develop will be a result of human action in the secular world; but rights are likely to become more widespread and bi- or multi-lateral agreements on rights more common.

Finally, it seems to me that Hegel's position is somewhat ambivalent towards the development of some specific cosmopolitan rights in the future – as, indeed, Hegel is generally ambivalent or open about the future. Human rights are misunderstood and “defective,” Hegel thinks, if everyone is understood to be only a “citizen of the world” or some other such cosmopolitan claim that is in opposition to the rights individuals have as members of states. Presumably, that leaves open cosmopolitan claims that are not or need not be in opposition to the state (such as the extension of personal and civil rights through trade). On the other hand, it also highlights Hegel's emphasis on the state and its importance in shaping the identities of its members and

²⁰As with civil society, Hegel differs sharply from Marx: whereas Marx sees conflict, power, and oppression, Hegel sees international trade as on balance affirming and assuring rights and acculturating individuals to concerns broader than their own narrow self-interest. He does recognize that the market and trade draw men in and force them to attend to values and practices demanded by the market. So people may well find themselves in circumstances where they need to change their values; the spread of the market is a force for modernization (including modern rights and freedom). Hegel seems not to emphasize the dislocations produced by modernization, whether in Europe or elsewhere, because for him the benefits of rights and freedom far outweigh the costs of social and psychological dislocations from modernizing.

²¹These rights include the moral right to welfare, a right of civil society for Hegel. For him, men have claims against civil society for protection, care, and welfare: “Civil society is . . . the tremendous power which draws men into itself and claims from them that they work for it, owe everything to it, and do everything by its means. If a man is to be a member of civil society in this sense, he has rights and claims against it . . .” (*PR*, §238A). Presumably, those drawn into international trade can make parallel claims.

in encouraging both diversities and unity: one's identity is shaped by one's religion, national origin, citizenship, and the like, and those are shaping institutions for Hegel that seem most sensibly organized by modern states, the largest political units that can create a purposive unity out of such diversity. These institutions are necessary for a free human life, and claims of (cosmopolitan or other) rights that undercut these institutions would be opposed by Hegel.

To translate the above points into more contemporary terms: for Hegel, if we are to be able to make effective assertions about human rights in the twenty-first century, we need to make sure that those assertions are grounded in human practice and the consciousness and protection of that practice. If – as for Hegel – the state is the human institution that most effectively protects rights, then we need to recognize the importance of the state in defining and protecting all rights that we may wish to develop as human rights. At the same time, for Hegel, a primary locus of the rights of man is civil society, and so if human rights are to be maintained, and if they are to be developed and extended, it is very important to maintain and extend civil as opposed to political society. Further, Hegel's sense of historical change is needed to heighten awareness that for rights to be changing – and therefore up for negotiation as human practices and consciousness changes – is both a promising and a fragile matter.

6.4 Free Trade, Civil Society, and Globalization

Globalization has many different descriptive meanings, ranging from the increasing free trade in a world market through some combinations of an ever-expanding free flow of goods, services, capital, individuals, and social customs to modern versions of the Kantian federation of republics or world state. Hegel's presentation of civil society suggests that ideals of globalization that center on free trade are likely to prove inadequate and unstable, just as a domestic civil society dedicated to free trade and lacking the state would prove inadequate and unstable.

Hegel's analysis of domestic civil society is remarkable for its emphasis on the shortcomings as well as the advances of civil society, as discussed above. Many of those shortcomings would be manifest in a global system. The reification and instrumentalization of human relations and the individual's subservience to and dependence on a large, impersonal system of world-wide exchange governed by the laws of economics are both concomitants of the exchange relations of modern commercial society. Furthermore, whereas Hegel imagines that the public authorities and the *Korporationen* of a modern state can serve as domestic counters to the dehumanization and alienation (and "physical and ethical degeneration" [*PR*, §185]) of contemporary commercial society, globalized commercial society lacks such effective public authorities and *Korporationen* – so far, at least. In globalized trade, what public authorities exist usually function to support free trade, and only with great difficulty can they be pushed to support other values, such as adequate

working conditions for laborers or environmental standards. Similarly, international *Korporationen* usually wage uphill battles in a free trade regime.

The situation is even more unstable and potentially unjust when it comes to over-production, unemployment, and poverty. A state's public authorities frequently do not have the resources or the ability to handle the results of global over-production of a commodity – with the result, for instance, that states whose GNP derives predominantly from one resource, such as nickel or copper (or oil), find themselves buffeted wildly – sometimes impoverished, sometimes with windfall profits – depending on the prices the world market sets for the commodity. Similarly with unemployment and poverty; and similarly, the *Korporationen* are not able to extend the social and financial resources when a country's economy suffers because of the vagaries of the world market. For Hegel the neoliberal and neoconservative answer that the individual should fend for himself is inadequate; as he lectured, “against nature man can claim no right, but once society is established, poverty immediately takes the form of a wrong done to one class by another” (*PR*, §244A), and so the amelioration of poverty and of its concomitant distress is the responsibility of civil society and the state at the state level, civil society, state, and international actors at the international level.

Hegel has two further two responses to the over-emphasis that proponents of free market globalization accord to free trade in the market, and hence the rights of property and contract – what Hegel presents as “Abstract Right” in *The Philosophy of Right*. One is that globalization, like Hegel's civil society, needs to actualize important principles of morality, including what Hegel presents as ‘the right of satisfaction’ in ‘Morality’.” “The right of the subject's particularity, his right to be satisfied, in other words the right of subjective freedom, is the pivot and center of the different between antiquity and modern times” (*PR*, §124R). This right assures that, no matter how the vagaries and inequalities of exchange based on (abstract) right play out, no matter how poor or excluded someone is, nonetheless they will be assured subsistence (by the public authorities if not by the *Korporationen*), education for their children, and the like. As Hegel lectured, “If a man is a member of civil society . . . , he has rights and claims against it just as he had rights and claims in the family. Civil society must protect its members and defend their rights, while its rights impose duties on every one of its members” (*PR*, §238A).²² Hegel's civil society is an institution of political right because it actualizes moral as well as abstract rights. Free market globalization tends to ignore the rights that Hegel discusses in “Morality,” that are actualized in Hegel's civil society, and that

²²I think “rights” should be read expansively in this quotation, to include rights from morality as well as abstract right. Regardless, because Hegel talks of “duties” it should be clear he is talking about more than only abstract rights.

humanize the purely commodity exchange dimensions of civil society and assure the expression and satisfaction of the subject's particularity.²³

Hegel's other response in *The Philosophy of Right* is war. Hegel insists that war has an ethical moment, a positive dimension: war is the demonstration of the finitude of "property and life" and of "the vanity of temporal goods and concerns" (*PR*, §324R). Those rights to life, liberty, and property, so central to liberal theories of rights and to Hegel's abstract right and civil society, are important accomplishments of the modern world. But "in peace civil life continually expands" at the expense of patriotism and the common good, as the "departments" of civil life "wall themselves in, and in the long run men stagnate. . . . But for health the unity of the body is required, and if its parts harden themselves into exclusiveness, that is death" (*PR*, §324A). The globalized economic order, like individual state's civil societies, can become too focused on property rights, too much thinking about property as "my property" and not as a moment in a larger whole, too centered on one's own interests and self-interested goals, too autarkic. To counter the modern tendency towards hyper-self-sufficiency that is built into civil society, modern society relies on war as a means to demonstrate mutual dependence and the ephemeral nature of property.

The amelioration of poverty and its distress; the actualization of moral rights of welfare, satisfaction, and the expression of particularity; and the transitoriness of property and the focus on property by war: for Hegel's civil society, all were necessary, and he saw the early nineteenth century political order as being able to undertake all of them, even if with some difficulty, unevenness, and suffering. (Hegel did think that modern wars would be waged more humanely, by professional soldiers, and with respect for non-combatants' lives [*PR*, §338].) For Hegel, just as his political philosophy attempted to resolve these issues for the nineteenth century, an internationalized civil society in the twenty-first century needs to be able to address poverty, moral rights, and the over-emphasis on and ossification of property rights if it is to be legitimate and justified.

²³Two important points are worth noting. As I have argued, one important move that differentiates Hegel's political theory from Hobbes's and Locke's (and Kant's) is that, whereas they move from rights to the state, Hegel moves from rights through morality (and family and civil society) before he gets to the state. So it is not surprising that in some important ways Hegel's political thought integrates moral rights (and family practices and the many dimensions of civil society). See my "Hegel's Critique of Liberal Theories of Rights," *American Political Science Review* 68, no. 3 (September 1974): 1086–92; reprinted in Robert Stern, ed., *G.W.F. Hegel: Critical Assessments* (London: Routledge, 1993) and in Michael Salter, ed., *Hegel and the Law* (London: Ashgate, 2003.) Second: given what Hegel says about the acculturating and civilizing aspects of trade and about the way in which domestic civil society flourishes because it integrates more than just abstract rights (or free trade) into its fabric, one obvious and important question is to what extent does Hegel think that a free trade globalization might well be driven to go beyond itself, such that the states that are party to the free trade agreement and the humans who are engaged in trade would both find free trade globalization inadequate, insufficient, or illegitimate unless the parties moved in a direction more inclusive of moral rights (like fair labor laws and environmental standards, and like corporations, national or trans-national, concerned with the status and well-being of their members or with the actualization of important values).

6.5 The State and the Cosmopolitan Order

When Kant wrote about cosmopolitanism he contrasted sharply the independent, autonomous, sovereign individual state of the post-Westphalian order with the cosmopolitan ideas that he championed; i.e., he tended to dichotomize recent world history and to dichotomize large scale political relations into either states or a cosmopolitan order (which might be a cosmopolitan state or might be a federation of states).

Kant's division of state versus cosmopolitan order can be re-stated in many different ways: as enforceable law as opposed to a *Sollen* or ought to be; as authoritative law as opposed to the universality of ethical obligations, as the naked power of the state as opposed to universal ethics, or as the particular (especially because of the state as nation) versus the universal.²⁴ All these divisions, which recur in contemporary discourse and which can be traced historically back to Kant, are regarded with suspicion by Hegel.

Kant's dichotomizing history is suspect; for Hegel the existence of individual states means that states depend on other states for relations, recognition, and legitimation – for interactions that go beyond the contingent, transitory treaty a Hobbesian sovereign negotiates with another sovereign.²⁵ So, Hegel thinks, even the post-Westphalian order includes the development of inter-state norms and practices whose existence redounds back on the autonomy (or autarky) of the state and ties the state irrevocably to other states.

In addition, for Hegel some other important arguments come into play that suggest that the Hegelian state (and especially its civil society) contains effective common norms and practices that may move the states towards a more cosmopolitan order. For Hegel most of the norms ascribed to cosmopolitanism in the above dichotomies are norms that have developed and been actualized by the modern constitutional state (and frequently in civil society), at least in Hegel's interpretation. Modern morality, ethical obligations, and universality are all integral elements of the Hegelian state, principles on which the state depends and which are realized in and by the state.²⁶ So the institutional embodiments of rights, (moral) welfare, and universals (such as law) in civil society and the state means the existence of principles of right, morality, and universality, the need continually to negotiate what those principles mean in the principles and practices of any modern constitutional state, and hence the possibility to expand the meaning and the application of those

²⁴I am using Seyla Benhabib, *Another Cosmopolitanism*, ed. Robert Post (New York: Oxford University Press, 2006); the dichotomies are presented by Robert Post in his "Introduction" on 2–7.

²⁵As I argue in my "Hegel as a Colonial, Anti-Colonial, and Post-Colonial Thinker."

²⁶Although some would say that Hegel so transforms morality (from the individual determination of the good to the citizen's comprehension that his modern constitutional state realizes the good in its principles and practices) and the other concepts so as to make them meaningless. Hegel's response, of course, is that only by being transformed can they be made actual in the world – and gain purchase in the world for their intensification and expansion.

principles. In other words, the principles of cosmopolitanism depend for their power on those principles having already been institutionalized in civil society and state, where it can be seen that the principles have a reality, a this-worldliness, and a force.

Not only the principles but also the processes of the modern state can be supportive of movement towards cosmopolitanism. For Benhabib, when a state makes a determination on a difficult case involving non-citizens (be they immigrants, the stateless, or other strangers), “universalistic norms are mediated with the self-understanding of local communities”²⁷ and, in the context of Benhabib’s argument, this process is important because, as cosmopolitan norms become more common, they become more frequently part of the universalistic norms that a local community – a state like France or Germany – must consider. I think that Benhabib’s argument makes sense, but in the context of this chapter I would note that for Hegel she is accurately describing what states have been doing, namely mediating universalistic norms (of rights and morality, for instance) with the self-understanding of the state, so that when the universalistic norms are embodied in a state’s laws (or principles and practices), those norms will have been modified to reflect the needs of the people of that specific state: so France will have different laws of private property than a German state like Hannover, precisely because the universalistic norm of the right to private property has been mediated with the self-understanding of the French or Hannoverian community. To me, what is striking here is that the process that Benhabib sees as helping democracies move towards cosmopolitanism is precisely the process by which, for Hegel, modern European states moved towards realizing the idea of freedom and by which, on major decisions, modern constitutional states continue to act. I.e., the modern constitutional state operates on (has brought into existence, embodies, and gives reality to) the same process of mediation by which, Benhabib expects, cosmopolitan norms will gain further currency.²⁸

Sometimes, however, as cosmopolitans quickly and rightly realize, the state is the institution that undercuts rights. Hegel does see the centrality of the state in enforcing rights. But since Hegel’s death many of the worst acts against rights have been perpetrated by states, in imperialism that has ignored the rights of the inhabitants of the country or during civil wars, genocide, and “ethnic cleansing.” Because Hegel sees rights as developing to fruition in civil society, he sees that

²⁷Benhabib, 71.

²⁸Benhabib’s formulation is particularly apposite to Hegel because it highlights the concern with plurality that runs through Hegel’s thought. Hegel insists that the modern world realizes universalistic norms; but it does so through vehicles (the state) that allow for plurality and difference, because each state realizes the universalistic norm in ways that respect local history, religion, memories, and aspirations. Hegel’s emphasis on the state’s transforming the universalistic norms, i.e., realizing the universalistic norm only by giving it a specific local content, means that Hegel sees the European community as one with common norms and culture but different political, social, and civic organization. Hegel seems to be trying to honor particularity and plurality, to realize universalistic norms in varying ways, and – in terms of cosmopolitanism – to suggest that sharing norms across states does not require abandoning difference and plurality across states.

the political order does not act according to its own principles when it ignores, denigrates, or destroys those rights. Because he separates civil and political society, Hegel implicitly sees that civil rights have normative validity even when a political order's actions are wrong. Hegel does not propose specific measures to deal with cases where a particular political order is undercutting or destroying rights; but, when Hegel discusses how states recognize and interact with each other, the twenty-first century reader can infer some possible, neo-Hegelian responses to governmental injustice.²⁹

Although other dimensions of the state matter, civil society is especially important in the above examples because, as Hegel says, only in needs in civil society do we properly have before us man, or human being (*PR*, §209R) [in the family we have the family member, in the state the citizen] and because civil society is the locus for many universal principles and practices: some important dimensions of rights and morality are realized in civil society, and in the universality of law. So in civil society originate many impetuses that can or might lead toward cosmopolitanism – and, indeed, with trade (*PR*, §247) civil society physically pushes out, giving impetus for the geographical expansion of its morality, rights, and universal principles.

Attention to civil society also leads to a different approach to the neo-Kantian dichotomy of state versus cosmopolitanism, especially as regards universality and rights. The cosmopolitan frequently argues for cosmopolitanism on the grounds that its principles are universal – world-wide, applying to everyone – and so the state is necessarily limited, particular, parochial – with norms and laws that apply to only a few and that exclude the many. But Hegel has an understanding of “universal” in politics that affords a different interpretation. Hegel sees “universals” not only as world-wide or all-inclusive (or cosmopolitan). Generally, for Hegel a universal can be any organized grouping that moves the individual beyond his own narrow and petty self-interest and integrates that individual into a larger whole, into a community where he can transform his self-interest from a narrow concern to an understanding that his self is bound up with the community of which he is a part. So in his philosophy of right Hegel sees many universals.³⁰ The rights of man are

²⁹An international criminal court, for instance, seems not inconsistent with Hegel's emphasis on treaties and mutual recognition among states: those states that recognize each other as supporting rights and as willing to commit to treaties under normal circumstances could adhere to an agreement to bring to an extra-state tribunal political actors who trample rights in obvious and egregious ways. The creation of such a tribunal means, for Hegel, that the rights of civil society have gained such actualized importance that (some) states are willing to band together to enforce them.

States may also claim “universal jurisdiction” as a reason to arrest and try serious criminals who have escaped penalties in their own country, perhaps because they were head of state: this claim of “universal jurisdiction” is an attempt to realize an international norm derived from the rights of civil society, has less standardization and publicity as of today than does the Hegelian Administration of Justice, and could lead to an international incident or war. So it is not far from Hegel's description of international law, whose actuality depends on different sovereign wills (*PR*, §330).

³⁰It is important to note that Hegel's logical development always includes a moment of universality (but I do not wish to explore Hegel's logic here) and that Hegel sees a plurality of universal

universal, for instance. More interestingly, the state (which for many cosmopolitans is a particular) Hegel sees as a universal (*PR*, §258). Standing over the state is another universal, world history, which judges and orders states (*PR*, §341). Within the state Hegel sees both family and *Korporationen* as universals: “As the family was the first, so the Corporation is the second ethical root of the state, the one planted in civil society” (*PR*, §255; see also 255R).

Hegel’s perspective means that many institutions and norms can legitimately claim to be universal. I think that this is closely connected to his view of historical development, where the establishment of different universals is part of the development of freedom. For instance, only when marriage is no longer the effective despotism of the Roman *paterfamilias* but has become a small community – a small universal – can the family become an ethical institution where we learn one way of being ourselves in community. It is also closely connected to his view of individual development. As Hegel wrote, talking about how the final purpose of education (*Bildung*) is liberation: “In the individual subject, this liberation is the hard struggle against pure subjectivity of demeanour, against the immediacy of desire, against the empty subjectivity of feeling and the caprice of inclination” (*PR*, §187R). Among the many institutions that assist in the educative goal of liberation are those Hegel labels “universal.” In other words, change and development are possible through the many universals; and what seem like subordinate or particularistic institutions gain and retain their legitimacy and value because they are not cancelled but are rather valued by the progressively “more universal” (or more inclusive) institutions.

When historical development from 1648–51 to Kant’s and Hegel’s present is seen not as an age of independent arbitrary states but as also a time when states interacted in manifold ways with each other, then cosmopolitanism need not be seen as a drastic, revolutionary, and totally transformative great leap across a dichotomy but can be seen as one possible course of future development. Similarly, when Hegel comprehends that “universal” institutions (like family, *Korporation*, and state) have only gradually (and only recently) come into existence, it opens the way for the possible growth of other “universal” institutions, not as total transformations of

institutions in objective spirit. (It is also worth noting, in this context, that for Hegel *all* universals of objective spirit are inadequate – and that even a realized cosmopolitanism would be: “Now, at a higher level, the life of the state, as a whole, does form a perfect totality in itself. . . . But the *principle* itself, the actualization of which is the life of the state and wherein man seeks his satisfaction, is still once again *one-sided* and inherently abstract It is only the rational freedom of the *will* which is explicit here; it is only in the *state* – and once again only this *individual* state – and therefore again in a particular sphere of existence and the isolated reality of this sphere, that freedom is actual. Thus man feels too that the rights and obligations in these regions and their mundane and, once more, *finite* modes of existence are insufficient; he feels that both in their objective character, and also in their relation to the subject, they still need a higher confirmation and sanction. . . . What man seeks in this situation, ensnared here as he is in finitude on every side, is the region of a higher, more substantial, truth, in which all oppositions and contradictions in the finite can find their final resolution, and freedom its full satisfaction. This is the region of absolute, not finite, truth” [Hegel, *Aesthetics*, 99]. Political cosmopolitanism is as finite as objective spirit.)

the present but as gradual changes. It allows for the possibility that from our present we can retain family, *Korporation*, and state as universals and work to create cosmopolitan institutions as universals also.

Nonetheless, what separates Hegel from many cosmopolitan thinkers (including Kant) is that Hegel sees the state's individuality, its unique combining of differences into a unity, as meaning that states will disagree with other states and will go to war. These disagreements are not simply based on Hobbesian arbitrary willing, because they are rooted in the state's individuality; but they mean that Hegel rejects – or sees as frequently unrealistic – the cosmopolitan goal of attaining consensus among different parties with different interests as a result of free, open, and fair discussion and debate. Hegel retains his sense that the state, the most comprehensive political order that can unite diversity into individuality, will inevitably come into conflict with other states because there will likely be issues that cannot be resolved by open communication, at the same time that the development of mutual recognition by states can intensify inter-state cooperation.

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Chapter 7

A Hegelian Approach to Global Poverty

Lydia L. Moland

The problem of poverty was for Hegel a life-long preoccupation. It figures already in one of his earliest essays from 1800–01 entitled “The German Constitution,” in which he discusses its effects on citizens’ dispositions. It figures more prominently in Hegel’s last essay, “On the English Reform Bill,” published shortly before his death in 1831. There Hegel describes the “cancerous affliction” of rampant poverty in England and Ireland; he specifically decries its emergence out of the transition from feudalism’s protections to the market economy’s vacillations.¹ In the intervening decades of his career, Hegel spent considerable energy diagnosing poverty’s causes and deploring its effects. Famously, it is one of the few problems to which Hegel offers no clear solution. There seems to be no transcending the misery and alienation that are inevitable consequences of economic destitution.²

Yet society’s responsibility to try to alleviate poverty follows from the most fundamental of Hegelian ideas, namely freedom. Regarding the topic of poverty, Hegel says the following: “Because the individual’s freedom has no existence,

¹G. W. F. Hegel, *Political Writings*, ed. Laurence Dickey and H. B. Nisbet, trans. H. B. Nisbet (Cambridge: Cambridge University Press, 1999), 22, 247. The editors suggest that some of Hegel’s criticisms of England in “On the English Reform Bill” were veiled criticisms of Prussia as well; see 322. For an excellent discussion of the many aspects of this Reform Bill as it concerns Hegel, see Christoph Jamme and Elisabeth Weisser-Lohmann, eds., *Politik und Geschichte: Zu den Intentionen von G.W.F. Hegels Reformbill-Schrift*, *Hegel-Studien* 35 (Bonn: Bouvier Verlag, 1995).

²See most famously Shlomo Avineri, *Hegel’s Theory of the Modern State* (Cambridge: Cambridge University Press, 1972). Other extended discussions of Hegel and poverty include Michael Hardimon, *Hegel’s Social Philosophy: The Project of Reconciliation* (Cambridge: Cambridge University Press, 1994), 236–250; Robert R. Williams, *Hegel’s Ethics of Recognition* (Berkeley: University of California Press, 1997), Chapter 11; Allen W. Wood, *Hegel’s Ethical Thought* (Cambridge: Cambridge University Press, 1990), 247–255.

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the recognition of universal freedom disappears.”³ Hegel indicates repeatedly that freedom is the cornerstone of his philosophy, so his claim that in poverty, freedom has no existence and its recognition disappears is a serious matter. And although Hegel offers no general solution for solving poverty, that he thought we have a duty to address it is, I will argue, clear. The nature of our duty in turn has its roots in Hegel’s particular understanding of freedom.

Given the serious challenge that poverty is to freedom, what would Hegel have to say about our responsibility to those suffering the effects of global poverty in the contemporary world? The numbers are both appalling and numbingly familiar. To cite one common statistic, 1.2 billion of the world’s 6 billion inhabitants survive on less than \$1 per day.⁴ These people experience hunger, disease, and vulnerability on a scale that most of us in the developed world cannot imagine. If the freedom of the domestic poor in Hegel’s day was threatened by their poverty, the same is exponentially true as regards those trapped by global poverty. So what are our responsibilities towards these destitute human beings?

To answer this question from a Hegelian perspective, I first discuss the meaning of rights and duties as Hegel understands them, highlighting their basis in mutual recognition. I then turn to Hegel’s diagnosis of poverty in civil society, focusing on the representational structure he suggests for the state as a way of addressing poverty’s effects. Building on his analysis of our responsibilities as regards domestic poverty, I turn to explore how Hegel might diagnose global poverty. I suggest that the global economy counts as a new institution in Hegel’s sense and that, given Hegel’s institutional understanding of ethical life generally, contemporary ethical life requires that we recognize members of the global economy as such—that is, that we acknowledge the needs that others have as participants in the global economy. Only so, from a Hegelian point of view, will we adequately recognize them and so ensure that their freedom does not disappear. In explicating these claims, I rely on Thomas Pogge’s institutional approach to identifying causes of and solutions to global poverty. I also discuss Pogge’s analysis of the role of national partiality in creating the conditions that contribute to poverty. Out of the vast literature on global poverty, I select Pogge’s work because both his institutional approach and his indictment of the nation state bring out, I will argue, important resources in Hegel’s system for addressing our responsibilities as regards global poverty.

³From Hegel’s 1819–1820 lectures, quoted by Allen Wood in G. W. F. Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, trans. H. S. Nisbet (Cambridge: Cambridge University Press, 1991), 453. Subsequent quotations from the *Philosophy of Right* will be abbreviated *PR*, followed by section number. “A” indicates the larger-print *Anmerkungen*, “Z” the smaller-print *Zusätze*. German edition: *Grundlinien der Philosophie des Rechts* (Frankfurt am Main: Suhrkamp, 1976).

⁴According to a 2000 United Nations Development Programme report, quoted in Alvaro de Vita, “Inequality and Poverty in Global Perspective,” in *Freedom from Poverty as a Human Right*, ed. Thomas Pogge (Oxford: Oxford University Press, 2007), 104.

7.1 Recognition, Institutions, Rights, Duties

Freedom for Hegel requires a process of self-realization in a social context. All humans are, Hegel says, by nature free, but that freedom is not complete unless it is made concrete in individuals' interactions with others. I will emphasize two things necessary for this process of self-realization: first, mutual recognition and second, institutions.

Recognition begins in Hegel's account with the master/slave dialectic. Both protagonists in this narrative initially assert their self-determination by unreflectively indulging their desires: by chasing after whatever they covet, then consuming or appropriating it for their own ends. Perpetual indulging of desires may seem like freedom, but it indicates in Hegel's opinion only a faulty understanding of freedom. So long as such a purportedly self-determining being heedlessly pursues whatever desires assail him, he allows those desires to control him. He believes himself to be free since he can acquire whatever he wants. But he must continually prove his capacity for self-determination by appropriating the things he desires. Since these things are in infinite supply, he must constantly respond by consuming them. In essence, he is a slave to the things that confirm his self-determination.

The solution to this problem as Hegel depicts it is in securing the *voluntary recognition* of his self-determination by another self-determining being. Once this happens, the individual need no longer prove his self-determination by appropriating other things. But the path to voluntary mutual recognition is not direct. When the two self-determining beings in Hegel's drama first encounter each other, both see the other's claim to self-determination as a threat and the famous struggle to the death ensues. The slave, despite his defeat, emerges with more concrete freedom than his master because he learns to take the master's desires into account. He no longer heedlessly follows his own desires but reflects on them, judging them against the master's perspective. In this act of reflection, he becomes more free than he was when allowing the desires to control him. This can only be cold comfort for the slave, and indeed Hegel's story does not end here. The slave's freedom can only develop further when his recognition of the master's desires is matched by the master's recognition of him.

Until this happens, the master's freedom is even more limited than the slave's. He continues to pursue his desires perpetually and slavishly. He continues to believe that his self-determination can only be proven by his consumption or exploitation of items he appropriates. Again, the only resolution to this infinite regress of desires is in procuring the voluntary recognition of another self-determining being. Instead of enslaving his opponent and treating him as another thing to be mastered, the master must learn to acknowledge the slave's self-determination. Clearly the master's recognition of the slave as a self-determining human requires that the master/slave relationship be abolished: once the master acknowledges the slave's projects and needs as on a par with his own, he can no longer treat him as a slave. When the master takes this step, Hegel calls the mutual recognition that results "universal self-consciousness," the "affirmative awareness of self in an other self"

(*EPG*, §436).⁵ This consciousness, Hegel says, is “lies at the root of all true mental or spiritual life” (*EPG*, §436). Freedom, as the key component of spiritual life, thus combines the individual’s pursuit of his own interests with an explicit recognition of others’ interests. Embedded in the concept of freedom is the willingness to modify one’s own desires in acknowledgement of the desires of others.⁶

The recognition within universal self-consciousness is, however, only spiritual life’s *root*, not its fulfillment. Following this abstract story of minimal and incomplete recognition, Hegel describes other layers of recognition necessary to acknowledging someone’s self-determination fully. These layers are defined in part by the roles and commitments that make up an individual’s life. It is through the need for additional layers of concrete recognition that Hegel’s ethics links to his theory of institutions. We interact with and recognize each other in a variety of relations, among them parent/child, teacher/student, employer/employee, citizen/representative. Some of these relations are codified into social spheres or patterns of behavior that deeply and unavoidably shape our lives. These social spheres Hegel calls institutions.⁷ He then sets out to ascertain which institutions are necessary for self-realization: which institutions each member of a society must be recognized within in order to lead a fulfilled life within that society. Hegel’s logic—buttressed, as it seems, by his sociological observations—led him to conclude that the opportunity to participate in a family, to choose economic and social affiliations, and to be politically active are all necessary for self-realization in modern society. He therefore isolated the family, civil society, and the state as the three principle institutions of ethical life.⁸

⁵The early version of the master/slave dialectic is found at G. W. F. Hegel, *Phenomenology of Spirit*, trans. A. V. Miller (Oxford: Oxford University Press, 1977), §178 ff. Hegel’s later version is in *Die Philosophie des Geistes*, vol. 10 of *Werke*, edited by Eva Moldenhauer and Karl Markus Michel (Frankfurt am Main: Suhrkamp, 1986); *Philosophy of Mind*, trans. A. V. Miller (Oxford: Clarendon Press, 1971), §§430 ff. I abbreviate the *Philosophy of Mind* (*Enzyklopädie, Philosophie des Geistes*) as *EPG*, followed by paragraph number.

⁶Spirit is Hegel’s term for the non-natural in humans, the capacity that ultimately allows us to reflect on our own position in nature and society, to articulate norms, and to find and create meaning in the world. In its most basic form, spirit indicates a rudimentary freedom, an ability to shape our natural desires rather than follow them unreflectively. Hegel does not, however, define freedom as humans’ ability to renounce our desires. Rather, we reflectively modify them as we determine which to endorse. Both spirit and freedom develop and become more explicit through spirit’s three stages (subjective, objective, absolute).

⁷Honneth defines institutions as “spheres” or “systems of practices” and claims that Hegel’s social philosophy should be interpreted as “a ‘social-theoretical’ attempt” to isolate the spheres of action that make up modern ethical life. See Axel Honneth, *The Pathologies of Individual Freedom: Hegel’s Social Theory*, trans. Ladislaus Löb (Princeton: Princeton University Press, 2010), 17, 56. Hegel’s description of ethical life, Honneth continues, reflects “an acute, almost sociological, awareness of the real differences between three spheres of action [family, civil society, state] that jointly constitute the nucleus of modern society.” Honneth, *Pathologies of Individual Freedom*, 57.

⁸As regards Hegel’s logic: the family is the immediate sphere which is opposed to the abstract individuality of civil society. The two are both overcome and preserved (in Hegel’s sense of

In Hegel's view, then, we first determine which institutions are so deeply formative of modern life that participation in them is necessary for self-realization. Having access to the social conditions necessary for participation in those institutions then becomes a right. By "right," Axel Honneth for instance claims, Hegel understands "all those social conditions that can be proved to be necessary for the realization of the 'free will' of every subject."⁹ In other words, in order to achieve the sort of freedom outlined above, in which I pursue my individuality while also recognizing the needs of others, certain social conditions must obtain. It becomes a correlate duty to recognize our fellow humans in those institutions and to make the opportunity to participate in them available. Hegel writes that "a consistent theory of duties can be nothing other than the development of *those relations* which are necessitated by the Idea of freedom" (*PR*, §148A).¹⁰ By "those relations" he seems to mean two things. First, how these duties specifically accrue will vary according to our relationship to the person in question. Whether the duty is perfect or imperfect, owed to all or only those in particular relations to me, will be informed by what affiliation I have to the person: whether I am that person's daughter, employer, compatriot or simply a fellow human being.

Second, focusing on duties as founded on relations turns our attention to the recognitive relations that are necessary within society's key institutions. If the family is such a necessary institution, individuals have rights to be recognized as family members. They must be allowed to marry: spouses then recognize each other in this particular relationship and have rights and duties towards each other. Parents have particular rights and duties as regards their children since children need parental love and support for self-realization. Our duties, then, vary depending on the relationship we have with the person in question, for instance a parental relation. But we also have a broader duty to work towards a social structure that recognizes others in these relations: that recognizes parental rights or children's rights to a certain level of care. Recognizing people in these relations means ensuring that the social conditions necessary for the family, for instance, are in place. Otherwise, our claim to recognize others as family members is empty—or, to begin to use Hegel's terminology quoted at the beginning, our recognition of that person disappears. Hegel, to repeat, concluded that humans could not achieve self-realization if they did not have the opportunity to be members of families, participants in civil society, and citizens of states. Not structuring society in such a way that individuals have the opportunity to participate in any of these three spheres would be to deny them their rights and to fail in our duties towards them.

Aufhebung) in the state, which combines the immediate belonging of the family with respect for the individual as not defined by birth.

⁹Honneth, *Pathologies of Individual Freedom*, 16.

¹⁰Italics in original.

7.2 The Nature of Civil Society

Before discussing civil society, Hegel comments briefly on the economic structure of the family, describing it in pre-industrial terms. The family, he writes, “has its external reality in *property*” (*PR*, §169) that is “*permanent and secure*” (*PR*, §170); in other words, “possession becomes *family property*” (*PR*, §203A). In an economy built on the family, sustenance is provided by the soil. Production is limited to meeting the family’s immediate needs. As Joel Anderson puts it, in a family economy, “one consumes what one produces and produces what one needs.”¹¹ The family’s primary vulnerability is to natural forces: when disaster strikes and poverty results, it is the impersonal cycles of nature that are to blame.

Civil society by contrast is the sphere of commerce, markets, and occupations that was a relatively new development in Hegel’s time.¹² Its development is a response to increased efficiency and specialization in production; its consequences included migration into cities and a drive to industrialization. It is a younger institution than both the family and the state since familial ties and political institutions preexisted the particular cycle of production and consumption that characterizes civil society. Nevertheless, membership in civil society is not (and was not, even in Hegel’s time) for most people a choice. Improved efficiency among those already participating in civil society allows them to undersell those who resist innovation, forcing members of traditional economies to modernize as well. Civil society as Hegel describes it is “the immense power which draws people to itself and requires them to work for it, to owe everything to it, and to do everything by its means” (*PR*, §238Z). Its increasing industrialization devalues the work of skilled laborers, forcing them into cities and factories. In so doing, it “tears the individual away from family ties, alienates the members of the family from one another” (*PR*, §238). Thus, Hegel says, “the individual becomes a *son of civil society*” (*PR*, §238). Civil society has, in other words, created the individual as the person he is. His participation in its cycles is unavoidable and his self-esteem is dependent on succeeding by its rules. It then has a responsibility to protect him when following those rules ruins him and deprives him of the necessary conditions for self-respect.

But in its valuing of individuality, ingenuity, and hard work, civil society cultivates what is for Hegel a critical trait of modern ethical life. Ties in civil society are not immediate and unreflective as they are in families; here the individual is not valued unconditionally but for the person he chooses to become. Civil society also fosters new forms of association and a culture in which individuals assemble

¹¹ Joel Anderson, “Hegel’s Implicit View on How to Solve the Problem of Poverty: The Responsible Consumer and the Return of the Ethical to Civil Society,” in *Beyond Liberalism and Communitarianism: Studies in Hegel’s Philosophy of Right*, ed. Robert R. Williams (Albany: SUNY Press, 2001), 187.

¹² Technically, civil society does not include agricultural work or the work of civil servants in the government since those spheres, Hegel thinks, are not prone to the same cycles and fluctuations as civil society is. For Hegel’s description of this distinction, see *PR*, §250.

because of shared causes or interests.¹³ So while civil society removes individuals from the security of the family, it also “recognizes them as self-sufficient persons” (*PR*, §238). In other words, membership in civil society constitutes an important layer of recognition for Hegel. Recognizing someone as a member of civil society means allowing that person to follow his interests or talents, respecting him for his work, and not seeing him as determined by his family or nationality. To deny someone recognition as a member of civil society—by denying him the choice of an occupation, the ability to support himself, or the possibility of work—would be to deny that person the means to subsistence and a crucial source of respect.¹⁴ Hegel phrases this claim in terms of individuals’ membership in corporations, groups arranged according to particular trades: through work, the individual gains “*recognition* in his own eyes and in the eyes of others” (*PR*, §207).

Despite this positive layer of recognition, Hegel was deeply distressed by civil society’s propensity to cause poverty. In contrast to the family’s relative self-sufficiency, civil society makes the individual dependent on others, specifically on others’ often arbitrary desires. Hegel writes that the member of civil society “cannot accomplish the full extent of his ends without reference to others” (*PR*, §182A). He cannot simply produce food and eat it; he must try to produce the food others want and then sell it to them at a profit. This new economic reality makes the individual vulnerable to the unpredictability of others’ desires. If he is not producing what people want or if people’s desires change, the individual can lose his livelihood.

Civil society’s increased efficiency and mechanization also frequently results in an excess supply of goods. Excess production means that the value of the goods plummets and fewer workers are needed to produce them. The sudden and often arbitrary nature of these cycles makes it impossible for individuals to adjust quickly enough. When businesses fail or lay off workers, these workers easily fall into poverty. Hegel describes these cycles of overproduction in his 1822–23 lectures: “When a branch of industry does especially well, many individuals enter it. But the need for products has its limits, and even if such an industry becomes overfilled, the individuals cannot see it; they join in and are ruined.”¹⁵

Hegel chronicles the plight of those who have been ruined by civil society and reduced to poverty. Having left family lands and now unemployed, they do not have

¹³See Hardimon, *Hegel’s Social Philosophy*, 150. Hardimon references the pioneering work of Manfred Riedel in defining what Hegel means by civil society: Manfred Riedel, *Between Tradition and Revolution: The Hegelian Transformation of Political Philosophy*, trans. Walter Wright (Cambridge: Cambridge University Press, 1984).

¹⁴For an argument that markets are a “possible institutionalizations of a specific kind of recognition” see Hans-Christoph Schmidt am Busch, “Personal Respect, Private Property, and Market Economy: What Critical Theory Can Learn from Hegel,” *Ethical Theory and Moral Practice* 11 (2008).

¹⁵Quoted in Anderson, “Hegel’s Implicit View,” 189. Anderson quotes from G.W.F. Hegel, *Vorlesung über Rechtsphilosophie. Philosophie des Rechts nach der Vorlesungsnachschrift von H.G. Hotho 1822/23*, ed. Karl-Heinz Ilting, vol. 3 of *Vorlesung über Rechtsphilosophie: 1818–1831. Edition und Kommentar in sechs Bänden* (Stuttgart: Frommann-Holzboog 1974), 698.

access to the “ownership, resources, assets, and capital” that are “*conditions* of the recognition afforded by civil society.”¹⁶ In this state, Hegel then says, “they are left with the needs of civil society and yet—since society has at the same time taken from them the natural means of acquisition . . . they are more or less deprived of all the advantages of society” (*PR*, §241). In addition, Hegel says, “that feeling of right, integrity, and honour which comes from supporting oneself by one’s own activity and work is lost” (*PR*, §244). The poor then lack both the material and the psychological advantages of civil society.

The poor are also shut out of other basic services. They

cannot visit church often, because they have no suitable clothing or must work on Sundays Equally, the enjoyment of the administration of justice is often made very difficult for them. Their medical care is usually very bad. Even if they receive treatment for actual illnesses, they lack the means necessary for the preservation and care of their health.¹⁷

Hegel generalizes on these concrete examples by characterizing the poverty of civil society in the following terms, already quoted above: “Because the individual’s freedom has no existence, the recognition of universal freedom disappears.”¹⁸

What would it mean for an individual’s freedom to have no existence and for universal freedom to disappear? As Hegel puts it in his 1817 lectures:

all people have the right to live, and not only must this right be protected, not only do they have this negative right, they also have a positive right. The aim of civil society is the actualization of freedom. The fact that human beings have the right to live means that they [must] have this right positively fulfilled.¹⁹

In other words, people do not only have the negative right not to be harmed. They have a positive right to the social conditions that will allow them to develop their own freedom. Without property, access to judicial aid and medical care, the poor have none of the tools necessary for self-realization. Honoring their negative right to life by not harming them is not enough. Society must also honor their positive right to the basic conditions for existence within the society. Thus, if a human being is to be a member of civil society, he has rights and claims in relation to it, just as he had in relation to his family. “Civil society,” Hegel writes, “must protect its members and defend their rights” (*PR*, §238Z).

Just as inevitably as it produces poverty, civil society produces great wealth, culminating in a “spectacle of extravagance and misery” (*PR*, §185). The chronically poor, witnessing this spectacle of extravagance, understand that their misfortunes are

¹⁶Williams, *Hegel’s Ethics of Recognition*, 239.

¹⁷Again from Hegel’s 1819–1820 lectures, quoted by Allen Wood in *PR* page 453.

¹⁸Ibid. Hegel also writes that “[n]o one can assert a right against nature, but within the conditions of society hardship at once assumes the form of a wrong inflicted against this or that class” (*PR*, §244Z).

¹⁹Quoted in Williams, *Hegel’s Ethics of Recognition*, 244. Williams quotes from G. W. F. Hegel, *Vorlesungen über Naturrecht und Staatswissenschaft*, ed. Staff of the Hegel Archives (Hamburg: Meiner Verlag, 1983), §118.

the product of a human-engineered system, not natural disasters. Hegel writes: “The poor man is opposed not only by nature, a mere being, but also by my will. The poor man feels as if he were related to an arbitrary will, to human contingency.” Hegel thought this realization especially corrosive since the same culture that produced civil society was the first, in his view, to have articulated the idea that all humans are free. The poor man, Hegel says, is “conscious of himself as an infinite, free being”; he has, in other words, absorbed society’s professed belief that all humans deserve dignity and respect. He sees however that that same society prevents him from acquiring the basic tools for self-realization. Poverty according to Hegel isolates a hypocrisy at the heart of his society: lip-service is paid to freedom, but economic realities that generate great wealth for some and destitution for others are protected and reinforced. The indignation of the impoverished, Hegel then says, is “necessary.”²⁰ It is a justified response to the harms they suffer and their marginalized status in an institution they cannot escape.

The extremes of civil society also according to Hegel produce a *mentality* that is destructive both to the poor and to the rich. Hegel uses the word “rabble” (*Pöbel*) to describe the poor who have drawn the natural conclusion from civil society’s treatment of them and become angry, developing “the disposition associated with poverty, by inner rebellion against the rich, the society, government, etc.” (*PR*, §244Z). They feel “excluded and mocked” by everyone, lose all sense of themselves as a functioning part of civil society, and sometimes assert their independence from the society’s laws by turning to crime.

The wealthy, too, can develop the belief that they are independent of the whole, or, in other words, that they have no responsibilities towards their society. Hegel says:

[T]he rabble disposition also appears where there is wealth. The rich man thinks that everything can be bought Hence wealth can lead to the same mockery and shamelessness that we find among the rabble. The disposition of the master over the slave is the same as that of the slave.²¹

Hegel’s reference to the story of the master and slave as the cradle of recognition here is telling. The rich man falls into the role of the master who, although his victory over the slave enables him to pursue his every desire, becomes a slave to these desires by not shaping them in recognition of the slave’s desires. Unlike the original telling of the master/slave narrative, here the desires pursued by the master are not abstract but distressingly concrete. The wealthy find themselves *in need* of new and bigger homes, expensive clothing, lavish food and drink. They cannot dictate these needs but are at the mercy of those who profit from them: in civil society, Hegel says, “need is therefore created not so much by those who experience it directly as by those who seek to profit from its emergence” (*PR*, §191Z). And it is not only material goods that are needed, since “it is no longer need but opinion which has to be satisfied” (*PR*, §190Z). Members of civil society must keep up appearances.

²⁰Again from the 1819–20 lectures quoted by Wood in *PR* page 453.

²¹*Ibid.*

Civil society unfettered, and especially this rabble mentality among the rich, fosters and intensifies extreme individuality. Civil society is indeed the realm of the individual, but it is also a realm of deep interdependence. When the rich especially deny this fact and claim that those who are poor have only themselves to blame, they misconstrue the insight at the heart of civil society. Williams describes the “atomistic spirit” of civil society as “blind to and fail[ing] to recognize the poor as the victims and casualties of its own success.”²²

Wealthy members of civil society who deny their implication in the cycles that trap some in poverty fail, in a technical Hegelian sense, to recognize the poor as members of civil society. They do not see the poor as victims of the same economy from which they benefit but instead consider poverty to be the result of laziness or stupidity. They do not acknowledge that without basic access to work, to medical care and to the judicial system, the poor do not have the tools to function in civil society. They also do not recognize that without this access, the poor lack the tools for self-realization. Focusing on the attitude of the wealthy rabble isolates another way in which the freedom of the poor in civil society “has no existence.” We remember the very basic universal self-consciousness that was the result of the master’s acknowledging the slave’s humanity and so renouncing the title of master. Such recognition was the root of spiritual life. But this recognition no longer exists if the wealthy do not take into consideration the particular situation, needs, and projects of the poor. Crucially, the wealthy here are at risk as well. They risk the false freedom of the master in which they pursue their desires without real recognition of others’ needs. Chronic poverty then also undermines the freedom of the rich.

The “confused situation” of society in which one segment of the population is extravagantly wealthy and another unable to afford basic necessities cannot be allowed to continue; its injustice and the dangers inherent in social dysfunction mean that state must intervene. Indeed, fluctuating markets, Hegel claims, “can be restored to harmony only through the forcible intervention of the state” (*PR*, §185Z). Hegel ridicules the idea of market self-regulation: “The plague ends too; it rights itself. But hundreds of thousands have perished of it; they’re all dead. Everything has thereby also been straightened out again.”²³ The transition from civil society to the state, then, includes the state’s involvement in the market and its attempts to regulate the market’s extreme cycles.

But government regulation will not restore the recognition that is lost in poverty. It cannot fully control economic cycles, and so long as the mindset of civil society prevails, those impoverished by these cycles will lose the conditions necessary for self-realization. In addition to government involvement in the markets, Hegel envisions a public administration (which he calls the police) that tends to

²²Williams, *Hegel’s Ethics of Recognition*, 252.

²³Quoted in Anderson, “Hegel’s Implicit View,” 190. Anderson quotes from G.W.F. Hegel, *Philosophie des Rechts: nach der Vorlesungsnachschrift K.G.v. Griesheims 1824/25*, ed. Karl-Heinz Ilting, vol. 4 of *Vorlesung über Rechtsphilosophie: 1818–1831. Edition und Kommentar in sechs Bänden* (Stuttgart: Frommann-Holzboog, 1974), 625.

“street-lighting, bridge-building, the pricing of daily necessities, and public health.” Such services will address some of civil society’s problems but cannot restore impoverished individuals’ self-esteem (*PR*, §236Z). Philanthropy is similarly inadequate because it does not allow the impoverished person to be recognized as a member of civil society through his work. Providing individuals with work through the government may restore their dignity, but it will also contribute to the cycles of overproduction that caused the problem in the first place (*PR*, §245). Individuals in societies with chronic underemployment are sometimes forced to emigrate, a trend that can alleviate the immediate problem but ultimately only postpones the final reckoning with the market’s inherent fluctuations (*PR*, §246).

Given the inadequacy of these measures, Hegel imagines two more systematic ways of addressing civil society’s pathological individuality: the corporations and the state. Corporations are organizations within civil society that group individuals according to trade or occupation (*PR*, §251). In the corporations, workers find the solidarity of a second family since there they are respected for their skills even if they cannot work because of disability or unemployment. Here too individuals learn to think not in terms of purely personal self-interest but in terms of the interest of a limited group. Miners agitate for miners’ advantages, glassworkers for glassworkers’ advantages, and so forth. Corporations cannot eliminate poverty, but they alleviate it both by caring for needy members and by giving all members a sense of honor in the group (*PR*, §253).²⁴ In all these ways, corporations soften the effects of civil society’s markets.

But another important and I think neglected Hegelian attempt to address the excesses of civil society is in his blueprint for the institutional structure of the state. During Hegel’s lifetime, the ideal nature and extent of representation within the government was fiercely contested and deeply unresolved. Hegel’s position was, in short, that the government must be *structured so as to bring the needs of civil society, as they are developed in the corporations, into a representational structure*. So in his division of government, Hegel suggests that one of the legislative bodies be made up of delegates from “the changing and variable element in civil society” (*PR*, §310). Members of this body are elected from within the corporations (*PR*, §311): from within, say, the miners’ or glassworkers’ corporation. Hegel thus, like other reformers in his lifetime, opposed *geographical* representation. As Wood points out, this opposition reflects his concern that geographically determined representatives would have no solidarity with those in their districts from another economic class.²⁵ Deputies elected from civil society, by contrast, would already have learned to think of their self-interest in terms of the greater good of their

²⁴Anderson also suggests that corporations, by “consciously limiting the number of people producing certain goods or services . . . prevent wild fluctuations in both employment and production” (Anderson, “Hegel’s Implicit View,” 194–5).

²⁵See Wood at *PR* page 471. Wood reports that Hegel here follows the proposals of both the liberal reformer Baron von Stein and Wilhelm von Humboldt. It is of course not a given that wealthier members within a corporation would keep poorer members’ interests in mind, but Hegel seems to think it more likely.

corporation. These deputies, Hegel says, should be “familiar with and party to [civil society’s] needs, frustrations, and particular interests” (*PR*, §311). Surely high on the list of needs and frustrations in civil society would be the poverty that some of its members suffer. Deputies of civil society would be aware of the economic pressures on their trade and the plight of those impoverished by civil society’s market cycles. The policies that emerge from civil society would, one would hope, be more likely to recognize the impact of civil society on the poor.

In a way, then, the issue of poverty is taken up in the state through the corporations; individuals’ vulnerability to economic conditions is explicitly represented. Representation from within the corporations is more likely to be able to address problems as widespread and pervasive as poverty than can an individual’s isolated vote. And, to repeat, representatives from civil society are more likely to have experience with problems of poverty than geographical representatives would be. The risk in a system of geographical representation is that those with power and wealth already are most likely to be elected to office through the support of others with power and wealth. Hegel’s version of the state instead *has recognition of members of civil society as such written into it* in ways that geographical representation does not. The state so structured, Hegel suggests, can better ensure that its citizens have the tools to compete in civil society. It thus is more likely to enable them to develop the individuality and self-sufficiency that are so central to modern self-understanding.

7.3 Global Poverty

To what extent can Hegel’s thoughts about domestic poverty in his time be applied to the reality of global poverty in our own?

If it is true in the domestic case—both in Hegel’s society and in ours—that impoverished humans’ “freedom has no existence, [and] the recognition of universal freedom disappears,” it is likely all the more true in the case of global poverty. Sheer numbers as quoted above aside, the percentages as regards poverty are deeply dismaying: “Almost half of the world’s population lives in severe poverty, which means, among other things, that they lack access to adequate shelter, clean drinking water and nutritious food, and that they are at high risk of preventable illnesses, as well as for deadline diseases such as AIDS.” Often, extreme poverty is accompanied by violations of fundamental civil and legal rights.²⁶

That those in extreme poverty do not have opportunity for basic self-realization is obvious. The same danger then exists with global poverty as exists with domestic

²⁶Regina Kreide, “Neglected Injustice: Poverty as a Violation of Social Autonomy,” in *Freedom from Poverty as a Human Right: Who Owes What to the Very Poor?*, ed. Thomas Pogge (Oxford: Oxford University Press, 2007), 154. See also Marc Fleurbaey, “Poverty as a Form of Oppression,” in *Freedom from Poverty as a Human Right*, 133.

poverty: when we say we recognize that all humans are free, ends-in-themselves, and worthy of respect and then do nothing to alleviate extreme poverty, our professed humanitarian sentiments risk being nothing more than lip-service. This danger is intensified for us since we are theoretically more committed to recognizing all humans as equal than were most people in Hegel's time. Few in our culture would disagree with the idea that slavery is wrong or that humans should be respected regardless of gender, race, or religion. Systematic denials of these ideas that were ubiquitous in Hegel's day—such as slavery and colonization—have been repudiated, at least in their explicit forms, by many of the world's cultures.

Belief in freedom is empty, according to Hegel, unless it is given *existence* in the individual's ability to be self-realizing. When we ignore the problems of global poverty, we are then all the more at risk of hypocrisy. By knowing that there are in fact millions of people without basic sustenance and doing nothing about it, we are ensuring that these humans' freedom has no existence and that our recognition of their humanity disappears. In Hegel's characterization, humans have rights to those things that make self-realization possible; we have a corresponding duty to ensure that that possibility is real. If we accept the association of rights with duties, we have a duty to alleviate global poverty as well.²⁷

7.3.1 *The Global Economy as an Institution*

But the resources in Hegel's philosophy for dealing with global poverty are not limited to the simple articulation of duty. To quote Honneth again, Hegel articulates a theory that "tries to determine what social spheres a society must comprise or make available in order to give all its members a chance to realize their self-determination."²⁸ Hegel develops, in other words, a theory of justice by observing and cataloging different spheres of society in which people need to be recognized in order to achieve self-realization. I think Hegel's focus on the emergence of duties as related to the evolution of social spheres or institutions can help isolate what exactly is wrong about global poverty and what our duties to address it are.

Motivated by Hegel's institutional focus, I think we should ask whether the global economy should be considered a new institution, and so a new source of rights and duties. Several factors argue in favor of this addition. First, being part of a global community shapes our daily lives in ways that are probably just as deep as traditional institutions but that we do not generally recognize. It has changed the way

²⁷I assume here, without going into further discussion, that those capable of offering assistance to a human whose life is in danger have a duty to do so. I argue below that other duties accrue to those of us in the developing world in so far as it is true that our advantages come at the cost of disadvantage to the world's poor.

²⁸Honneth, *Pathologies of Individual Freedom*, 18. Honneth uses institution and social sphere interchangeably along with "systems of practices" at 17.

we communicate, the way we travel, the ways in which countries can rise to power and dominance. Who produces our coffee, who disposes of our toxic electronic waste, and who provides our diamonds are all now ethically laden questions. New technologies and commercial practices connect us to others in an unprecedented fashion. Our access to information about poverty in other parts of the world is immediate and graphic. Hegel recognized that the interdependence produced by civil society resulted in new ethical obligations among those it connected. The expanded nature of global interdependence argues for expanded ethical obligations as well.

The victims of global poverty share another characteristic with civil society's poor, namely that they have little choice about participating in this new economic structure. Hegel to repeat writes that civil society is "the immense power which draws people to itself and requires them to work for it, to owe everything to it, and to do everything by its means" (*PR*, §238Z). We could substitute "global economy" for civil society above and describe the predicament faced by many of the world's poor. Industrialization and globalization have forced them out of their traditional means of sustenance and away from their traditional social structure. They are in no position to anticipate cycles of production and prepare for adjustments in global demand. They often do not have the education or resources to shift employment when necessary. Hegel writes that the individual has become "a *son of civil society*, which has as many claims upon him as he has rights in relation to it" (*PR*, §238).²⁹ The same could be said about the member of the global economy. She is shaped by and dependent on this economy. When it ruins her, others who benefit from this system have a responsibility to address her plight.

A final relevant characteristic of institutions is that they generate needs: needs that, although not "natural," are unavoidable if the individual is to function in the society in question. Thus having a loving, supportive family is a need, as is state protection and citizenship. In the condition of poverty, to repeat, Hegel writes that individuals "are left with the needs of civil society" while being deprived of the tools necessary to meet those needs (*PR*, §241). The globalized economy also generates new needs. In order to compete, individuals in other parts of the world need technologies and resources not available in their traditional economies. They need the education to enable them to master these new technologies. Competing in a global economy also requires secure financial systems and access to capital—both, to say the least, difficult to secure in conditions of extreme poverty.

But is the global economy its *own* institution, or simply an extension of civil society? Here an analogy to the similarities between family and state is helpful. The family and the state are similar in that we are born into each and through them have unchosen affiliations with others. But the scale of the state is such that I will

²⁹Hegel's account is then not essentialist beyond his fundamental assertion that all humans are free; he does not catalog a list of needs or capabilities that humans have possessed and will possess forever. Instead, he engages in what Robert Williams calls "philosophical anthropology," seeking to define what social spheres exist and what needs those spheres generate. See Williams, *Hegel's Ethics of Recognition*, 234.

never know most of my fellow citizens. Nevertheless, I am connected to them and have responsibilities for their political welfare—the responsibility to ensure that their civil rights are protected and that they are able to vote, for instance. Other dissimilarities are just as obvious. Organizations not relevant in the family are needed to regulate the state. The representational structure necessary for the state is inappropriate in the family.

The differences between civil society and the global economy parallel these dissimilarities. The scale of interaction is vastly different in civil society as compared to the global economy. Significantly different organizations and laws are needed to regulate each. Especially relevant is the analogy with representation. In civil society, the individual is represented in Hegel's scheme by a corporation. In civil society as we know it, she may be represented in a union but may not be represented at all. In the global economy, the group that ostensibly represents the individual's interests—in the World Trade Organization or the United Nations, for instance—is the nation state.

But the global economy shares many similarities with domestic civil society, similarities that aid us in articulating our duties to each other in it. It, too, is an institution established and sustained solely by human behavior. Like the members of civil society, its members are subject to others' unpredictable desires, volatile market fluctuations, and cycles of excess production and unemployment. The global economy is also characterized by entrenched poverty and staggering inequalities. In 1960, the proportion of aggregate income of the wealthiest countries as compared to the poorest countries was 30:1; in 1997, it was 74:1. Income is of course not the only measure of inequality, but in categories such as infant mortality and life expectancy, the degree of difference is equally shocking.³⁰

The global economy also produces the rabble mentality Hegel describes. Those negatively affected sometimes become painfully aware that their destitution is linked to others' extreme wealth and power. Their indignation, like the indignation of the chronically poor in civil society, is then "necessary"—it is an appropriate response to their unjustly disadvantaged situation. When this perception is widespread, a refusal to play by the inflicted rules can inspire crime and violence. It is always clear that Hegel condemns such behavior, but his description of the rabble's indignation as "necessary" indicates that the original wrong is done to them. Those of us who are wealthy, by contrast, risk thinking that everything can be bought, and we are unlikely to examine the consequences of our consumption. The threat of new needs, generated by others' financial ambitions, is acute: we need not only computers but the latest, fastest computers; not only phones but smart phones.³¹ We risk denying or ignoring our implication in the poverty of others and so hindering our own freedom in the same way the master, in the original master/slave dialectic, limited his. We risk understanding freedom as the freedom to accumulate and appropriate,

³⁰de Vita, "Inequality and Poverty in Global Perspective," 103.

³¹Will Dudley gives a meticulous analysis of this cycle of desires and needs in Will Dudley, "Freedom and the Need for Protection from Myself," *The Owl of Minerva* 29, no. 1 (1997).

neglecting to take others' needs and projects into account. We risk foregoing the mutual recognition that frees us from this cycle of desires and needs.

If the global economy is indeed its own institution, I suggest that we need to recognize the poor beyond our national borders *as members of the global economy* just as Hegel advocated for recognition of the poor *as members of civil society*. This means recognizing people as deeply affected and shaped by their place in the global economy and being unable to meet very basic needs for self-realization without certain tools. It means asking whether the institution is rational, which is to say whether it promotes its members' freedom by allowing them the necessary tools for self-realization. Here the clear answer is no: not when half of the world's population suffers from severe poverty. If the global economy indeed contributes to sustained impoverishment, the global economy has duties also towards its "children" that go unfulfilled.

7.3.2 *Addressing Global Poverty*

So what, given the global economy as an institution in which billions of people are unable to realize their freedom, are our responsibilities to the global poor? How do we make the freedom of those afflicted by global poverty real? How do we ensure that our commitment to the freedom of all humans goes beyond lip-service? I would like to group various responses to this question again under the Hegelian heading of recognition, analyzing how the idea of recognizing people as members of the global economy would suggest we address global poverty.

Philanthropy can undoubtedly help provide the most basic tools for self-realization, at least temporarily. Yet it will have a limited value for the same reasons that it could only be a partial solution in civil society. Modern individuality, so crucial for agency, requires allowing individuals to develop skills and talents through work. Recognizing someone as a member of the global economy means giving her an opportunity to develop that individuality through self-sustaining labor. Philanthropy does not address that need.

Our own consumption patterns are another way of addressing global poverty. By not purchasing from corporations that use underpaid international labor, an individual consumer can protest the unfair employment conditions that keep the developing world from being able to compete. By paying attention to the ways our demand for cheap food encourages seed monopolies, we can make consumption choices that take the good of the international community into consideration. Engaging in this kind of conscientious consumption at least prevents the rabble mentality among the rich. By recognizing our involvement in the global economy and changing our consumer habits, we combat the mentality that sees our wellbeing as entirely divorced from the wellbeing of others throughout the world.³²

³²Joel Anderson makes a convincing argument for conscientious consumption as part of Hegel's solution to domestic poverty; see Anderson, "Hegel's Implicit View," 195–99.

But more conscientious consumption, although it may lessen the risk of a rabble mentality among the wealthy, will likely not go far enough. Hegel's theory, by focusing on institutional structure, encourages us to ask more fundamental questions. From an institutional perspective, we must ask what *structurally* is contributing to the inequalities of global poverty. There are no doubt many answers; here I want to focus on Thomas Pogge's contention that developed countries contribute to global poverty by skewing the playing field in their favor. Pogge argues, in short, that powerful countries within the World Trade Organization and other international organizations unfairly shape international law and trade agreements to their advantage. These countries then become more powerful through the benefits they secure and are consequently able to acquire yet more power. Other countries become by contrast ever weaker and subsequently less able to compete in future negotiations.

To give two examples Pogge uses: the United Nation's *Convention on the Law of the Sea* declared in 1982 that "the ocean floors beneath international waters 'are the common heritage of mankind' (Article 136) to be used 'for the benefit of mankind as a whole ... taking into particular consideration the interests and needs of developing States [through an] equitable sharing of financial and economic benefits' (Article 140)." Nevertheless, Pogge claims, "[t]hree successive US administrations have tried quite hard to secure the great benefits of the treaty in 'protecting and promoting the wide range of U.S. ocean interests' without the sharing scheme."³³ In other words, the United States has used its power deliberately to restrict other nations' ability to benefit from an ostensibly common natural resource.

Pogge also gives extensive consideration to the WTO's Trade-Related Aspects of Intellectual Property Rights or TRIPs Agreement. Until the instatement of TRIPs in 1994, India for instance had a thriving pharmaceutical industry, including the ability to manufacture generic versions of medications patented elsewhere. These generic medications were then made available to impoverished patients around the world.³⁴ In the interest of gaining trade advantages within the WTO, however, India signed on to TRIPs, thereby granting a 20-year monopoly to the inventors of these medications. As a consequence, such medications are "priced out of reach of the global poor."³⁵ Pogge concludes that "the current TRIPs regime produces an unimaginable excess of suffering and death by discouraging the development of new medicines for the diseases of the poor and also by enforcing monopolies that prevent the mass-production of generic versions of life-saving drugs without shielding the global poor from exorbitant monopoly markups."³⁶ To the objection that countries

³³Thomas Pogge, *World Poverty and Human Rights* (Cambridge: Polity, 2008), 131.

³⁴*Ibid.*, 226.

³⁵"Severe Poverty as a Human Rights Violation," in *Freedom from Poverty as a Human Right: Who Owes What to the Very Poor?* ed. Thomas Pogge (Oxford: Oxford University Press, 2007), 37.

³⁶*Ibid.*, 38. Clearly there are important intellectual property rights issues that are relevant here. Pogge addresses these in Pogge, *World Poverty and Human Rights*, 227–9. He argues that even Locke's view, traditionally used to defend such rights, "provides no rationale for concluding that the medical researcher is entitled to veto others' replicating his activity with like chemical ingredients *they* legitimately own." Pogge also objects that intellectual property rights should not be allowed to trump the deaths of millions of people.

including India voluntarily signed on to TRIPs, Pogge responds that the lack of bargaining power made refusal effectively impossible for countries wishing to gain more access to global markets or at least to avoid being excluded from them.³⁷

The consequence of both these particular examples is that the members of less wealthy countries are unable to compete: the rules have been skewed such that they are disadvantaged no matter how hard they work. Pogge's conclusion as regards the WTO is *not* that it "opens markets too much, but that it has opened *our* markets *too little* and has thereby gained for us the benefits of free trade while withholding these benefits from the global poor."³⁸ Pogge further concludes that we are violating a *negative* duty not to harm the world's poor by participating in and benefitting from a world order that traps them in poverty. He writes: "We may not shape the rules framing this competition in our favor to the point where these rules violate basic standards of justice or fairness. *Inflicting seriously unjust rules upon others is harming them.*" Those who negotiate in our name at the level of the WTO or IMF, he suggests, "must know that, the better they succeed, the more people will die of poverty," making them, and by implication us, "hunger's willing executioners."³⁹

Pogge's examples and analysis are controversial; I will not attempt an analysis of them here.⁴⁰ But if even Pogge's general claim is true—if stronger nation states pursue their advantage in ways that interfere with other, less developed nation states' ability to compete—our participation in this scheme would count as denying members of these societies the basic tools for self-realization. If unfair trade regulations prevent citizens of developing countries from meeting basic needs for food, shelter, and medicine, their freedom has no existence. If similar regulations ensure also that the complex needs the global economy generates—needs for technology, education, access to loans—are out of the reach of those suffering from global poverty, these

³⁷David Singh Grewal lays out an argument showing how what he calls "network power" allows one group to coerce another into signing such an agreement (see David Singh Grewal, "Network Power and Global Standardization: The Controversy over the Multilateral Agreement on Investment," in *Global Institutions and Responsibilities: Achieving Global Justice*, ed. Christian Barry and Thomas Pogge (Malden, MA: Blackwell Publishing, 2005)). By this description, the opportunity costs for staying with an outdated economic system become ever greater with the result that even if the "network" comes into being because of "free choices made against the backdrop of increasing, and voluntary, interconnectedness," the result is coercive (126). So although no one necessarily plans to coerce anyone to join the global economy, individuals, despite being "more or less rational agents making choices based on good reasons" can still be trapped (130). Grewal lists several conditions that determine whether or not such entrapment is a matter of injustice, for instance when it is the case that already powerful countries benefit disproportionately from such a network (131).

³⁸Pogge, *World Poverty and Human Rights*, 18.

³⁹*Ibid.*, 16 (italics mine), 27, 31.

⁴⁰For criticisms of Pogge's position, see Bashshar Haydar, "Extreme Poverty and Global Responsibility," *Metaphilosophy* 36, no. 1–2 (2005); Mathias Risse, "How Does the Global Order Harm the Poor?," *Philosophy and Public Affairs* 33, no. 4 (2005); Debra Satz, "What Do We Owe the Global Poor?," *Ethics and International Affairs* 19, no. 1 (2005). See also Alison Jagger, ed., *Thomas Pogge and his Critics* (Cambridge: Polity, 2010).

regulations deny impoverished humans the self-sufficiency and respect that Hegel describes as necessary to modern individuality. The upshot is that those of us who benefit from these agreements benefit from others' lack of freedom. We have, on this view, more than a general duty to assist those suffering from global poverty; we have a duty as partially responsible for their impoverishment in the first place.

Why do we permit such unjust rules? Pogge blames the fact that we condone national partiality in a way that we do not accept other kinds of partiality. We accept that people are partial to their own families but do not allow them to shape rules unfairly in family members' favor. Parents may devote attention and resources to their own children in the interest of enabling their children to excel that they do not bestow on others' children. But they must not make it in principle impossible for other children to compete effectively. This restriction applies especially to those who hold positions of power, for instance politicians. Yet we routinely expect our national leaders to execute this kind of partiality on the international stage. We expect negotiators at the international level to secure our advantage even in cases, like the two mentioned above, in which the advantage in question means permanent disadvantage to already struggling countries. "How," Pogge asks, "can we despise those who seek to slant the national playing field in favor of themselves and their relatives and yet applaud those who seek to slant the international playing field in favor of themselves and their compatriots?"⁴¹ It all smacks, he suggests, "of inconsistency."⁴¹

In light of this alleged inconsistency, Pogge and others encourage us to rethink the predominance of the nation state in the global economy.⁴² And here a Hegelian insight from civil society bears repeating. Geographical representation is problematic because it cannot guarantee that different economic levels in society will be represented. The most wealthy and powerful members of a given geographical area are likely to be elected; they may lack knowledge of or interest in the plight of the poor. The international global economy is indeed very nation-centered. WTO and IMF members are almost exclusively nation states. Individuals represented in the corresponding negotiations, then, are represented as members of their nation states but not necessarily members of the global economy. The nation-state model also, as Pogge points out, tends to give disproportionate power to corrupt national leaders who increase their own wealth while ignoring the poverty of their citizens. While it may seem that such countries have only themselves to blame, Pogge claims that "the national social factors we most like to blame for the persistence of severe poverty—bad governments and corruption in the less developed countries—are . . . sustained by core features of our present global order."⁴³ The international policy of giving loans to heads of state and allowing even corrupt governments to sell off their national resources encourages, on this reading, civil wars and illegitimate

⁴¹Pogge, *World Poverty and Human Rights*, 130.

⁴²Jürgen Habermas, *The Inclusion of the Other: Studies in Political Theory* (Cambridge: MIT, 1998), 106; Martha Nussbaum, *Frontiers of Justice: Disability, Nationality, Species Membership* (Cambridge: The Belknap Press, 2006), 236.

⁴³Pogge, *World Poverty and Human Rights*, 29.

power seizure. Even when those states have governments whose leaders honestly intend to do the best by their citizens, they are often underfunded and inexperienced in negotiations. They are then unable to assert themselves effectively and lose out in world trade agreements.⁴⁴

I have suggested that Hegel's theory, because of its emphasis on institutional structure and freedom as self-realization, shares interesting parallels with Pogge's approach to world poverty. I also think Pogge's worries about the prevalence of the nation state are echoed in Hegel's concerns about the structure of representation. But challenging national partiality from a Hegelian point of view may seem unpromising. Hegel is a famous champion of the nation state, notoriously calling *das Volk als Staat* [the nation as a state] "the absolute power on earth" (*PR*, §331).⁴⁵ It was indeed Hegel's view that a state will function best if its citizens share traditions, customs, and a language—if the state, in other words, is built on a nation. But Hegel's philosophy of history makes clear that the nation is, in his grander scheme, a means to the end of developing and disseminating the view that all humans are free. Freedom, Hegel says, "assumes various shapes; but in none of them is it more obviously an end than in that whereby the spirit explicates and manifests itself in the endlessly varying forms which we call nations" (*VG*, 29/28).⁴⁶ Nations are judged in Hegel's system according to the extent to which they realized that humans were free. Ancient Greeks, for instance, thought only that some were free: a belief made clear in their willingness to own slaves (*VG*, 54/63). Western European nations, on Hegel's no doubt under-informed view, "were the first to attain the consciousness, that man, as man, is free: that it is the *freedom* of spirit which constitutes its essence" (*VPG*, 31/18).⁴⁷

⁴⁴See Darrel Mollendorf, "The World Trade Organization and Egalitarian Justice," in *Global Institutions and Responsibilities: Achieving Global Justice*, ed. Christian Barry and Thomas Pogge (Malden, MA: Blackwell, 2005), 154. Pogge's institutional critique also informs his attitude towards philanthropy. Unlike for instance Peter Singer, Pogge suggests that contributing money is at best ineffective as long as global institutions prevent long-term changes. Instead, his focus is on reforming the institutions that cause the poverty in the first place. Similarly, Hegel's focus is frequently on institutional structure rather than individual efforts.

⁴⁵I discuss this claim and the terminological complexities of words such as "nation" and "state" in Moland, *Hegel on Political Identity: Patriotism, Nationality, Cosmopolitanism* (Evanston, IL: Northwestern University Press, 2011). There I also give extensive attention to the place of the nation in Hegel's philosophy and qualify his resistance to cosmopolitanism. I also explicate the idea of ethical, as opposed to simply moral, cosmopolitanism.

⁴⁶G. W. F. Hegel, *Die Vernunft in der Geschichte* (Berlin: Akademie Verlag, 1955); *Lectures on the Philosophy of World History: Introduction: Reason in History*, trans. H. B. Nisbet (Cambridge: Cambridge University Press, 1975). Abbreviated *VG*, cited by German page number followed by English translation page number.

⁴⁷G. W. F. Hegel, *The Philosophy of History*, trans. J. Sibree (Amherst, NY: Prometheus Books, 1991); *Vorlesungen über die Philosophie der Geschichte*, vol 12 of *Werke*, edited by Eva Moldenhauer and Karl Markus Michel (Frankfurt am Main: Suhrkamp, 1986). Abbreviated *VPG*, cited by German page number followed by English translation page number.

Hegel is then not a nationalist in the essentialist sense. He does not describe nations as goods in themselves, to be preserved at any cost. To protect nations regardless of their tendency to prevent humans' self-realization would be to misunderstand their value entirely. National identity can certainly be a powerful component of identity and a rich source of self-understanding. To deny the importance of nationality would be to fail to recognize the importance that national identity often plays in modern individuals' lives. But it is incumbent on us to find ways of realizing our national cultures *while* exploring ways to shift institutional structures such that entrenched inequalities subside. If we fail to do this, we fail to recognize those suffering from global poverty in a genuine way.

The second reason for thinking that decentering the nation state is unpromising from a Hegelian point of view is Hegel's clear resistance to cosmopolitanism. He describes cosmopolitanism defined in "opposition to the concrete life of the state" as "inadequate" (*PR*, §209A). A cosmopolitan state could not replicate the cultural richness of the nation that adds value to our lives. Its principles would likely be abstract, not evolved from the traditions of a political or cultural group, and so its mandates would seem arbitrary and imposed. Given the importance of cultural identity for self-realization, Hegel thought nation states should remain sovereign (*PR*, §331). In the case of *political* cosmopolitanism, by which he would understand a world state with coercive power, this sovereignty would be lost. Hegel also warned about the limited effectiveness of international treaties if there is no coercive international power. Such treaties will be honored only in so far as they promote a country's self-interest.

But Hegel's resistance to political cosmopolitanism and skepticism about the bindingness of international treaties do not rule out all international organizations. States by virtue of being individuals in Hegel's sense are already implicated in interstate relations; trade among nations makes some international organizations necessary. International trade organizations would seem to be necessary in today's world, from Hegel's point of view, in order to regulate the very boom and bust cycles Hegel saw as so pernicious in the domestic economy. In addition, given again his worries about geographically-limited representation, international organizations based on economic or other interest would seem to address an important need.

More importantly: despite his resistance to *political* cosmopolitanism, Hegel was without doubt a *moral* cosmopolitan, someone who thinks humans are of value regardless of religion or nationality. In the *Philosophy of Right*, we read that "[a] human being counts as such because he is a human being, not because he is a Jew, Catholic, Protestant, German, Italian, etc. This consciousness, which is the aim of *thought*, is of infinite importance" (*PR*, §209A). In light of this claim, Hegel's skepticism regarding international organizations should be trumped by his claim that it is our responsibility to resist participating in schemes that make it impossible for others to realize their freedom. If the system of nation states in fact deprives millions of people of the most basic opportunities for self-realization, our conception of the nation state needs to be revised. Poverty exists now on a scale Hegel could not have imagined. International trade organizations have huge influence whether we like it or not. If we are to treat Hegel's as a living philosophy, we should take his

openness to the emergence of new institutions seriously and ask what revision in our ethical behavior these new facts demand. It becomes our responsibility to be aware of these changes, watch for the emergence of new institutions, and reshape our understanding of the obligations within ethical life accordingly.

So what change is necessary? What kind of institutional reform is needed? In response to these daunting questions, I offer a few brief examples. The United Nations already includes what it calls “Civil Society Organizations” that represent everything from indigenous peoples to women’s issues to economic and social groups. Giving these organizations adequate voice in international affairs would help ensure that geographical representation does not further entrench inequalities. Pogge has proposed a Health Impact Fund that would provide incentives to pharmaceutical companies to make their medicines accessible to those trapped by global poverty. Other organizations and individuals call for reform of the WTO in the interest of allowing developing nation states more bargaining power. Muhammad Yunus’ Grameen Bank gives access to credit to those usually shut out of the international lending system. Microlending in general circumvents the lending limitations of major banks and moves lending practices into communities where women especially can make use of them.⁴⁸ We contribute to the fight against global poverty also by letting politicians know that we do not see national interest as trumping impoverished persons’ rights to basic survival.

Aside from stipulating that it should be institutional and offering these few examples, determining what institutional reform is necessary goes well beyond the scope of this essay. My intent has been primarily to argue *that* we have a responsibility to address global poverty from a Hegelian perspective. This responsibility accrues to us *first* because extreme poverty prevents even the most basic level of self-realization among those it affects. To say we recognize the humanity of those affected but then to do nothing is to fall into the kind of self-deception Hegel thinks can pervade civil society. It is to purport to recognize the human beings so affected while giving their freedom no existence. The responsibility accrues to us *secondly* if we are convinced by Pogge and others’ arguments that lay the blame for a system that makes this poverty endemic at our doorstep. In either case, our own freedom in Hegel’s sense is at stake as well as that of those living in poverty. As long as we fail to recognize our interconnectedness with those suffering from global poverty, we will continue to

⁴⁸On Civil Society Organizations, see the United Nations’ web page devoted to the NGO Branch, United Nations Department of Economic and Social Affairs, <http://esango.un.org/civilsociety/login.do>. On the Health Impact Fund, see Thomas W. Pogge and Aidan Hollis, *The Health Impact Fund: Making New Medicines Accessible for All* (New Haven, CT: Incentives for Global Health, 2008). Two examples of arguments for WTO reform can be found in Robert Hockett, “Three (Potential) Pillars of Transnational Economic Justice: The Bretton Woods Institutions as Guarantors of Global Equal Treatment and Market Completion,” in *Global Institutions and Responsibilities: Achieving Global Justice*, ed. Christian Barry and Thomas Pogge (Malden, MA: Blackwell Publishing, 2005) and in Mollendorf, “Global Institutions,” 150–54. Muhammad Yunus’ approach is described in Muhammad Yunus, *Banker to the Poor: Micro-Lending and the Battle Against World Poverty* (New York: Public Affairs, 1999).

pursue the desires our own economic excesses force on us. We will, like the original master in Hegel's master/slave dialectic, continue to think we are free when in fact we are enslaved to our own desires and by our unwillingness to recognize the needs of others. We should then address global poverty not only as a matter of obligation to or compassion for others; we should do so in our own interest. The radical disparity between our daily comfort and the plight of those living under \$2 a day risks making a comparison of our freedom with theirs absurd. It is in part because of this disparity that our responsibility to change habits, outlook, and infrastructure should weigh on us so heavily.

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Chapter 8

The Coming World Welfare State Which Hegel Could Not See

Clark Butler

8.1 The Dialectical Method

The challenge I have set for myself in the following pages is that of showing by a concrete example how a viable research program in Hegelian research can go beyond the results attained by Hegel in his own time. I will seek to show that by use of Hegel's own dialectical method we can see the coming of a world welfare state as the necessary resolution of an institutionalized contradiction in the currently established world order celebrating world free trade. I mean to show how Hegel's dialectic of trade in his *Philosophy of Right* continues beyond the stage at which Hegel left it. I will then describe the "external" world welfare state in which this dialectic eventuates.

Our strategy is to use Hegel's dialectical method to rationally motivate a transfer loyalty from established national institutions to a global public welfare system, a result not foreseen by Hegel himself. The method is to disengage a dialectical course of thought embedded in historical institutions, and then to rethink the dialectical development to the point where it points to the implementation of a new stage in world history by the principle of the transformation of quantitative change into structural change as recognized by Hegel in his logic of measure:

[B]y doing nothing more than pulling out one strand of hair again and again, ultimately not a single strand is left. This will appear to be a joke, but contained in it is the concept of the transformation of quantitative into qualitative change As the Roman state became

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larger after the Second Punic War, freedom was brought down by quantitative change. The destruction of measure entered—the measureless. It was but a relative change in quantity, but with that change the quality of the whole fell to the ground.¹

I begin with an account of the basic structure of the kind of objective historical dialectic which Hegel subjectively recreated and rethought by use of the dialectical method.² Instead of the commonly supposed three phases of a complete dialectical cycle, I distinguish seven.³ (1). According to a general structure commonly found in Hegelian texts, a dialectical development is an inferentially necessary thought process that begins with the *abstraction* of some *x* apart from an inseparable *y*, which is the specific *other* of *x*. (2) Thought then proceeds to absolutize *x* as if it could exist without *y*, since *y* has not yet been thought. (3) Indeed, *x* is equated with an all-inclusive whole outside of which is nothing, a whole of which everyone is presumed to have some conception or other. (4) But since *y* is inseparable from *x*, to think *x* is to think *y*, so *y* eventually emerges into view as the necessary other of *x* to anyone who contemplates *x*. (5) However, the presence of the other *y* is denied or negated in order to maintain the established fixation of thought on the absolute and all-inclusive character of *x*. (6) But *y* does not go away just because it is negated. It returns to haunt the fixation of thought on *x*. The absolutization of *x* to the exclusion of *y*, which may be conceived as an indirect proof assumption, is self-contradictory. Thought is eventually forced to admit the contradiction, but it can never remain at rest with contradiction. (7) The contradiction can be overcome only by negating the negation, i.e., negating the absolutization of *x* in negation of *y*. Thought is then free to reconceive *x* more concretely, more inclusively, to be what it is only in and through its necessary other *y*.

We will see this general dialectical structure repeated in four successive cycles in a dialectic of trade as we follow it beyond three dialectical cycles recognized in the *Philosophy of Right* (the dialectic of the household, the dialectic of the domestic free market, the dialectic of the national welfare state) to the dialectic of the global free market which Hegel did not recognize.

Use of the dialectical method presupposes a historically objective dialectical thought process which is subjectively reconstructed, reenacted, rethought, relived. The purpose is to recall the historical dialectic by which the standpoint of the present has constituted itself by overcoming certain shared but contradictory assumptions. These assumptions may be presuppositions shared by those participating in a given institution, or they may simply be common to those who share an un-institutionalized culture of some time and place. The method first seeks to retrieve in thought some original position in a series of successive and ever

¹G.W.F. Hegel, *Lectures on Logic* (1831), trans. C. Butler (Bloomington: Indiana University Press, 2008), 124.

²An account of the dialectical method is given in Clark Butler, "Hermeneutic Hegelianism," *Idealistic Studies*, 14, no.2 (May 1985): 121–135.

³Regarding the seven dialectical phases from abstraction to negation of the negation, see Clark Butler, *Hegel's Logic: Between Dialectic and History* (Evanston: Northwestern University Press, 1996), 3–4.

more encompassing dialectical cycles. This original position absolutizes a relatively or absolutely abstract x , from which an increasingly comprehensive or concrete concept of x in context is constructed.

Theoretically, the result of the method is an explanation of the standpoint of the present as being what it must be in light of the dialectical history of its self-construction. The method reveals the dialectical potential of the original position, and at once gives a dialectical explanation of the standpoint of the present. Pragmatically and rhetorically, the method conveys the message that we have already come a long way. We have surmounted historically entrenched contradictions in arriving at the present, and so may be encourage the belief that we may do so again.⁴ The message serves to legitimate in principle the standpoint of the present, but it may also help embolden us to implement that standpoint more concretely. We must distinguish between the (1) standpoint of the present in principle as it initially breaks through in the minds of certain insightful leaders and philosophical observers and (2) the subsequent reorganization of all public life and institutions according to the new principle. If life is not yet concretely reorganized in this fashion, the dialectical method is not purely celebratory with respect to the present. It celebrates the general standpoint of the present, but criticizes the survival of institutions and practices that are essentially dead, a leftover of bygone times. As a critique the method is a call to action. The progressive implementation of the present standpoint in all spheres of life consolidates a world-historical dialectical achievement.

8.2 The Dialectic of Trade

8.2.1 *The Dialectic of the Household*

We now take up the dialectical⁵ method as employed by Hegel in reconstructing civil society as he knew it in his time.

1. *Abstraction of one's own household as provider.* Members of a household clan in prehistory, prior to the emergence of the market place as the first form of civil society, knew it as an economic unit for the satisfaction of its members' needs. "Originally the family is the substantive whole whose function it is to provide for the individual . . ."⁶

⁴"You yourself, honored teacher, intimated orally to me one day that you were entirely convinced of the necessity of new progress and new forms of the universal Spirit even beyond the form of science achieved by you, without, however, being able to give me any more precise account of these forms." Christian Hermann Weisse to Hegel, July 11, 1829, in *Hegel: The Letters* (Bloomington: Indiana University Press, 1984), 544.

⁵I understand "households" to include nomadic clans.

⁶G.W.F. Hegel, *Philosophy of Right*, trans. T.M. Knox (Oxford: Oxford University Press) [hereafter *PR*], §238.

2. *Absolutization of one's own household as one's only provider.* Each family member originally identifies with the clan as meeting all of his or her known needs, needs which no individual can meet by him- or herself. The clan members have not yet noted or abstracted providers outside their clan on whom they are essentially depend for the satisfaction of needs. They thus take the clan as a unit of production which is economically self-sufficient or absolute.
3. *Equation of the household as one's only provider with an all-inclusive absolute.* Émile Durkheim suggested that clan members reinforced solidarity with one another by optimistically viewing the clan as a god-like invincible absolute capable of triumphing against all odds.⁷ Hegel writes: “[I]n a family, one’s frame of mind is to have self-consciousness of one’s individuality within this [familial] unity as the absolute essence of oneself.”⁸ The family member lacked consciousness of him- or herself as an independent individual. Individuals identified only with the family, clan or tribe conceived together with its territory and spirits as the absolute. Since they were unaware of needs not met by the household, they subjectively experienced plenty through what the household was able to provide. The only poverty they risked was ecologically-induced due to natural catastrophe, a form of poverty for which they could not resentfully blame other human beings.

The economic basis of this way of identifying the all-inclusive absolute was the self-sufficiency of the extended family for the production of needed goods and services.⁹ Hegel was not a methodological historical materialist like Marx, because he did not investigate the future operation of the transformation of quantitative into qualitative change in order to predict structural change in world history. But he was an ontological historical materialist because he held that the prior dialectic of world history, however inferentially necessary, unfolded only under favorable economic conditions, and only at a pace allowed by those conditions. Yet since the dialectical past was past, he did not have Marx’s need to investigate the economic base to verify the occurrence of what has already happened.

4. *Abstraction of other as households supplying newly discovered consumer demand.* Yet clan members harbored undiscovered consumer desires which emerged into consciousness only when they came to discover in themselves in a state of want in contrast with consumer satisfactions observed in chance encounters with other clans. This want, the missing consumer satisfactions available to other households or clans, emerged into view as the *other* of the sovereign household whose members had fixed that household or clan in mind economically as an all-embracing absolute. A poverty which clan members never had known emerged into view by invidious comparison with other clans.

⁷ “[T]he god is only a figurative expression of the society.” Émile Durkheim, *The Elementary Forms of the Religious Life*, trans. Joseph Ward Swain (London: George Allen & Unwin, 1976), 226.

⁸ *PR*, §158.

⁹ For an explanation of Hegel’s ontological historical materialism, see Clark Butler, “L’Hégélianisme interprété comme un matérialisme historique,” *Hegel Jahrbuch*, 1976: 257–62.

5. *Negation of other households clans as providers for expanded consumer demand.* Members of the sovereign clan first reacted to newly noticed want by reasserting their loyal attachment to the clan as their economic absolute by tossing out of mind, repressing, negating the wish for consumer satisfactions which it does not provide. Hegel took up the household economy which had already gone through the agricultural-herding revolution, and which was thus is patriarchal and capitalistic: “The family . . . must be represented by the husband as its head. It is his prerogative to go out and work for its living, to attend to its needs, and to control and administer its capital. This capital is common property, so that . . . each has his right in the common stock.”¹⁰
6. *Self-negation of the absolutized household as the sole provider.* But, as the negated consumer desires did not disappear but returned to haunt clan members, they eventually negated their attachment to the extended family as the sole provider. The isolated clan became a fallen god. Its members became aware of the contradiction of *both* holding the clan to be economically absolute *and* admitting consumer demand that could be satisfied only by trade with outside providers. “[T]he satisfaction of need, necessary and accidental alike, is accidental [through encounters with other households] because it breeds new desires without end.”¹¹
7. *Negation of one’s negation of other households as providers.* Liberated clan members, as independent individuals in a revolutionary turning point in the dialectic of trade, negated their negation of consumer satisfactions discoverable in other households. They *de-absolutized* their clan, abdicating their original fixed loyalty to it as a self-sufficient unit of production. They welcomed trade with individuals from other households in an emerging local civil society or market in order to meet the growing sophistication of their wants. “[C]ivil society tears the individual from his family ties.”¹² Multiple households were incorporated into an expanded unit of production in the form of a domestic free market. “[T]he liveliness, happiness, and legal status of one man is interwoven with the liveliness, happiness, and rights of all.”¹³ This free market inherited the domestic household’s former ability to satisfy perceived demand. A free market culture, with mutually satisfying channels of trade between households, came to be celebrated as a triumph over the newly perceived poverty of the isolated household.

8.2.2 *Dialectic of the National Free Market*

The corruption of the ethical life of the sovereign family began as family members began to look longingly afar, enviously contrasting themselves with other households with their different productive capacities and satisfactions. Family

¹⁰PR, §171.

¹¹PR, §185.

¹²PR, §238.

¹³PR, §183.

members developed a “demand for equality of satisfaction with others” outside their household.¹⁴ Emancipated individuals found an incentive to leave the shelter of their households and expand their purchasing power by accepting work elsewhere in a local labor market.

1. *Abstraction of a domestic free market of individuals in trade for their mutual satisfaction.* The negation of one’s negation of providers in other households liberated individuals to abstract a local free market as the new supplier of expanded needs. The economically absolutized family had at first negated the suggestion of an essential relation to other families as producers of goods and services for itself. But, as that relation, lurking unconsciously in the psyche of clan members, did not go away but built up steam, other providers came to be embraced within newly established domestic trade channels. “The immediate unity of the family has fallen apart into a plurality.”¹⁵
2. *Absolutization of the domestic market of different individuals in trade as sufficient for the mutual satisfaction of all individuals.* This local national market or “system of needs,”¹⁶ since it is the only known market, came to be absolutized as the sole sufficient provider of individual needs. This absolutized system of needs is “the mediation of need and one man’s satisfaction through his work and the satisfaction of the needs of all others.”¹⁷ In the minds of its beneficiaries, the local free market temporarily came to be perceived as a successful resolution of the contradiction of the independent household to which its members remained attached while inconsistently admitting unmet consumer demand which only other households could satisfy.
3. *A Publicly embraced culture of the invisible hand of the local free market as the absolute in economic life.* The satisfaction of one trade partner by means of the satisfaction of others led to a new optimistic ethical life based on simple laws of supply and demand.¹⁸ A fetish of the free market suggested that if a demand did not have a free market solution it was not worth satisfying. Each individual was privately identified with his or her exclusive consumer interests, but in public policy was identified with the invisible hand of the market which was temporarily assumed to be invincible.

Particularity is in the first instance . . . subjective need . . . This attains its objectivity, i.e., its satisfaction, by means of (α) external things, which at this stage are likewise the property and product of the needs and wills of others, and (β) work and effort, the middle term between the subjective [need] and the objective [satisfaction].¹⁹

4. *Abstraction of the poor who are excluded from trade as the inescapable other of the local free market.* The free market has eliminated the protection of the

¹⁴PR, §193.

¹⁵PR, §180 Addition.

¹⁶PR, §188.

¹⁷PR, §188.

¹⁸PR, §189, Addition.

¹⁹PR, §189.

individual previously assured by the family, thus leaving those who are disabled and thus who cannot compete without income. They experience a new form of poverty, market-induced poverty independent of natural disasters. The disabled poor have become the unwelcome but inescapable *other* of consumers who find satisfaction in the market. The mutual satisfaction of liberated individuals exchanging goods and services in a domestic market has run up against a limit in the poverty of individuals who are incapable of a marketable contribution to production. Such vulnerable individuals include the sick, the elderly, minors, and those with physical or mental handicaps. They also included able individuals who left the shelter of their families to enjoy independent livelihoods in the free labor market, but who through shifts in the winds of trade became unemployed, and sometimes unemployed long enough to sink into a rabble of dispirited paupers. Members of this rabble, abandoned by family and civil society, lost a sense of responsibility for themselves. They became dependent on the charity of others, which they even came to claim as a right.²⁰

5. *Negation of the unemployed.* Successful players in a national free market, eventually concentrating “disproportionate wealth in a few hands,”²¹ initially retained their fixation on the work ethic and the promise of free trade. Their first response was to negate or caste out of mind thought of the disabled poor and the rabble.
6. *Self-Negation of the absolutized national market of individuals trading for their mutual satisfaction.* Since the disabled lost the protection of the family through the emergence of a market economy of liberated individuals abandoned to their own devices, and since they have thus been injured rather than helped by the market, those who have succeeded in the market came to admit the limitations of the market as a vehicle for universal satisfaction. They did so by first offering charity. But charity was hit and miss. It failed to be perceived as fully just, since it was given to those whose suffering was more publicly visible but not necessarily greater. “Subjective aid [charity] . . . is dependent on contingency, and so society struggles to make it less necessary, discovering the general causes of penury and general means of its relief, and by organizing relief accordingly.”²² Those who had assumed, especially in the light of overly optimistic theories of classical economics, that universal consumer satisfaction through the free market was possible were now forced to recognize that such satisfaction could not be enjoyed by all.
7. *Negation of one’s negation of the unemployed.* The beneficiaries of the market historically resolved the contradiction of a sovereign free market failing to meet its promise of universal satisfaction by constructing a public authority, an external welfare state, to meet needs of the disabled poor and of the unemployed who were no longer provided for by distant families.

²⁰PR, §244, Addition.

²¹PR, §244.

²²PR, §242.

The poor still have the needs common to civil society, and yet... civil society has withdrawn from them the natural means of acquisition and broken the bond of the family... The public authority [thus] takes the place of the family where the poor are concerned.²³

8.2.3 *Dialectic of the Domestic Welfare State*

1. *Abstraction of the national welfare state as embracing the disabled poor and unemployed along with the affluent in a regulated market.* Much as the national free market was less abstract than the isolated household, the welfare state was less abstract than the national free market by itself. Those who found satisfaction in trade in a national market now conceived a public authority to organize assistance for both the disabled poor who could not work and able-bodied individuals who could not find work.
2. *Absolutization of the national welfare state as adequate for universal satisfaction.* The domestic national welfare state was at first conceived as sufficient for the satisfaction of both the poor and currently successful traders subjected to the risk of disablement or a loss of employment. No unmet need was yet perceivable which the public authority, with the minimal help of continuing charity,²⁴ could not meet. Initial enthusiasm for the authority's capacity to redistribute income gave it the appearance of a solution to the problem of poverty.
3. *Idolatry of the national welfare state.* Advocates of domestic welfare celebrated it as a living god for the satisfaction of the emergency needs of all. Thus William Beveridge after World War II almost single-handedly converted the United Kingdom to the ideal of a national welfare state that would end squalor, ignorance, want, idleness, and disease.²⁵
4. *Abstraction of new consumer demands capable of being satisfied by foreign suppliers, the other which had gone unrecognized in the domestic welfare market economy.* Players in the market noted more attractive products, services, and prices offered by foreign providers in a potentially global market. The better foreign offer, together with a new outlet for domestic production, became the threatening *other* of the established national market regulated for universal satisfaction. "The inner dialectic of [domestic] civil society thus drives it... to push beyond its own limits and seek markets, and so its necessary means of subsistence, in other lands which are either deficient in the goods it has overproduced, or else generally backward in industry..."²⁶

²³PR, §241.

²⁴PR, §244.

²⁵Sir William Beveridge, *Social Insurance and Allied Services*, Report Submitted to Parliament by Command of His Majesty, November 1942, accessed March 22, 2010, www.fordham.edu/halsall/mod/1942beveridge.html

²⁶PR, §246.

5. *Negation of foreign provider.* Yet the attachment of citizens to their common satisfaction in regulated domestic trade first restrained them from accepting disruption of the local market by an expansion of foreign trade. “Buy American!” campaigns, for example, arose. When a superior external offer presents itself, the attachment of traders to the domestic welfare state along with domestic production resulted in an initial impulse to toss it out of mind. The lingering idol of the regulated national market meant an impulse to preserve universal satisfaction within the local system of needs. Embarking on trade relations with foreign suppliers was seen as a corruption of the local market. Domestic suppliers were threatened with a loss of income and employment in competition with foreign products and services. Yet by force of habit entrenched trade channels initially weighed on purchasers.
6. *Self-negation of consumers supplied solely by the national market through recognition of the inescapable attraction of foreign providers.* The assumption of possible universal satisfaction through the regulated domestic market came to be experienced as self-contradictory. Local consumers became conscious of a demand for products and services not satisfied by that market, at least not at comparable prices. The better external offer has not gone away but has returned to haunt both disadvantaged domestic providers and consumers who begin to look abroad. The thought of limiting consumption to local products and services has made consumers feel poorer than they need be.
7. *Negation of the negation the foreign provider.* Negation of the negation of the better foreign offer has occurred by growing comparative dissatisfaction with what is available on the local market, and through development of a more “extravagant” demand for products and services that are new, different, or at least less expensive. A worldwide free-trade market has emerged. “[T]rade acquires its significance in the history of the world.”²⁷

8.2.4 *Dialectic of the World Free-Trade Market*

1. *Abstraction of the world market for universal satisfaction of increasingly extravagant demand.* “What the English call ‘comfort’ is something inexhaustible and illimitable.”²⁸ Envy of what other nations offer has been a corrosive force internal to a purely sovereign national market. With very few isolated and episodic exceptions such as Cambodia under Pol Pot and China under Mao Tse Tung, the nations of the world have rejected the option of a closed commercial society with greatly curtailed consumer satisfaction and have opened their doors to world trade.
2. *Absolutization of the world free market as the sufficient means for the satisfaction of all.* The prospect of increased global wealth following upon foreign trade and

²⁷PR, §247.

²⁸PR, §191, Addition.

upon the specialization of production by each country has held out the promise of universal satisfaction capable of absorbing the poor. According to the optimistic enthusiasm at the origin of the World Trade Organization, no nation was seen as incapable of finding its niche in the world market.

3. *Idolatry of the world free market as an invincible institution capable of abolishing poverty.* The expansion of world trade encouraged the hope that it may be a source of prosperity for all nations, even the poorest. The rationale for this as stated by the World Trade Organization read:

The data show a definite statistical link between freer trade and economic growth. Economic theory points to strong reasons for the link. All countries, including the poorest, have assets—human, industrial, natural, financial—which they can employ to produce goods and services for their domestic markets or to compete overseas. Economics tells us that we can benefit when these goods and services are traded. Simply put, the principle of “comparative advantage” says that countries prosper first by taking advantage of their assets in order to concentrate on what they can produce best, and then by trading these products for products that other countries produce best.²⁹

4. *Abstraction of the specific other of free world trade: new masses of the able poor, whose poverty is not resolved by the free world market but is on the contrary the result of that very market.* The local market to which the domestic welfare state responded already included some who could work, but who were temporarily jobless or underemployed. The problem of local unemployment could be very acute, but the local market enjoyed more active communication channels than the world labor market, keeping the unemployed alert to new opportunities that were close to home and more accessible. The able unemployed become far more numerous in the world labor market. They suffer from extended periods of unemployment that becomes chronic. Employment opportunities may exist in the world market, they are less accessible because they are in distant countries, and in countries which speak different languages. They are also in countries with barriers to the migration of labor posed by sovereign frontiers, barriers that do not exist in the domestic labor market.

The migration of labor between countries is part of the solution of the global unemployment problem, as evidenced by the existence of the International Organization for Migration. Yet migration, occurring in socially indigestible doses in a domestic labor market, becomes a local problem. The global labor market is much stickier than the domestic labor market. Chronically unemployed small farmers in developing countries migrate to cities where they remain equally unemployed. Such cities are often dead ends, since they do not function as jumping off points for further opportunity elsewhere.

When purchasers negated their negation of foreign providers and agreed to the satisfaction of imports, they soon became aware of the related risk of domestic poverty caused by the dislocation of domestic production. The national market, in constructing the domestic welfare state, primarily addressed the plight of the

²⁹www.wto.org, accessed March 22, 2010.

disabled poor. The world market must primarily contend with the problem of new ranks of the unemployed able poor. To embrace the mirage of universal prosperity through world trade is to displace from the workforce individuals who are neither physically nor mentally disabled, but who risk falling into a new rabble, sometimes susceptible to the despair of terrorism. Many of the disabled poor, bereft of the support of their families, never had independent livelihoods. The new able poor, unemployed or underemployed, lose self-respect through the irrecoverable loss of independent livelihoods which they often once enjoyed. But the able poor, unlike the disabled, potentially have a greater capacity for organized resistance to the beneficiaries of world trade. “A rabble is created only when there is joined to poverty a disposition of mind, an inner indignation against the rich, against society, against government, etc.”³⁰

5. *Negation of the able poor displaced by international trade.* Enthusiasm with the WTO/NAFTA cult of world trade initially leads to neglect of the displaced able poor. Global Citizen, an American advocacy organization, has summarized the initial attraction of NAFTA as a miraculous idol in these words:

NAFTA promoters—including many of the world’s largest corporations—promised it would create hundreds of thousands of new high-wage U.S. jobs, raise living standards in the U.S., Mexico and Canada, improve environmental conditions and transform Mexico from a poor developing country into a booming new market for U.S. exports.³¹

This chimera has been sustainable only by casting out of mind evidence that there are structurally losers as well as winners in world trade. The number of winners, stock holders in multi-national corporations applying the highest technology, is positively correlated with the number of losers, underemployed men and women able in mind and body.

6. *Self-negation of the absolutized international free market in the face of protests by the able poor.* Those who promise universal prosperity through the world trade in products and services have been forced to recognize that the weakness of the world labor market generates systematic underemployment and poverty among the able poor in both in developed and developing local economies. Universal prosperity merely through the current system of world free trade is increasingly recognized as self-contradictory. The able poor and their more affluent sympathizers and spokespersons, perceiving a systematic violation of the human right to an independent livelihood by the beneficiaries of the world free trade movement, have begun resistance:

NAFTA opponents—including labor, environmental, consumer and religious groups—argued that NAFTA would launch a race-to-the-bottom in wages, destroy hundreds of thousands of good U.S. jobs, undermine democratic control of domestic policy-making and threaten health, environmental and food safety standards.³²

³⁰PR, §244, Addition.

³¹Global Trade Watch, accessed March 1, 2010, www.citizen.org/trade/nafta

³²Ibid.

US opposition to NAFTA is echoed throughout the world to the WTO, and potentially even more loudly in developing countries whose unemployment rate greatly surpasses that of the United States.

7. *Negation of the negation of the able poor*. The growing ranks of the able poor have threatened to exhaust the resources of national welfare states. National welfare states intervened more successfully in their domestic markets in addressing the needs of the disabled poor than in meeting the growing needs of the able poor. In meeting these new needs, the intervention of nation states is limited to imposing tariffs on imports and penalties for corporations that outsource or delocalize production. But such tariffs and penalties also detract from the benefits of world trade, ultimately spelling a return to purely domestic welfare states denying the consumer satisfaction of imports to their citizens.

Protection of the new able poor, while at once affording populations the benefits of world trade, is possible only by further developing institutions of world governance like the International Monetary Fund, the World Bank, and other United Nations-affiliated world relief agencies. The IMF seeks to stabilize inflation-ridden currencies and thus stimulate foreign investment in those currencies, while the World Bank provides loans for development to countries that cannot generate investment funds internally or through the free market.

Hegel himself did not follow the dialectic of the domestic welfare state to the point of seeing its inability to address the problem of the new able poor and the necessity of an external world welfare state. He lamely claimed that the domestic welfare state or public authority, opening its citizens to the world market, is responsible for correcting the resultant problem. “[T]he [national] public authority must also undertake the higher directive function of providing for the interests which lead beyond the borders of its society.”³³ But if the national welfare state cannot correct the problem by purely national measures such as customs duties and limitations on the flight of capital, institutions of world governance that did not exist in his time begin to be needed to take responsibility for the legion of able-bodied poor of the world.

The optimistic culture of the national welfare state proves bankrupt. The failure of national welfare calls for humanity to transfer loyalty to currently weak global welfare institutions. These institutions now exist. But humankind remains between two worlds, the cult of national welfare which is no longer adapted to the world problems we face and a worldwide embrace of new world organizations which is yet to occur. Institutions of world governance currently receive only grudging acceptance in the nations called upon to fund them.

The WTO itself has now confessed that it “is not Superman, just in case anyone thought it could solve—or cause—all the world’s problems!”³⁴ The domestic welfare state can regulate itself if it is sovereign, but not regulate the world market to

³³ *PR*, §249.

³⁴ www.wto.org, accessed March 22, 2010.

which it has sacrificed elements of its sovereignty. To recapitulate, by the dialectic of the household the satisfaction of need came to depend on a national domestic market rather than the isolated household. By the dialectic of the national market, universal satisfaction came to depend on a state-regulated domestic market meeting the needs of the disabled and no longer merely on the free market. This is the furthest stage of the dialectic of civil society and trade reached in Hegel's *Philosophy of Right*. By the post-Hegelian dialectic of the national welfare state, the satisfaction of new consumer demand came to depend on the world market. And, by the dialectic of the world market, the satisfaction of the needs of the able poor comes to depend on a new world culture sustaining a world welfare state.

In contemplating a possible new worldwide culture with loyalty transferred to a world welfare state we pursue the dialectical method in a post-Hegelian world, with a result going beyond Hegel's own result in the nineteenth century. Although Hegel's result, the national welfare state, in principle represented for him the standpoint of the present, in fact several decades would be required before Bismarck would begin to institute such a system in Germany. Hegel's use of the dialectical method in the 1820s did not declare for all to see any institutionalized culture of a German welfare state. It rather called for the establishment of new institutions and their cultural embrace. The needs of the disabled were in his time still largely met by private charity and corporations, not by the state.

Today world institutions exist alongside numerous overlapping private NGO's giving charity. Hegel would not have wanted to entirely eliminate the current patchwork of competing NGO's. "There is still quite enough over and above these things [meaning the public welfare authority] for charity to do . . ." ³⁵ But he would have held that international charity, like the domestic charity which he knew, was hit and miss. A socioeconomic census of the real relative deprivation of different populations is today needed in order to distribute assistance to the nations and regions that objectively are the worst off. There are many who subjectively suffer in developed nations, but globally many of these same persons are unlikely to qualify as being the worst off. If Greece defaults, regional European assistance makes global welfare benefits to Greece unnecessary. Assistance for the worst off can be organized rationally only by world organizations each with a clear and uncontested authority to determine who fairly has the greatest need. Yet world organizations will get the funding necessary to perform their task only with a global cultural shift, only when the peoples of the world look to them as a mandatory global insurance plan to rescue victim nations in world trade that cannot rescue themselves. The greatest challenge, which must not be evaded, will be to rescue not only nations that are victims of current world trade, but equally nations who suffer from the accumulated effects of historical trade patterns resulting in the domestic corruption in their own native rabbles. A dozen Haiti's that begin to export can also begin to import, contributing to universal prosperity.

³⁵PR, §242.

Individuals increasingly look beyond Washington, Paris, or Moscow to regain control of their economic destinies. The able poor are alienated from their national capitals with the hollow promises of their politicians. Yet they are equally alienated from the new global institutions, which are seen as external means of assistance on which the peoples of the world cannot yet depend, and which are run by faceless bureaucrats. Our national home is no longer felt to shelter them, and a reliable global home for them still remains to be built.

Beyond the horizon of present visibility, an external global welfare state may someday become an internal global state with which all can identify, in which the able poor who receive benefits are no longer perceived as *others* by tax payers. Beneficence assumes a chasm between us and them, those who give and those who receive. Either others receive willing charity or they are grudgingly paid off and pacified. A rational global state, not yet on the horizon, would eliminate that chasm, including all in community. The national welfare state, which in its first stages was an external state for Hegel, adds an ethics of beneficence on top of the ethics of exclusive ethical egoism operating in the profit-driven free market. The ethics of the rational state would then substitute an ethics of an inclusive self-interest with which all can identify in the place of the ethics of beneficence to others.

8.3 A Coming World Welfare State?

8.3.1 *Contemporary International Financial Institutions*

The WTO aims to increase global wealth by promoting free trade. But the continuing need for the World Bank and IMF testify to the fact that free trade by itself does not suffice. Trade exposes trading partners to the risk of impoverished able-bodied individuals who once worked, or whose parents worked. Unemployment, unless it is transient, erodes skills and employability in favor of a rabble that no longer seeks work but lives on the dole.

As prospects for an expansion of world trade dim in the current global economic downturn, the roles of the World Bank and IMF loom larger. This has been illustrated through increased funding of the IMF through the mechanism of special drawing rights (SDR). As faster-growing emerging national economies invest in these instruments, the preponderance of power in the IMF begins to shift away from the mature Western nations, to some degree leveling the playing field. The IMF increasingly becomes in substance and not just in name a world organization. Much as Hegel was concerned with the *concept* of the state rather than with its empirical *origin*,³⁶ we are concerned today with the concept and function of a world welfare state rather than with its origin in the service of Western interests.

The World Bank and the IMF form the beginnings of a global welfare state paralleling the domestic welfare state of which Hegel was the first major theoretician.

³⁶PR, §258.

cian. With the reinforcement of national sovereignty in the post-Napoleonic world, Hegel could not contemplate a welfare state on the global level. Since World War II, however, emerging institutions of world governance, but not of federal democratic world government, have created a fourth institution of ethical life of which he knew nothing.³⁷

Hegel already recognized the emergence of global civil society.³⁸ He saw three stages to the development of civil society: trade (“the system of needs”), trade protected the legal protection of private property rights (“the administration of justice”), and the provision of welfare in case of poverty (including the “*Polizei*” or public authority).³⁹ Global civil society in his time had advanced to world-wide trade and to the protection of property rights through the international customary law of civilized nations. But it had not advanced to a global public authority. This is what is beginning to happen today.

The cause of a global public authority currently represented by current international financial institutions (IFI) falls short of a world state in the full sense of a rational internal state with which people in all nations can identify. World governance is not world government. Nations are still identified with their competing national self-interests, but have begun to use existing institutions of world governance as external tools. Ratification of these treaty institutions is at first voluntary, but the evolving international customary law of civilized nations initiates a creeping one-worldism already subtracting from national sovereignty. We see evidence of this when a nation’s attempted withdrawal from international human rights conventions come to be seen as a hostile act punishable at least by isolation. The wish of the rogue nation to be restored to fellowship in the international community can result in a new acceptance of world governance.

But insofar as the highest officers of world governance are not elected but remain bureaucratic appointees, identification with world governance remains limited. Such identification might be increased by projecting global parliamentary institutions on top of existing current international financial institutions. An eventual internal world state regulating and giving a human face to world governance could complete the work of political globalization regulating established economic globalization. Like Hegel, we refrain from advocating such a rational world state, which is a mere *ought* (*Sollen*). Yet we may predict increasing pressure in that direction as a response to the double political alienation experienced by the peoples of the world: alienation *both* from national governments perceived as incapable of securing the welfare of citizens *and* from unelected world governance alone capable of seriously addressing world problems.

Hegel admitted that the nation injures some citizens by exposing them to the free market, and thereby acquires a positive duty to regulate the market and compensate

³⁷Clark Butler, “World Governance, World Government,” in *Human Rights Ethics: A Rational Approach*. West Lafayette, IN: Purdue University Press, 2008, ch. 14.

³⁸*PR*, §246.

³⁹*PR*, §188.

the injured, the disabled, and the unemployed.⁴⁰ But consumer envy on the part of other citizens pushes the state to acquiesce in a global market. Ultimately the nation state protects the first group of citizens by yielding a measure of sovereignty to world governance.

8.3.2 The Role of the Private Sector in Fighting World Poverty

In light of world history since Hegel, it becomes apparent that he saw the growth of world trade in an excessively positive light. He claimed that the global market contributed to a national civil society's "necessary means of subsistence" or earning power. European powers would be able to supply poor countries with the goods they lack.⁴¹ But Hegel gave no attention to how poor countries would pay for such goods. He was naïve in believing that colonies and newly independent lands could absorb the "excess production"⁴² of mother countries. He saw emerging global civil society chiefly in the context of Western colonization as a social safety valve for the mother country, reducing the ranks of the poor in their home countries.⁴³ He assumed that colonies declaring their independence of the mother countries would have the purchasing power to create new markets for the one-time colonial powers because he imagined that liberated colonies would be governed by wealthy colons from the West, as in the example of the United States.⁴⁴ He did not anticipate the more widespread case typified by Algeria or Zimbabwe where the indigenous populations overwhelmed the colonizers. He did not imagine the poverty of numerous newly independent nations in the twentieth century. He did not imagine that the colonial powers like France would simply abandon their colonies to native populations whom they had never prepared for self-government or for successful participation in global trade.

In this respect Hegel fundamentally misjudged the future. We are no longer tempted like Hegel to celebrate global civil society as the key to solving the economic problems of Western nations. We see the problems which the global market creates. Hegel saw that the domestic market generates extremes of wealth and poverty,⁴⁵ but the global market does likewise. Households become addicted to better or less expensive imported products. But the trade-generated wealth of some households is internally linked to world trade-generated poverty of countless chronically unemployed or underemployed individuals. Thus the growth of world free trade by itself creates a dialectical problem, growth of the determinate other of

⁴⁰PR, §241.

⁴¹PR, §246.

⁴²PR, §245.

⁴³PR, §248.

⁴⁴PR, §248, Addition.

⁴⁵PR, §244.

that very trade, which it cannot solve. The world *labor* market lacks fluidity when compared to the world market for the trade of goods and services, produced by workers who remain stationery in their home countries.

As we have noted, Hegel did recognize the risks generated by the global market: “the [national] public authority must also undertake the higher directive function of providing for the interests which lead beyond the borders of its society.”⁴⁶ These interests include the interest of domestic consumers in imported goods and the interest of domestic corporations in investing in outsourced production facilities. But a domestic “public authority” cannot, as Hegel seems to think, protect the general interest of its population in employment when its consumers and corporate investors find an incentive in economically venturing beyond national frontiers. As the portion of imported goods relative to domestic goods increases, the conditions of domestic prosperity come to lie in regulation of the global market. Establishing some kind of equilibrium between a nation’s imports and exports might require a global chamber of commerce.

A *successful* domestic welfare state for Hegel does not suppress free enterprise. Nor does it reduce huge numbers of individuals to a rabble of paupers claiming a right to a free ride. Rather, it protects a nation from such a rabble by providing a return to the dignity of an independent livelihood through reeducation. It protects the free market from its worst dysfunctionalities. This would also be true of a world welfare state. International financial institutions would not always have to intervene. The nations of the world can enjoy the peace of mind of knowing they are *on* welfare even if they never need to *draw* benefits. Since Hegel did not know the depth of world poverty brought on by global civil society, I conclude by noting a way by which free enterprise—supported by bilateral agreements between a wealthy investing country and a poor developing nation without a significant role by the World Bank, the International Monetary Fund, or WTO dispute settlement—can contribute to poverty reduction. In the situation which we face, Hegel would surely have looked for such a way.

Potentially, governments without a strong native human rights culture currently feel pressure to extend human rights when either government-to-government foreign aid or aid channeled through international financial institutions comes with human rights strings attached. In practice, however, there are two serious limitations on human rights progress and poverty reduction through lending by international financial institutions. First, much depends on which human rights are to be made a condition of credits. An important difference exists between (1) making credits available to a developing country based on respect merely for civil rights (including free trade) and democratic elections and (2) allowing credits to developing nations without also asking them to build down their social safety nets or local welfare states through trade liberalization. The first types of credits do not clearly reduce poverty in the medium term.

A second limitation on poverty reduction affects government-to-government aid which is politicized, which is mainly directed to solidifying the loyalty of client

⁴⁶PR, §249.

states. This widely alleged in the case of Chinese foreign aid to Africa, but it is also a risk in the case of nations like the United States and France despite their long-standing human rights culture.

A useful distinction exists between interstate trade and private international trade. Much Chinese trade with Sub-Sahara Africa is interstate trade, as is much French investment in West Africa. The purpose is partly political. The motive of private international trade is more purely economic. Private international trade can occur between a private company in a developed country and an underemployed work force in a developing country. It is not trade of goods for goods. It is trade of infrastructure and income in the developing country for its labor services. The government of the more developed country facilitates the trade, but the aim is to increase corporate income and the income of local labor, not to increase the government's political influence. Trade is not used to enhance the state power of a developed nation or to maintain the corrupt government of an underdeveloped client state in power.

Actions by lending/donor governments and international financial institutions would be insufficient to eliminate world poverty even if they were free of the geopolitical considerations of great power politics. A world "public authority" is not intended to replace the market place, but only to regulate it. Free market solutions without bureaucracy are preferable if they reduce poverty. The case for private investment is a case for complementing, not replacing, either government-to-government foreign aid with human rights criteria or investment by international organizations based on similar human rights criteria. It recognizes that anticipated levels of both foreign aid and aid by international financial institutions are insufficient to result in adequate economic growth, to raise incomes, and to create new local consumer markets in world trade. It also recognizes that private companies are better able to judge the profitability of economic ventures in developing nations.

8.3.3 The Nature of Regulation by World Governance

Existing institutions of "world governance" such as the IMF and the World Bank started out after World War II chiefly under the control of the United States, the chief source of funding. It was not world governance by the whole world. The kind of regulation of the global market which is now emerging is already apparent in the WTO, which unlike other institutions of world governance today has an automatic purely technical enforcement mechanism controlled by no single nation or group of nations. Nations which violate their treaty obligations by subsidizing inefficient local industry, as judged by a WTO panel of independent experts, automatically trigger prohibitive tariffs imposed on their exports by their trading partners.

Potentially, as developing nations approach the end of the industrialization process which the old industrial states completed long ago, WTO members could agree to the imposition of prohibitive tariffs on nations which do not price minimal

social protection into the goods and services they export in the global market. All-important is that decisions by organizations of world governance not be politically motivated. As the gap between developed and underdeveloped nations closes, shared funding of the IMF and World Bank will exclude control by any single nation. Yet this gap will not be fully closed until world economic development no longer depends on fossil fuels imposing a carbon dioxide ceiling on economic growth, but how to achieve this goal enjoys no current world-wide expert consensus. Further scientific and technological breakthroughs are needed. Yet there is no credible UN world energy organization to prevent wasteful duplication of efforts between independent university, national, or regional energy research centers. And clean energy research by the International Energy Agency and private petroleum companies is widely suspected of still being political, wanting to justify the continued the marketing of petroleum for as long as possible.

Hegel claimed that poverty was a problem for which civil society had failed to find an adequate solution. Today, the removal of limits to economic growth imposed by the planet's inability to absorb further carbon dioxide and other emissions is central to finding a solution to the current problem world poverty. The world poverty which would result from a failure to address fossil fuel pollution and the challenge of climate change is not one which can be left to a casual mention in the way in which Hegel mentions in passing the problem of domestic poverty.

If the populations of nations punished by such tariffs cannot identify with the new impersonal faceless bureaucracies of world governance, the political globalization of a global constitutional convention for federal world parliamentary democracy may be projected on top of existing economic globalization and regulatory world governance, in order to put a human face on such governance. But such political globalization extrapolates into the more distant future a development about which any strictly Hegelian use of the dialectical method (contrary to a Marxian use of the method) must at present remain silent. I introduce the idea of a global welfare state (world governance, but not world government) only because it is in principle already visible in its incipient stages.

Another real possibility for a world welfare state (prior to closure of the gap between developed and underdeveloped nations) is Thomas Pogge's proposal that wealthy nations agree to being taxed by the World Health Organization to create a fund rewarding those pharmaceutical companies which, by neutral technical judgment, develop and distribute artificially low-cost pharmaceuticals to effectively treat Third World health issues (e.g., malaria, tuberculosis) which no longer threaten the developed world. Wealthy nations have an interest in reducing the destabilizing resentment in the world market of poor nations whose health needs otherwise go unattended. Different world problems, including global warming, require various non-political solutions by institutions of world governance. But the world's nations must first anticipate the pain acutely enough to invest in collective research and development. The principle of a coming world welfare state is no more a panacea than that of the domestic welfare state which Hegel saw dawning.

8.3.4 *Mini Economic Colonialism*

What we may call “mini economic colonialism” is a mechanism for the gradual creation of new markets for goods exported by developed countries by raising incomes in developing nations. The Doha round of free-trade talks is stalled in the face of a greater than expected global downturn, and is not likely to be resumed in the short term by countries willing to go out on a limb in further reduction of protectionism. As a result bilateral trade becomes more important, and private investment has a greater role to play alongside government-to-government aid.

The WTO provides a mechanism for increasing world trade by reducing protectionism. But this mechanism works more easily in a context of global prosperity than in a global economic downturn. If trade is occurring, trading nations are self-confident and can be persuaded to accelerate the reduction of protectionism. If, as in the recent current global downturn, trade becomes stagnant or decreasing, such confidence will be lacking. New protectionist measures may be avoided only with difficulty.

Classical political colonialism is no longer on the world’s agenda, and this has undermined the reputation of “colonialism” in general. Yet an important key to development is a specific type of mini economic colonialism. An individual company in a developed nation identifies a consumer market in its own home country. It then establishes a production facility in a low-wage region of a developing country. It builds roads, infrastructure, utilities, housing, and schools in the developing country, distribution channels in the consumer market of the developed nation, and trade channels between the two.⁴⁷ Foreign entrepreneurs are better able than local entrepreneurs in developing countries with traditional family structures to accumulate capital without having to share income as members of an extended family—even though they may still have to confront bribes as part of the usual course of business. Competitive mini economic colonialism is a profit-directed mechanism for economic, social, and cultural development. Classical political colonialism can be prevented as long as the developing nation diversifies both the companies and the national origins of the companies providing investment capital.

The so-called barter terms of trade show that the price of non-fuel agricultural goods and raw materials, like watermelons in the Senegal,⁴⁸ tends to decrease while the price of manufactured goods from wealthy countries produced with expensive and highly trained labor tends to increase. These terms of trade thus seem stacked against underdeveloped countries that do not export manufactured goods. Still, the income terms of trade may favor commodity exporting developing nations if the increasing volume of commodity exports compensates for the adverse barter terms of trade.

⁴⁷An example is a Spanish company that has organized the production of watermelons in the Senegal. Pascal Fletcher, “Senegalese Farm Shows Benefit of Targeted Aid,” *International Herald Tribune*, September 3, 2008, accessed August 29, 2009, archive.wn.com/2008/09/05/1400/acra.

⁴⁸Ibid.

The three principal values to which the people of a recently independent developing country are committed are typically (1) preservation of its local independence within an emerging global external welfare state (2) economic, social and cultural development, and (3) democracy including freedom of expression in the public sphere. Yet, without mini economic colonialism, only two out of the three objectives are possible. If the country chooses *development and democracy*, it must sacrifice independence, since it must depend on powerful foreign investors concentrated in a single neo-imperial nation, as seen in a number of countries in former French West Africa. If it chooses *development and independence* it must sacrifice democracy, since it must repress personal consumption to raise internally generated investment capital—as seen in the autarchy of Communist China in the Great Leap Forward. And if it chooses *independence and democracy* it must sacrifice development, since it must forgo both foreign investors with their political influence and internally generated investment capital. However, the dilemma can be circumvented if foreign investment takes the form of competitive mini economic colonialism. All three objectives can then be simultaneously pursued.

Democracy is then possible because the government does not have to force the present generation to pay for the economic development enjoyed by future generations. Dependence on foreign investment from a variety of nations does not guarantee democracy. But it does remove a serious obstacle to democracy. First, because the local government is no longer obliged to generate investment capital internally, such authoritarian measures repressing personal consumption and thus frustrating democratic aspirations of the general population for greater purchasing power are no longer necessary. Secondly, dependence on investment from many foreign countries helps make local democratic self-rule possible because it eliminates rule by single neo-imperial capital. Of course corrupt rule by a local power elite would still have to be countered, e.g., by pressure from the Arab street in 2011.

Mini economic colonialism makes independence with local democracy possible because the government is not beholden to a single colonial power or multinational corporation. Economic development remains possible because foreign investment will take place. Yet all three values are pursued more securely assuming the mandatory insurance protection offered by an initially external world welfare state capable of crisis intervention.

In conclusion, we have seen that Hegel was the original theoretician of the domestic welfare state responding to inequities in domestic civil society. He did not live to see the inequities of global civil society. But, if he had, his response would in all likelihood be analogous to the domestic welfare state which he proposed as a partial solution to the problem of domestic poverty. That should also be our response as we continue the Hegelian research program into the present century.

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Chapter 9

The Citizen of the European Union from a Hegelian Perspective

Paul Cobben

9.1 Introduction

If from a contemporary perspective we look back on the ideas developed by Kant and Hegel with regard to international law, the conclusion seems warranted that Kant's conceptual framework is more fruitful than Hegel's. While, for Hegel, world history is characterized by war,¹ Kant is already reflecting on the possibility of perpetual peace, even foreseeing a federation of states as a means to achieve this end.² This conclusion, however, is too quick. Not only does Hegel invoke perpetual peace as the criterion by which to judge world history,³ he expressively refused to speculate about future historical developments. In the Preface to his *Philosophy of Right* he states: "Philosophy in any case always comes on the scene too late to give it [instruction]."⁴ Thus at a time when international law still is hardly developed, it may be appropriate to restrict oneself to the question of how the existing articulation of international law (however rudimentary this may be) may be interpreted as realization of freedom, i.e., as a proper realization of the concept of law.

More than 200 years have passed since Hegel wrote his *Philosophy of Right*. In the meantime international law has undergone enormous development.

¹"It follows that if states disagree and their particular wills cannot be harmonized, the matter can only be settled by war." G. W. F. Hegel, *Philosophy of Right*, trans. T. M. Knox (Oxford University Press, 1967) [hereafter *PR*], §334.

²Immanuel Kant, *Perpetual Peace. A Philosophical Essay*, trans. M. Campbell Smith (London: George Allen and Unwin, 1917).

³G. W. F. Hegel, *Vorlesungen über die Philosophie der Weltgeschichte* (Hamburg: Felix Meiner Verlag, 1996), 56.

⁴*PR*, 12.

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The relationship of nation states no longer can be described, as Hegel suggested it should, in terms of a state of nature.⁵ In the European Union, states seem to have created institutional structures of cooperation that make the prospect of war unlikely.

In this chapter, I concentrate on the European Union. I address the following questions: Is it even possible to comprehend the forms of cooperation developed by European nation-states from the perspective of Hegel's conception of the state? If so, is the European Union to be understood as a supra-state or as a federation of states that can be considered a stage in the formation of a federation on a global level? How is a possible world state understandable in terms of Hegel's concept of world history, based as it is on a multiplicity of individual states?⁶

In responding to these questions, I advance the thesis that the European Union can be instructively understood by employing Hegel's conceptual framework—one oriented, however, not to a federation of states but to a supra-state. In addition, however, the development of the European Union can illustrate the sense in which Hegel's conceptions of state and international law requires further scrutiny. My aim is not to dismiss these conceptions but rather to show that Hegel was not yet in a position to develop fully their implications.

9.2 Hegel's Concept of the State

Aristotle defines man as *animal rationale*, i.e., as the animal distinguished from others through its endowment with reason. As *rational* animals, humans live in accordance not with natural but with human laws and the laws of the state in which they live. In the state, humans have created a "second nature." On account of this second nature, humans are autonomous; they live according to self-made laws.

Hegel invokes the Aristotelian model of the state in the *Phenomenology of Spirit*. As self-conscious beings, humans cannot live in a state of nature. Human action has to be understood on the model of the *bondsman* or *slave*, who acknowledges that he serves his *lord* or *master*.⁷ Again, it is essential to Hegel that the law obeyed by the slave when serving a master is not an external law, one naturally given. The slave

⁵Hegel still wrote: "But since the sovereignty of a state is the principle of its relations to others, states are to that extent in a state of nature in relation to each other. Their rights are actualized only in their particular will and not in a universal will with constitutional powers over them. This universal proviso of international law therefore does not go beyond an ought-to-be, and what really happens is that international relations in accordance with treaty alternate with the severance of these relations." *PR*, §333.

⁶*PR*, §340.

⁷G. W. F. Hegel, *Phenomenology of Spirit*, trans. A. V. Miller (Oxford University Press 1977), 112–19.

recognizes the master as a condition of his own being. Through this recognition he posits the law that he obeys as an expression of self. The law of the slave is a law of culture, not of nature.⁸

Like the Aristotelian state, the social order to which the slave belongs can be understood as a traditional society: the norms and values of a tradition are affirmed in the actions of the slave. In this sense, the slave's action serves tradition. At the same time, however, Hegel's approach is clearly distinguished from Aristotle's. While it is true that, for Aristotle, tradition has a human origin (the original lawgiver, for example, was Solon, i.e., a human being), tradition itself was considered inviolable. Whoever was born in Athens had to obey the laws of the land. Hegel's position is more radical. The laws to be obeyed certainly need not be understood as human laws; the master can also be a god.⁹ What is important, though, is the understanding on the part of individuals that, in serving a master, their own nature is served as well. In the end, participation in society results not from force that is externally imposed but from self-submission. The norms and values of society are obeyed only insofar as they are recognized by members of society as their own. In this sense, obedience to the law is an act of freedom. The instinctual laws of nature are replaced by those expressing human reason and autonomy. Whoever submits to a master must also be the master of his own body, i.e. not ruled by physical drives.

This awareness of freedom is mediated, for Hegel, by a fear of death. An animal that fears for its life can flee or fight to the death. But a human being has another option. Confronted with death, he is faced with the superior power of nature. His bodily organism, which under normal circumstances engages in acts of self-preservation, is confronted with an absolute force that blocks every such act. Hegel characterizes the being fearful of death as one forced back on itself. Humans become aware of a fear of death in a specific manner. In experiencing this fear, i.e. the experience of being forced back upon oneself, the human being is made to tremble "in every fiber of its being."¹⁰ The modes of action that normally preserve life dissolve and are assimilated into the undifferentiated unity of a force that pushes back onto itself. Actions in service of life, those normally defined by the instinctual laws of self-preservation, are reduced to the empty form of a law of internalization. In the fear of death the organism is released from instinctual determinations and is reduced to a being defined by the empty form of law. Precisely for this reason, however, the human being conscious of itself through the fear of death can understand itself as the master of its bodily self. For Hegel, self-consciousness denotes an autonomous self, i.e., a law that can determine itself out of itself. On this account the self now understands the essence of its life in the

⁸As Hobbes's Leviathan, the master transforms the power of nature into a social one. But in contrast to the Leviathan, the master is recognized not as law-giver but as the representation of the slave's freedom. In obeying the laws of the master the slave concretely asserts that he is not governed by the laws of nature and so, in this sense, is in principle free.

⁹In the Religion chapter of the *Phenomenology of Spirit*, Hegel discusses the historical stages through which the master has passed.

¹⁰Hegel, *Phenomenology of Spirit*, 117.

fear of death. In the fear of death, the heteronomous, instinctually given law is, as it were, purified into a form of law purged of all instinctual content. Life now takes the form of the medium in which the autonomous self expresses itself, i.e., can objectively realize itself. Initially, the process of acquiring bodily self-mastery is only expressed at the social level. The human being first acknowledges the absolute power that makes him fear death as his master, i.e., the source of his being. This means that he has socially objectified his body self-mastery. He recognizes himself in the social master, and expresses this recognition by practically serving this master. In recognizing the social master, the fear of death is institutionalized. In this recognition, however, the superior power of nature, the power of death, is also transformed into a self-positing power and, therefore, made the expression of freedom.

In principle, the law of the social order has a content that is contingent, i.e., it is connected to a specific historical society. Because every social order implicitly depends on the freedom of the individual, a development allowing for the explicit emergence of this freedom is always possible. The law of a social order can develop in a way that institutionally accommodates the freedom of the individual. Hegel himself seeks to reconstruct a historical process that details the gradual emergence of such a free society. One component of this reconstruction is the Aristotelian polity, the entity in ancient Greece that found expression in the city-state, the polis. At this stage, it was already understood that the master served was no god. The laws of the state were already perceived to be human laws, those produced by a human law-giver. According to Hegel, however, such laws did not do justice to the freedom of the individual. After all, the citizen of the polis remained bound to the specific traditions through human laws were expressed. Thus the development of proper institutional structures had to continue. It also had to provide space for the principle of subjective freedom, an issue Hegel addresses in his *Philosophy of Right*.

In the *Philosophy of Right*, the lord or master takes the form of the *monarch*.¹¹ The monarch represents an institutional order that articulates the principle of subjective freedom.¹² Characteristic of this order is that, in contrast to the polis, it presupposes civil society as a relatively independent sphere. In the Greek polis, subjective freedom had no place, as it threatened traditions of the state. In civil society, however, subjective freedom can be expressed without threatening the state. The free market, i.e., the central institution of civil society, mediates between the subjective freedom of the individual and the traditions of the state. It does so by virtue of the twofold function of the market. On the one hand, the market accommodates the subjective freedom of the individual, for the individual can at all times offer new goods to the market (in this way breaking through fixed modes of need satisfaction). On the other hand, the “discipline” of the market

¹¹“Hence this absolute decisive moment of the whole is not individuality in general, but a single individual, the monarch.” *PR*, §279.

¹²“The constitution is rational in so far as the state inwardly differentiates and determines its activities in accordance with the nature of the concept.” *PR*, §272.

guarantees the generality of need satisfaction in a way that can be framed within the state's definition of the common good. The satisfaction of needs is essentially mediated by the market and thus by general supply. As was already thematized in the master/slave relation, the modern state permits freedom to find expression in the context of a particular social order and thus in a historically specific account of the good. But now this account of a common good can integrate on an ongoing basis new impulses emanating from the market. The market provides space for subjective input, which in its integration results in new and increasingly more differentiated conceptions of the good.

The forms of internal differentiation stemming from the market presuppose the development of formal property law, in which the individuals are related to one another as the free and equal persons. Free and equal persons participate in a specific system of production that functions in the service of a specific, historical interpretation of the common good. In their internal differentiation of the system of production, market mechanisms create the conditions under which a new conception of the good is possible; and when incorporated into the law, this new conception is made explicit at the state level.

A state that provides space for the subjective freedom of civil society must allow for a form of legislative authority explicitly distinct from the societal reflections on the good that it institutionally guarantees. This legislative branch must be open to a dynamic that permits the continual renewal of the conceptions and interpretations resulting from such reflections. Therefore, the institutional order represented by the monarch has to be subdivided into the (general and dynamic) legislative authority, the administrative authority that oversees realization of a conception of the good within a legal framework, and the authority that ensures the harmony of these two branches: the monarchy.¹³

9.3 The Limits of Hegel's Concept of State

At the level of the master/slave dialectic it is already clear that the social order represented by the master is historically contingent. The same is true for the modern state, in which the master/slave relation has achieved self-awareness in the relation between monarch and citizen. The institutional order represented by the monarch is historically contingent and satisfies a specific condition: the master/slave relation as it has become self-conscious. Hegel thinks that he expresses this contingency in the figure of the hereditary monarch, whose individuality is defined "by nature."¹⁴

¹³PR, §275.

¹⁴"The monarch, therefore, is essentially characterized as *this* individual, in abstraction from all his other characteristics, and *this* individual is raised to the dignity of monarchy in an immediate, natural, fashion, i.e. through his birth in the course of nature." PR, §280.

My thesis is that in this way Hegel illicitly identifies finitude with naturalness and thus cannot properly articulate his project.

For the citizen, the modern state is, so to speak, a second being, the second nature in which his freedom is embodied. His relation to the state is expressed in patriotism, a love of country that in the last resort is unconditional. This unconditionality manifests itself in the highest sacrifice that a citizen can make for his country, the sacrifice of life in defense of country.¹⁵

The improper nature of Hegel's identification of finitude with naturalness becomes clear when such sacrifice is compared to the fear of death that informs the master/slave relation. The sacrifice made for the state again involves a fear of death. This time, however, it is not the physical body that is threatened by death but rather the body politics itself.

The fear of death in the master/slave relation as experienced by the (self-conscious) natural organism was an experience in which life becomes an object. In the fear of death, self-consciousness experiences itself as the essence of life as such. This experience was objectified in the master/slave relation: in recognizing the master, the slave self-consciously experiences itself as the essence of life (the species). This experience gives objective expression to a self-consciousness that transcends natural existence.

In the case of the fear of death proper to a social organism that is threatened absolutely, the citizen would not fight to death to defend his state, but—analogously to the fear of death experienced by natural organism—would rather come to an awareness of the body politic itself. He would experience that the state in which he lives is a specific, historical entity distinct from his own existence. After all he realizes that the defense of the state's existence requires that he sacrifice of his own existence. At the same time, he also experiences himself as the essence of the body politic. This is so not only because the survival of the state seems to depend on his sacrifice, but also because he now is reminded that the institutions of the state are needed to ensure his subjective freedom. He becomes aware further that the state is legitimate only insofar as it gives place to his subjective freedom. In a legitimate state, citizens are not only equal but have intrinsic value as well; they have rights that guarantee this intrinsic nature. In other words, the state derives its legitimacy from being a historical expression of human rights and democracy. As a consequence, the citizen does not sacrifice his life unconditionally for the state, but only for a legitimate state. If the citizen sacrifices his life for the state, it is not the state as his "lord" or "master," but rather for the norms and values that give the state its legitimacy: human rights and democracy. *This* lord could be elaborated as a system of international law, one that provides that nation-states all represent, in historically specific ways, institutions that guarantee subjective freedom.

¹⁵“This relation and the recognition of it is therefore the individual's substantive duty, the duty to maintain this substantive individuality, i.e. the independence and sovereignty of the state, at the risk and the sacrifice of property and life, as well as of opinion and everything else naturally comprised in the compass of life.” *PR*, §324.

Since Hegel does not opt for this approach, he obviously does not think that the citizen is able to transcend the state. The state in which he lives is obviously an embodiment of freedom from which he cannot escape.¹⁶ He has to defend this order to death because he cannot survive as citizen outside of it. In this sense, the citizen is “by nature” connected to the state organism in which he is born. According to Hegel, this is symbolized in the monarch who exists “by nature.” This naturalness, however, is highly problematic. Not only is it principally inconceivable that an individual is “by nature” monarch (it is the law that defines who is monarch), it also belongs to the “nature” of free self-consciousness that it is not necessarily tied to a historically given social order.

In contrast to the citizen, the monarch has the ability to transcend the order of the state. On the one hand, he has the “right to pardon criminals”¹⁷ and, therefore, can, with an appeal to conscience, commute a punishment that was imposed in accordance with the normal jurisdiction. On the other hand, the monarch is the self-consciousness of the state and so can relate to the self-consciousness of other states, i.e., to other monarchs. It remains unclear, however, how this transcendence is to be conceived. If the monarch rather than the citizen is considered the self-consciousness of the social organism, then the conscience of the monarch could be understood again analogously to the master/slave relation. The monarch’s relation to other states would be mediated by a fear of death and the monarch would objectify his fear of death by recognizing a master. This time the master could be identified as the absolute spirit—not as that which appears in an account of world history where multiple states exist in a state of nature, but as absolute spirit expressed as a specific form of international law. In this case, the monarch’s recognition of a master is concretely manifest in his obedience to the law of the master and the state as represented by the monarch obeys international law.

According to Hegel, however, the relation between states remains restricted to possible treaties, into which the states can enter if the rulers by whom they are represented agree. The realization of these treaties, however, remains totally a matter of happenstance. It occurs only if the individual states judge that their interests are served by a treaty. If the treaty is violated, there is no international law that can enforce its observation. The state of nature among states is not significantly overcome through the treaties.¹⁸ Under these conditions, it is not clear what status the conscience of the monarch can have.¹⁹

¹⁶“It is the moment wherein the substance of the state—i.e. its absolute power against everything individual and particular, against life, property, and their rights, even against societies and associations—makes the nullity of these finite things an accomplished fact and brings it home to consciousness.” *PR*, §322.

¹⁷*PR*, §282.

¹⁸*PR*, §333 (see note 5).

¹⁹If not embedded in international law, the conscience of the monarch seems to be a subjectivist conscience, one that cannot distinguish between good and evil.

9.4 The Citizen and Insight into the Finitude of the State

Neither the citizen nor the monarch has insight into the historical specificity of the state. The state remains a spiritual home that they cannot be made into an object of reflection. As a consequence, the life and death struggle among states is the state of affairs that continues to dominate world politics.²⁰ Citizen and monarch both lack the insight of the philosopher: each knows that every state is only a specific realization of the modern state (one that offers space for subjective freedom). Perhaps Hegel thinks that if citizen and monarch would share the philosopher's insight this would undermine the state's legitimacy and thus its stability. However, the price Hegel has to pay for this conviction is high. Not only has he himself indicated that the reality of self-consciousness cannot be expressed in the context of life and death struggles (an insight that becomes all the more telling in a world shadowed by the existence of weapons of mass destruction); this conviction also has as its consequence the undermining of subjective freedom. Hegel's concept of the modern state still pertains to a mono-cultural state: a state in which the citizen is tied to a specific conception of good.²¹ It is true that this conception of good has been rendered dynamic in the mediations that flow from the subjective freedom of civil society, yet such freedom remains restricted to the internal differentiations of the system of production. Thanks to the free market, needs can develop, even outside the context of a dominant tradition. At the end of the day, however, the system of production supports a conception of the good that has always been interpreted in a specific manner.²² Not the specificity of the conception (without a determined conception no real state exists), but the lack of place to make it an

²⁰It is true that, according to Hegel, world history results in reconciliation: "The realm of fact has discarded its barbarity and unrighteous caprice, while the realm of truth has abandoned the world beyond and its arbitrary force, so that the true reconciliation which discloses the state as the image and actuality of reason has become objective" (*PR* §360). This reconciliation is elaborated in the institutions of ethical life as developed in the *Philosophy of Right*. This reconciliation, however, does not concern the reconciliation between the real states of history. Each state is only a finite realization of ethical life: "Their deeds and destinies in their reciprocal relations to one another are the dialectic of the finitude of these minds . . ." (*PR*, §340).

²¹Hegel advocates freedom of religion: "... since religion is an integrating factor in the state, implanting a sense of unity in the depths of men's minds, the state should even require all its citizens to belong to a church—a church is all that can be said, because since the content of a men's faith depends on his private ideas, the state cannot interfere with it" (*PR*, §270A). But religion, for its part, does not interfere with the state: "But if religion be religion of a genuine kind, it does not run counter to the state in a negative or polemical way like the kind just described. It rather recognizes the state and upholds it, and furthermore it has a position and an external organization of its own" (*ibid.*). Therefore, religions seem in no way able to contribute the specific conception of the good that characterizes the state in which they participate.

²²The state guarantees that the activities at the level of civil society serve the prevailing conception of the good: "The maintenance of the state's universal interest, and of legality, in this sphere of particular rights, and the work of bringing the rights back to the universal, require to be superintended by holders of the executive power . . ." *PR* §289.

object of deliberation is what restricts subjective freedom. A specific conception of the good in its specificity only manifests itself concretely: in the process of world history where many states interact as in a state of nature. Monoculturality may be surmounted at the level of world history, but only because the latter attests to a multiplicity of specific state-centric interpretations of the good.²³

As long as the citizen remains bound to the monocultural state, his subjective freedom is restricted. He is deprived of the insight that subjective freedom can also realize itself in other cultures. The state into which he is born appears as the natural abode of his subjective freedom. The finitude of subjective freedom (achieving such freedom can only occur in a specific state) is identified with naturalness. Subjective freedom can only be adequately accommodated if the citizen is aware of the specificity of the conception of the good characterizing the state in which he lives. Only then can he strive for possible alternative interpretations.

In the next section I argue that subjective freedom can only be realized in a multicultural society. The multiculturalism addressed by Hegel only at the level of world history has to be integrated into the national state.²⁴ Only in the multicultural state can Hegel's identification of finitude with naturalness be overcome.

9.5 The One-Sidedness of Hegel's Concept of Education at the Level of Civil Society

In Hegel's philosophy, three levels of education can be distinguished that are relevant in this context. First there is education as referenced in the famous sentence of the *Phenomenology of Spirit*: "Work, on the other hand, is desire held in check, fleetingness staved off; in other words, work forms and shapes the thing."²⁵ Here education is connected to the labor of the slave. This is the most encompassing meaning of education as it bears on humans as cultural beings, in contradistinction to animals. As a slave or bondsman, the human being participates in a social order and obeys the laws of society. We have seen how such laws can develop into the laws of modern society where the bondsman (as citizen) has insight into the realization of his own freedom. The legal structure of modern society is the result of an historical process of education (that is reconstructed in the *Phenomenology*

²³In modern world history (the Germanic Realm), this multiculturalism has, in Hegel's view, nothing to do with religious differences. Modern world history is characterized rather by the separation between state and church. Multiculturalism is expressed in different conceptions of the good (even if in each of these conceptions the realities of fact and truth are reconciled).

²⁴It must be stressed that this kind of multiculturalism has nothing to do with a "clash of civilizations": only those cultures are relevant that correspond to institutional structures oriented to the realization of freedom.

²⁵*Phenomenology of Spirit*, 118.

of Spirit).²⁶ In the *Philosophy of Right* this process is presupposed. The law of the state is already developed as the law in which the institutions of the free society are expressed. In a previous section it was noted that for the citizen this law appears as an absolute datum. Therefore, a historically specific conception of the good is made absolute.

A second form of education pertains to the system of production (or rather, in Hegel's terminology, the *system of needs*) that Hegel regards as the core of civil society. This system supplies the commodities with which the needs of the social order (the conception of the good that assumes shape in the institutions of ethical life) can be satisfied. In modern society, the production system is not static but dynamic: the needs and the means to satisfy them can be endlessly differentiated. It is telling that, according to Hegel, the original needs are reconstructed from a kind of point zero, as the natural needs attributable to a natural being.²⁷ Insofar as the satisfaction of these "natural" needs is mediated by the system of production system, an ongoing process of differentiation occurs that serves to cultivate natural needs and creates room for their subjective fulfillment and satisfaction. Although Hegel provides an administrative framework to ensure that development of the production system is integrated into the set of cultural norms that are always already presupposed at the level of the state,²⁸ no framework exists to deliberate about the quality of these norms and values themselves. A society's conception of the good remains bound to the natural body of subjective freedom, even if mediated by the modern production system. Nowhere does space exist for citizens to develop awareness of the historical particularity of a society's cultural self-understanding, an awareness that it could be construed otherwise.²⁹

The third form of education concerns individuals active in the production system. In this sphere, Hegel distinguishes between theoretical and practical education:³⁰ education of the mind and education of the body. The criterion for education in this case is the degree to which individuals are socialized, i.e., can be assimilated

²⁶The ethical institutions of family, civil society and state represent a systematic reconstruction of the institutions historically presented respectively as the polis, the realm of Education and Morality, in the Spirit chapter of the *Phenomenology of Spirit*. See Paul Cobben, *The Nature of the Self. Recognition in the Form of Right and Morality* (Berlin: de Gruyter, 2009).

²⁷"An animal's needs and its way and means of satisfying them are both alike restricted in scope. Though man is subject to this restriction too, yet at the same time he evinces his transcendence of it and his universality . . ." *PR*, §190.

²⁸" . . . these circles of particular interests must be subordinated to the higher interests of the state, and hence the filling of positions of responsibility in Corporations, &c., will generally be effected by a mixture of popular election by those interested with appointment and ratification by higher authority." *PR*, §288.

²⁹"The right of the individuals to be subjectively destined to freedom is fulfilled when they belong to an ethical order, because their conviction of their freedom finds its truth in such an objective order, and it is in an ethical order that they are actually in possession of their own essence or their own inner universality." *PR*, §153.

³⁰*PR*, §197.

by the production system without problem. Here subjectivity connotes a particular place within the production process' division of labor or the activity of a particular consumer within market society; at issue is not free subjectivity able to scrutinize the production system and a society's conception of the good, i.e., the specific form through free society realizes itself generally.

9.6 On the Sublation of Hegel's One-Sided Concept of Education

As discussed, the problematic nature of Hegel's concept of education results from his identification of finitude and naturalness. The reality of freedom in the body politic is presented as a "natural" state of affairs, not as a historically particular form of its realization (one that does not exclude possible realization of other forms). It seems that, according to Hegel, the free (moral) subject loses his independence in realizing himself in an ethical community.³¹ This can only be prevented if the moral subject continues to maintain a relationship to ethical life generally. Let's consider what this entails for the three forms of education distinguished in the previous section.

1. To begin with the third form of education: an individual's education must not only exist as theoretical or practical components of the sphere of labor, but must engage his education outside this domain. It is true that education in the labor domain is presupposed by any alternative forms. In a work environment, individuals learn to participate in pragmatic, intersubjective relations. It is precisely the insights gained from participation in these pragmatic relations that enables individuals to distinguish a non-pragmatic domain, including that of subjective valuation.³² In this way individuals can come to appreciate which specific values are connected with a prevailing tradition, and thereby cultivate an openness to other values.
2. Second, cultivation of the subject cannot be restricted to the development of subjective needs. Debates about norms and values in the public domain provide learning opportunities that enable citizens to articulate their own subjective norms and values. In this way, they can forge relations with other citizens with whom they share norms and values. This can result in all kinds of associations: ideological groupings, religious denominations, cultural entities, etc. At the end of the day norms and values can be translated in political programs supported by political parties. Such political parties fight for certain specific conceptions of the good. Given the existence of various political parties, alternative interpretations of the good are always possible and legitimate.

³¹"The identity of the good with the subjective will, an identity which therefore is concrete and the truth of them both, is Ethical Life." *PR*, §141.

³²Max Weber distinguishes between the domain of subjective values and the domain of rational action.

3. Third, in the general form of education, a historically particular conception of the good cannot be made absolute. At the state level the political parties are represented in the parliament.³³ Mediated through political discourses in parliament (which in turn are rooted in discourses in the public sphere), political parties engage in the compromises required of new legislation (in response to developments in civil society) and the formation of a government. In this way it is institutionally acknowledged that the interpretation of a society's conception of the good is always historically specific.

The variety of political parties, itself an expression of distinct cultural norms and values, makes explicit the multicultural nature of the modern state. Thus the multi-culturality that Hegel thematizes only at the level of world history can now be understood as a state of affairs that finds expression in the nation-state. The conflict between cultures that, in Hegel's view, takes the form of the life and death struggle between mono-cultural states, assumes the form of political deliberation in a nation's parliament.

The birth of the modern multicultural state makes the Kantian alternatives—federation of states or world government—outdated. The multicultural state makes explicit that the national interpretation of what counts as the good is only a historically specific conception of the idea of a free society. In this way the universal norms that are expressed in terms of human rights and democracy acquire a specific national interpretation. Because all states derive their legitimacy from these norms, they always already participate in a global legal system. Because discussion between cultures is now part of a national discussion, political support for treaties with other (multicultural) states is a possibility. The world market that connects states also makes these treaties more and more urgent. Awareness of the world's historical contingency increases the will to cooperate with regard to environmental problems, health care and issues associated with raw materials.

9.7 European Union: Supra-State or Federation?

If implemented, the delineated changes to Hegel's concept of the state imply that every state is already committed to international law, with the result that it makes little sense to distinguish between a federation of states and a world state. A world state would also be committed to a specific conception of the good, one mediated by discourse among the many cultures. It is essential that a state derive its legitimacy from universal standards. The actual number of states is a matter of history, not

³³In Hegel's view as well, different point of views are represented in the parliament. This differentiation, however, does not reflect distinct conceptions of the good. It concerns rather the different domains of society that are represented. The deputies represent "associations, communities, and Corporations, which, although constituted already for other purposes, acquire in this way a connection with politics." *PR*, §308.

philosophy. But it indeed makes sense to distinguish one nation-state from another. After all, states are characterized by their particular conceptions of the good. The question of whether the European Union is a model for a future world state may or may not be relevant. What is relevant, though, is whether the European Union should be considered a federation of states (with many treaties that could be a model for international law) or supra-state, into which the individual nation-states are integrated. (By the way, with regard to the second alternative many versions of this supra-state are imaginable, analogously to the many forms of the nation-state. The national state can, for example, be internally structured as a variant of a federal state.)

If the European Union is to be considered a federation of states, this means that the particular member states have to be understood as nation-states. This implies that, in accordance with the definition provided above, they will all have their own conception of the good. There is only the question, however, of whether states are sovereign, i.e., are they themselves responsible for their legislation, in articulating such self-conceptions.

Although it does seem to be problematic to speak of sovereignty in a world in which, by means of treaties, states have entered into agreements with other states, in the European Union national sovereignty is not discussed at all. However, the Treaty of Lisbon expressly gives the member states of the Union the right to withdraw. In this sense the sovereignty vis-à-vis the Union is guaranteed. But apart from these juridical guarantees of national sovereignty (those of positive law), it is important to appeal to a philosophical concept of sovereignty. Do the member states of the European Union comply with the notion of the nation-state as I have developed in my criticism of Hegel?

According to this notion, a sovereign state has an institutional structure that enables its citizens to acquire insight into the historically contingent status of a prevailing conception of the good. The institutional order must guarantee that the conception of the good (as codified in law) is explicitly understood as a compromise that results from political deliberation among many cultures (each having its own specific norms and values). Precisely with regard to this matter the member states seem to demonstrate a lack of sovereignty. I will illustrate this thesis with regard to the situation in the Netherlands, but I think that this situation is illustrative of other member states as well.

Currently in the Netherlands a situation exists in which the traditional political parties are in crisis and are less and less able even to pretend that they represent the people. This situation has arisen not only out of a growing distrust of the nation's political elite, but and above all from the sudden electoral success of protest parties. In the opinion polls one protest party has already for some time been the most popular party. The protests voiced by this party concerns multi-cultural society. The party has attracted support on the basis of its thesis that traditional culture is threatened by immigrants with an alien culture. Traditional parties react with policies that make more and more onerous demands on the newcomers. A condition for admittance, for example, is a course, with final exam, in Dutch language and culture. It is telling in this case that Dutch culture is not understood as a particular

interpretation of the good mediated through the political discourse of the many cultural orientations represented in the Dutch society but rather as a static entity that can be derived from canonical historical events. Lacking is the concept of national culture as meta-culture, i.e., as a culture whose nature and development reflects a society that encompasses many cultures. As a consequence, the prevailing conception of the good is made absolute; it is not understood as a specific historical interpretation of the notion of a free society, one that, also under the influence of the political debate, could be seen as the product of an ongoing process of development. Multiculturalism is deemed more a threat than an essential feature of a modern free society. In this sense the Netherlands—the same is true for the other member states of the European Union—cannot be considered a sovereign country in the full sense of the term.

In a certain sense, multiculturalism does seem to assume institutional shape at the level of the European Union: not, to be sure, in the form of the specific norms and values that are supported, but rather in the form of national representation. All member states have their representatives in the European Commission and all member states have a quota of representatives in the European Parliament. It is obvious that the representatives in the European Parliament originate from diverse political movements. Moreover, the country of origin is not decisive for the political orientation of a member of the European Commission. In this sense, the difference between the multiplicity of nations and the multiplicity of cultures is enormous. But there also exists a similarity. Just as the national discussion among diverse cultures can acknowledge that a collective interpretation of the good represents a particular compromise (making explicit that the good can always be interpreted otherwise), so the discussion among the member states at the level of the European Union can make clear that European law and European politics flows from compromises between countries. But, in contrast to the situation at the national level, multiculturalism cannot be considered a threat to prevailing traditions at the level of the European Union. It is clear that the European Union cannot exist at all without multiculturalism, while at national level the protest parties can suggest that the modern state is to be conceived as mono-cultural.

Is the conclusion to be drawn from this that the modern state (as I have developed it in my reconstruction of Hegel) is more adequately institutionalized at the level of the European Union than at the level of member nation-states? I do not think so. The compromises made at the level of the Union are conceived by European citizens more as compromises between national economic interests than as the expression of a specific interpretation of the common good. Even apart from the limited power of the European parliament, the decisions of the latter are not the result of political deliberation at the level of a European public sphere. Public political discourse remains chiefly a national matter.

That the politics of the European Union is rooted in economic rather than political compromise has to do with its previous history. The European Union was preceded by forms of cooperation that were interpreted purely in economic terms: the European Coal and Steel Community and, later, the European Economic Community. Also, the introduction of the common European currency, the euro,

can be included on this list. Economic cooperation was presented as a form of cooperation that could more or less be considered independently of the political public sphere. Instead of understanding such economic activities in the service of a certain conception of the good, they were presented as values in themselves. As a consequence, economic laws and the laws of the global market are assigned a rationality of their own, distinct from public rationality.³⁴

9.8 Toward a Conception of European Citizenship

The cultivation of European citizenship begins at the level of individual member states. Public discourse has to be transformed into a discourse in which multicultural society no longer is considered a threat but an enrichment of modern freedom. Only when the fear surrounding the loss of an alleged national identity is overcome at this level can space be made for the positive reception of the European project—a project that does not impose dictates on member states but provides a framework for rational cooperation among sovereign states.

Insofar as the European Union can be considered a structure of cooperation among sovereign states, the treaties among these states can be models for a global order rooted in international law. But the nature of this cooperation entails more. Substantial parts of legislation in member states are subject to European rules. At the meta-level Europe connotes an account of the good in which the national self-conceptions must have their place. Many of the problems associated with a globalized world (e.g., in the field of economy, foreign affairs, environment, education or health care) demand an approach that transcends the national level. This meta-interpretation is not without consequences. Member states that do not obey European regulations can incur significant fines. In this sense, the European Union does have features of a supra-state. Yet if such a state is not to contravene the principle of freedom associated with the modern state, a European citizenry will have to be developed. This means not only that the legislative competencies of the European Parliament have to be more fully elaborated, but especially that parliamentary deliberations have to be rooted more fully in a European public sphere. Only when a European public sphere has been developed do European citizens have the opportunity to develop themselves.

³⁴In this sense, the European Union recalls Hegel's concept of the state: the differentiations of civil society have a one-sided economic significance; they are not politically represented at state level.

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Chapter 10

Hegel on War, Recognition and Justice

Gary Browning

10.1 Introduction

In this paper I show how Hegel understands war to constitute a mode of recognition, whereby citizens face up to the conditionality of citizenship and express their civil ties to one another. I also show how war, for Hegel, is not a discrete phenomenon, even if it is an emergency situation. Hegel's conception of war is informed by his recognition of the multiple ways in which human beings acknowledge themselves to be inter-dependent. This recognitive element in war fits with Hegel's overall reading of the reciprocity between individuals, which underlies self-consciousness and the achievement of ethical life. War, like Hegel's philosophy as a whole, testifies to the significance of modes of recognition and misrecognition. As well as connecting with the system as a whole, Hegel's review of war in the *Philosophy of Right* responds specifically to aspects of recognition that are explored in his dramatic rendition of the struggle for recognition in the *Phenomenology of Spirit*. There is a close inter-textual relation between Hegel's depiction of war in the *Philosophy of Right* and the struggle for recognition in the *Phenomenology of Spirit*.¹

Hegel's account of the struggle for recognition and the master–slave dialectic in the *Phenomenology of Spirit* establishes the decidedly social perspective on the world and the individuals composing it, which Hegel adopts throughout his mature writing. Likewise, war is a concentrated expression of social and political solidarity

¹The nature of this claim and its argumentative support will be made clear in the course of the paper. It relies on affinities between the two depictions of recognition rather than express testimony by Hegel. An emphasis upon what might be termed the existential dimension of war is argued for by Geiger in Ido Geiger, *The Founding Act of Modern Ethical Life: Hegel's Critique of Kant's Moral and Political Philosophy* (Stanford: Stanford University Press, 2007).

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amongst citizens in providing a framework to enable individuals to foster their own individuality while expressing reciprocal social ties. War demands an affirmation of citizenship and it is citizens' recognition of their mutual obligations as citizens that Hegel sees as maintaining the political order, just as it is the recognitive engagement between selves that expresses the social nature of consciousness and allows for the objectivity of philosophical knowledge. Hegel employs striking images in the account of recognition in the *Phenomenology of Spirit* and in his later discussion of war, which arrest attention and belie his reputation for moderation and conservatism.² They invest his theoretical analysis with existential significance, but the focus on emergency situations threatens to override the multiple ways in which Hegel sees mutual recognition as informing the interplay of social life and the practices of a political community. The pros and cons of Hegel's imaginative use of the notion of recognition in emergency situations to highlight a more general feature of the human condition is analyzed in what follows.

Hegel's reading of war as a form of political recognition has a number of significant implications. It highlights the fragility of political order, allows for the expression of solidarity amongst citizens and registers the limits of internationalism. These implications remain of significance for contemporary political and international theory. War, for Hegel, is a reality that forces consideration of political realism. It warns of the limited efficacy of abstract principle in maintaining political alignments and in securing conditions of peace. Political order, for Hegel, is maintained by the on-going recognition of its authority by citizens. This everyday role exercised by citizens is dramatized in war. Appeals to natural law, abstract principle or foundational acts are rejected by Hegel, who sees no substitute for recognition in maintaining political authority. Hence Hegel perceives justice to be a matter of attending to and of trusting in the continuous development of law within a practice of politics rather than taking it to emanate from a strict adherence to general principles. His identification of recognition as playing the vital role in the maintenance of ethical life, which is dramatically expressed in war, combines with his realism to sideline internationalism. Abstract formulas invoking peace and the generic rights of mankind cannot substitute for actual commitment on the part of citizens to participate in the arrangements of a political community. Internationalism, for Hegel, is too diffuse and general to inspire effective recognitive political commitment of the sort that is envisaged by Hegel. Contemporary cosmopolitanism entertains the prospect of establishing global schedules of rights and political institutions to secure international justice, whereas Hegel's identification of the recognitive and ethical element of war in fostering citizenship casts doubt on the cosmopolitan impulse. If Hegel rules out cosmopolitanism, he observes that states are inter-linked in that their sovereignty depends on mutual recognition, and

²Pinkard's recent biography of Hegel is a model of considered, thoughtful scholarship, but its identification of Hegel as a cautious moderate reformer does not do justice to his imaginative and at times excessive prose. See Terry Pinkard, *Hegel: A Biography* (Cambridge: Cambridge University Press, 2000).

that they will be inclined to respect one another's interests even if fundamental differences cannot be neglected. The contemporary relevance of Hegel on war and justice will be reviewed in the course of this chapter, following analysis of how Hegel portrays war in the light of his general conception of recognition in emergency and non-emergency situations.

10.2 The Phenomenology of Spirit

The analysis of war in the *Philosophy of Right* is connected to the preceding figure of the struggle for recognition in the *Phenomenology of Spirit*. Like the preceding figure, it represents a disturbing form of philosophical argument, and at the same time it fits with the general argumentation of the *Philosophy of Right* just as the struggle for recognition is integral to the general pathway of consciousness described in the *Phenomenology of Spirit*. Indeed, the passages on war in the *Philosophy of Right* develop out of the insight into the social dimension of consciousness that is highlighted by the struggle for recognition in the *Phenomenology of Spirit*. The role of the *Phenomenology of Spirit* in Hegel's philosophy is to prepare the way for a systemic, absolute philosophical mode of knowing, which incorporates the inclusive, social mode of awareness that is afforded by a recognitive understanding of the interdependence of individuals' thought and action. What is achieved by the existential struggle for recognition is to establish that all the manifestations of consciousness in the *Phenomenology of Spirit*, multiple ways of knowing and acting, presuppose recognition. The prospective death of an individual at the hands of another, and the consequent hierarchical relationship between master and slave, underpins the finitude and sociality of consciousness. Hegel is perceptive in portraying how the relatively unrecognized interdependence of everyday social ties can be highlighted by an emergency situation. The life and death struggle of consciousness, the sublimated conflict between master and slave point to emphatic modes of misrecognition between individuals as well as the possibilities of more rational and encompassing forms of recognition. Likewise the emergency situation of war is a graphic reminder of the dependence of individuals on the state and its recognitive framework, which binds individuals together so as to prevent an anarchic meltdown of practices and norms and constitutes an authentic mode of social recognition reaching back to the figure of the struggle for recognition and responding to the misrecognition of the master slave relationship.

The Phenomenology of Spirit, via the struggle for recognition, highlights the dependence of consciousness upon self-consciousness and self-consciousness upon the reciprocity of social recognition. It begins, however, with a basic and apparently uncomplicated mode of consciousness, sense certainty, a state of awareness in which truth appears to be encapsulated in the object of consciousness. Sense certainty presumes a direct engagement with the sensible world. This presumed directness is taken to provide an unmediated certitude in the object. The dialectical momentum of Hegel's phenomenological examination of consciousness, however, is activated by

the ironically uncertain assumptions of sense certainty.³ Truth is deeply implicated in the form of knowing so that far from underwriting the process of knowing, on examination truth is seen to be empty of all determinate content and to be completely parasitic upon the experience of knowing. The apparent objectivity of sense certainty masks the self; a powerful if under-examined force. The immediately subsequent sections of the *Phenomenology of Spirit* reinforce recognition of the mediated character of the truth that is projected by consciousness. Claims to truth implicate the self of self-consciousness, but the nature of the self is not to be known via scrutiny of a detached consciousness. The motive power of the self of self-consciousness depends upon engagement with other selves.

A self, for Hegel, is not to be conceived in isolation from other selves. The language of thought and action presupposes a world of mutual interaction between selves. The very notion of independent thought and action presupposes other selves from whom the self can be differentiated and the distinctiveness of selves appreciated. A self, for Hegel as for Wittgenstein, is finite, embodied and in contact with other selves.⁴ The identity of one self is different from that of other selves but is to be recognized as different by other selves to whom the self is thereby related. The early sections of the *Phenomenology of Spirit* point to the self of self-consciousness to be the animating force behind the truth that is the object of consciousness and mutual recognition is now shown to be the process whereby the self is revealed and known. Hence recognition emerges as central to the phenomenological investigation into the truth of consciousness. The goal of the *Phenomenology of Spirit* is to arrive at the threshold of the science of wisdom and this meeting point of epistemology and metaphysics is shown to depend upon an existential and social awareness of how the objectivity of conscious knowledge is informed by an inter-subjective awareness.

The struggle for recognition, the most renowned section of the *Phenomenology of Spirit*, is justly famous on account of the crucial role it plays in dramatizing misrecognition and suggesting a route to authenticating self-consciousness. The struggle for recognition is a thought experiment conducted by Hegel on behalf of the self. It is not an everyday experience of the self. Selves, for the most part, are bound up with routine actions and habitual modes of operating. But at the core of the self, for Hegel, and integral to establishing the very sense of a self is the imaginative framing of an emergency situation where this sense of the self is put to the test. In the struggle for recognition selves are imagined as experiencing existentially their finitude by engaging in a struggle to death. Each self experiences the limits of being an embodied self, who is equal with another self in the face of death, till one of the selves falters and accepts the mastery of the other. Submission in the face of death issues in a relationship between unequals, the hierarchy between a master and a slave. This relationship is an expressly social one designated with the label and

³G.W.F. Hegel, *The Phenomenology of Mind*, trans. J.B. Baillie (London: George Allen and Unwin, 1971); *Phaenomenologie des Geistes* (1807), in *Werke: Theorie Werkausgabe* 3 (Frankfurt am Main: Suhrkamp Verlag, 1970), 82–84.

⁴See Ludwig Wittgenstein, *Philosophical Investigations* (Oxford: Basil Blackwell, 1976).

status of a social hierarchy, but it does not service a mode of recognition between selves that allows for each to be at home and sure of itself as a self. Rather, it functions as a mode of misrecognition, for neither self is supported in their sense of selfhood by another's uncoerced and freely extended recognition. The master does not acknowledge the worth of the slave and the slave is objectified by the master and hence is deemed unworthy of granting recognition.

The incisiveness of Hegel's imagined encounter between selves turns upon his insight into how the very urgency of the demand for recognition can be self-defeating. Armani, for instance, is an emblem of high style but a fanatical devotion to the label may lead a devotee to becoming a slave to fashion. Groucho Marx, notoriously, would not want to belong to a club that would have him as a member. The quest for reputation or recognition is undermined if it demands an inequality in relations between the donor and recipient of recognition. Hegel's ruthless exhibition of the vacuity of victory for the victor in the struggle for recognition turns upon the problems encountered by relations of inequality. The master cannot gain self-assurance from the slave for whom he is a Lord, because the slave is a subordinate whose esteem cannot be of value, whereas the slave by definition is not to be recognized as a self by the master. Hegel does not neatly resolve the contradictions arising out of the immediate upshot of this master-slave dialectic. The thought experiment of imagining a dramatic encounter with death and the hostility of the other is on the face of things left unresolved. Neither of the two disequibrated figures achieves a positive recognition of their self-consciousness and slavery, notwithstanding the slave's engagement with work. The conundrum of misrecognition is not resolved.⁵

What is required for a satisfactory resolution of this form of misrecognition observed in the master-slave dialectic is mutual respect afforded by and between individuals, which is in fact what is traced in and by the forms of spiritual interaction traced in the remaining sections of the *Phenomenology of Spirit*. The remainder of the work is taken up with multiple expressions of forms of misrecognition where selves neither see themselves nor objectivity in the other, but the depiction of spiritual forgiveness where the other and their transgressions are accepted, brings the reader and the development of consciousness to the brink of absolute knowledge and a perspective of inter-subjectivity or objectivity.⁶ The drama of Hegel's evocation of the life and death struggle establishes Hegel as a philosopher of modernity, where meaning is at the crossroads and Nietzsche and Sartre are following on the dark side of the road, but Hegel himself employed the emergency situation of the struggle to highlight how mortality and misrecognition are part of a larger story of social meaning and philosophical truth. The literary force of the struggle for recognition and the master slave dialectic threatens to distract from

⁵For a radical reading of Hegel, which emphasizes the positive role of work on the part of the slave in the *Phenomenology of Spirit*, see Alexandre Kojève, *Introduction to the Reading of Hegel* (New York: Basic Books, 1960).

⁶*Phenomenology of Mind; Werke 3.*

rather than contribute to its role in a larger narrative and indeed, it has absorbed a disproportionate amount of attention that subsequent commentators have devoted to the *Phenomenology of Spirit*. As Pinkard makes clear, however, the struggle for recognition is designed to signal that the entire *Phenomenology of Spirit* constitutes a review of the social context of the development of consciousness.⁷ Likewise, while war is a spectacular and frightening phenomenon that dramatically reveals the possibility of social breakdown and conversely highlights the tangible social solidarity linking individuals in a common social struggle, it should not obscure the less dramatic forms of recognition that collectively contribute towards Hegel's identification of the conditions comprising a rational state.⁸

10.3 Recognition in the Philosophy of Right

War in the *Philosophy of Right* war constitutes a form of recognition, which evokes and responds to the figure of the struggle for recognition, which is dramatized in the *Phenomenology of Spirit*. Like the preceding dramatization of the struggle for recognition, it highlights the existential basis of social life. Whereas the struggle for recognition between individuals in the *Phenomenology of Spirit* registers the finitude of individual consciousness, and renders explicit the social context of conscious existence, war expressly acknowledges the contingency of political association and the fearful possibility of the dissolution of the web of social connections, enabling life amongst individuals. The life of the state, like the life of the individual, is a shared enterprise, entailing risks and commitment in the face of finitude. Hegel's account of war registers these similarities, but Hegel identifies the situation of the state undergoing war to be different from that of the individual struggling with another individual, for he imagines how war can express the social solidarity of citizens in the face of danger. This expression of social solidarity harmonizes with the preceding account of the institutions and practices of ethical life in the *Philosophy of Right*, where individuals recognize their inter-dependence with others in the interactions of family life, civil society and in the public development of laws and political institutions. War's expression of social solidarity and its recognition of common civic responsibilities on the part of citizens can be seen as constituting a form of reciprocal recognition that departs from but realigns the misrecognition of the master and slave, as diagnosed in the *Phenomenology of Spirit*.

The intertextuality that is evident between the *Phenomenology of Spirit* and the *Philosophy of Right* derives from Hegel's engagement with recognition and forms of misrecognition throughout his mature writings. The specific figure of

⁷Terry Pinkard, *Hegel: A Biography* (Cambridge: Cambridge University Press, 2000).

⁸G.W.F. Hegel, *Hegel's Philosophy of Right*, trans. T.M. Knox (Oxford: Oxford University Press, 1967) [hereafter PR]; *Grundlinien der Philosophie des Rechts oder Naturrecht und Staatswissenschaft* (1821), *Werke* 7.

the struggle for recognition is repeated in abbreviated form in the *Philosophy of Spirit* of the *Encyclopedia of the Philosophical Sciences*, where it forms a section in Subjective Spirit, under the heading Phenomenology. The trajectory of Hegel's mature philosophy, his system of knowledge linking logic, nature and Spirit, is to trace and explain ties of mutual recognition that express the nature of the self; its rationality is detailed abstractly in the *Logic* and concretely in the universal laws it traces in nature, its conscious awareness and expression is developed in the *Philosophy of Spirit* via recognitive ties between selves. The struggle for recognition in the mature system echoes its previous formulation in the *Phenomenology of Spirit*, but the entire development of Spirit may be seen as the articulation of increasingly authentic and inclusive modes of recognition. Objective Spirit, which deals with the inter-subjective world of politics and receives an expanded form in the *Philosophy of Right*, rehearses themes of authentic recognition that serve as the ladder to absolute knowledge in the Spirit section of the *Phenomenology of Spirit*. In the *Philosophy of Right* Hegel provides a distinct concentrated analysis of the conditions composing the rationality of the modern state, in which recognition on the part of citizens of the role of citizenship is crucial to the achievement of a rational political world allowing for an ethical appreciation of the reciprocal interdependence of individuals upon one another. Hegel is clear that the notion of a nightwatchman state in which individuals see the state as an external contrivance to regulate social conditions to maximize individual welfare is a misapprehension, which distorts the social ties between individuals.

War is a crucial category in Hegel's political philosophy not least because it emphasizes how the relations between individuals within a state depend upon mutual recognition and expressive solidarity. War is an emergency situation in which the state cannot be regarded as a mere instrument to serve externally related individuals but is revealed to be a shared enterprise between individuals who recognize one another in everyday political arrangements as well as in the extremity of a war. The solidarity shown by citizens in war is analyzed near the end of the *Philosophy of Right*, and the dialectical development of Hegel's argument takes off from the initially abstract formulation of the rights of individuals to develop increasingly social forms of recognized interdependence between individuals. War is a "thick" form of social solidarity that provides the recognitive basis for citizenship. However, the solidarity shown by citizens, who are prepared to sacrifice themselves for the community in an emergency situation, does not replace the preceding principles and practices that are considered in the overall argument of the *Philosophy of Right*. Hegel's *Philosophy of Right*, like all his works, is to be read progressively and regressively. Its progressive momentum is supplied by the inadequacy of its initially abstract principles and conventions, such as abstract rights of personality and property and moral individualism to sustain themselves without reference to thicker recognitive social notions, which ultimately point towards the state and a state engaged with other states, where there is the prospect of war. On the other hand this way of reading the *Philosophy of Right* does not entail that initial abstract formulations are to be abandoned. Rather reading the work regressively shows how the thicker notions of a political association, including its constitutional dimensions

and the prospect of war, in turn demand the inclusion and support of the more abstract preceding notions such as the allocation of rights to individuals and the demand for a moral, conscientious adherence to the conditions of a rational political community.

The *Philosophy of Right* demonstrates how an individualized perspective on the good is inadequate to the task of providing conditions for realizing the good, when individuals are situated in inter-subjective social practices. Hegel undertakes a synchronic analysis of the conditions of right, which together constitute necessary and sufficient conditions for on-going ethical life. The trajectory of the argument of the *Philosophy of Right* is similar to the preceding logic of the phenomenological discussion of consciousness in the *Philosophy of Spirit*, where a strictly individualized reading of consciousness can neither explain nor support an equilibrated conception of social self-consciousness.⁹ Mutual recognition is required to provide inter-subjective support for individual conceptions. In the *Philosophy of Right* a succession of principles, practices and standpoints are considered but lack the means to validate themselves, for they fail to supply self-sustaining criteria to support a regime of right. A reliance upon mere principles or formulas for action ignores their interpretation by diverse individuals in changing circumstances, hence it cannot provide foundations for the development of conditions of right amongst citizens. Hegel rejects the entire notion of foundations that are external to the actual practice of right and identifies ethical life with citizens attending to laws that they can recognize conscientiously as appropriate to govern their community and so to sustain the conditions of right. Hegel identifies the legitimacy of the state with the recognition of its claims on the part of its citizens; principles play a role, for instance in identifying rights, but they are not to be conceived as being foundational or complete if they are taken in abstraction from a concrete recognition of them and orientation to them by citizens.

At the outset of the *Philosophy of Right* the mere assertion of the rights of the person and property is considered.¹⁰ Mere assertion, however, is abstract because it cannot secure those rights, for, in practice, they can be infringed, and a dissenting person in need may plausibly claim that the securing of welfare needs trumps an adherence to property rights. In turn, the pursuit of welfare itself lacks decisive criteria to decide between rights and welfare and the mere imagining of contracts cannot guarantee their maintenance. Without concrete laws that are recognized by citizens, a signature to a contract cannot guarantee that the terms of a contract will not be broken.¹¹ The wrongness of breaking a contract cannot be determined decisively by invoking the Kantian notion of the morally good will.¹² The impulse to do good is indecisive and no more than an impulse without the conditions to

⁹G.W.F. Hegel, *Hegel's Philosophy of Mind*, trans. William Wallace and A.V. Miller (Oxford: Oxford University Press, 1971); *Enzklopaedie der philosophischen Wissenschaften vol. 3 (1817)*, *Werke* 9.

¹⁰*PR*, 37–57; *Werke* 7, 41–79.

¹¹*PR*, 56–64; *Werke* 7, 79–87.

¹²*PR*, 75–104; *Werke* 7, 106–141.

ensure objective agreement on what is the good, for the pursuit of the good can be turned to evil in the absence of clear, inter-subjective standards. The Kantian turn towards the purely rational in urging that willing what can be universalized provides a standard for goodness is seen by Hegel to be too abstract and contentless to regulate inter-subjective life in society.¹³ What is needed is a *gestalt* switch in perspective towards a focus upon actually existing inter-subjective practices, forms of association such as the family, groups in civil society and the political institutions of the state. These concrete practices and associations that are orchestrated by the state, can provide a recognized framework of right, which incorporates component rights and welfare considerations that have been considered in the preceding course of the *Philosophy of Right*, but which also involve adherence to the public laws and political institutions that make them possible.

The *Phenomenology of Spirit* and the *Philosophy of Right* both develop ladders of ascent, the one to an absolute perspective of objective knowledge, the other to the mutual recognition by citizens of the ties, practices and principles that make possible an authentic ethical life. A state, for Hegel, is rational in terms of its articulation of a set of formative conditions of freedom and in respect of its members' recognition of their shared and reciprocal ties arising out of these conditions. This recognition receives its most spectacular expression in the emergency situation of war, when citizens risk death in supporting their state. The possibility of war arises out of the contextual situation of states, for states exist in an international context of mutually recognizing states, and the sovereignty of states depends upon an international recognition of state sovereignty.¹⁴ Hegel observes, "Individuality is awareness of one's existence as a unit in sharp distinction from others. It manifests itself here in the state as a relation to other states, each of which is autonomous *vis-à-vis* the others."¹⁵ The inter-relations between states takes on a variety of forms of recognition, including the making of treaties and the respecting of historic humanitarian ties. But states as concrete centers of ethical life that are constituted by mutually recognizing individuals, possess distinct ethical interests that might conflict with one another. This possibility of conflict raises the possibility of war, ethical breakdown and the ethical solidarity of citizens supporting their states in conflict. Just as individual identity in the struggle for recognition in the *Phenomenology of Spirit*, involves the willingness to face death in a recognitive encounter, so the willingness to risk one's life in war defending the integrity of the state *vis-a-vis* another state is a vital element underlying the credentials of citizenship. War alerts citizens to the contingency of states and ethical life and to the need to commit to the defense of what has been achieved. Hegel remarks, "This relation and the recognition of it is therefore the individual's substantive duty, the

¹³PR, 75–104; *Werke* 7, 106–141.

¹⁴PR, 208; *Werke* 7, 278.

¹⁵PR, 208; *Werke* 7, 278.

duty to maintain this substantive individuality, i.e. the independence and sovereignty of the state, at the risk and sacrifice of property and life.”¹⁶

Notwithstanding Hegel’s distinctive determination to identify an ethical aspect of war, he also recognizes that war is destructive and that might is not equivalent to right and that war is not the only or ultimate arbiter of the international scene. War, for Hegel, cannot be allowed to override norms of international conduct, and he envisages a role for international law, which he takes to arise out of the concrete recognition by states of their situation vis-à-vis one another. He observes, “International Law springs from relations between autonomous states – its actuality depends on different wills each of which is sovereign.”¹⁷ Hence international law exemplifies Hegel’s relational view of reality, whereby all subjects express themselves and develop their qualities in relation to others, so that mutual recognition between states is as significant for the status of states as mutual recognition is for the development of individuals’ identities. Sovereignty of states, for Hegel, depends upon the sovereignty of states being recognized by one another. Hegel observes that a state is as little an actual individual without relations to other states as an individual is actually a person without rapport with other persons. Hence, individual state sovereignty demands rather than repudiates international relations and international law.¹⁸

The recognitive international context in which states operate underpins Hegel’s endorsement of international law, but he is critical of claims for international law or a federation of states to transcend the defeasible claims of actual states. The idea of international law superseding the concrete operations of actual states is misguided on at least two counts. First, purely abstract demands defy achievement. Secondly, the requirement that individuals recognize and endorse the terms by which they constitute their ethical worlds entails that they recognize ties of active citizenship rather than an attenuated link with all individuals without regard to their states or cultures. A prospective league of nations for Hegel is undermined by the sheer contingency of international affairs, for states have a multitude of needs and goals and these needs and goals are liable to come into conflict with those of other states.¹⁹ If and when states disagree, states are liable to prosecute their interests by war if negotiations fail to satisfy them.²⁰ The welfare of states is not analogous to the welfare of individuals, for individuals recognize themselves as satisfying their interests and welfare via their association in states. Members of an ethical state mutually recognize themselves to be citizens and to respect the law of the state as regulating the prosecution of their interests. States, however, are not themselves subject to a higher authority in determining the prosecution of their interests, and so disputes between states are liable, in the last instance, to resolution by war.²¹

¹⁶PR, 209; *Werke* 7, 279.

¹⁷PR, 212; *Werke* 7, 284.

¹⁸PR, 212–216; *Werke* 7, 284–289.

¹⁹PR, 215; *Werke* 7, 287.

²⁰PR, 215; *Werke* 7, 287.

²¹PR, 215; *Werke* 7, 287.

Hegel, however, presumes that actual states should not easily resort to war but in fact should respect the status of international law in aiming to maintain treaties that they form with other states. Notwithstanding the continuing possibilities of war, given the contingencies of international events, the common acknowledgement of an international context of recognition on the part of states, entails that they continue to recognize one another as states even in the conduct of war. War, for Hegel, is primarily a destructive force that is always to be seen as something that ought to pass away. The presumption of peace is recognized in the custom that war is not to be waged against domestic institutions, such as the family and private life, and it is also evident in conventions regulating the taking of prisoners.²² International affairs, for Hegel, are neither to be seen as a synonym for violence in which states are determined to dominate others by force of arms nor as preparing the way for perpetual peace. History is a series of contingent events, in which given the sovereignty of states there remains an on-going possibility of war existing alongside international treaties and the concern for peace.

Acknowledgement of the contingency of events and of a perpetual balance between war and peace are not the final measures of Hegel's assessment of the historical prospects of national and international developments. The contingent events of history might at first sight lack any sustaining rationality amidst the slaughter of nations and the destructiveness of war. Hegel, however, maintains that historical development is susceptible to a philosophical treatment, which allows for a recognition of the development in history of rational principles that are exhibited in actual states.²³ The cunning of reason allows for a necessary development of freedom via the contingencies of war and political maneuvering.²⁴ Freedom develops because it is in the nature of free agents to become aware of their freedom via their actions and reflection upon their actions. The modern state, underneath the superficial aspects of existing states, is seen by Hegel to exemplify the rational essence of the principles of freedom; the mutual recognition by free subjects of rational conditions by which they are to be united as a people expresses their freedom. The philosophical reconstruction of the freedom of the actual modern state, in which the role of citizens in freely recognizing the conditions of an ethical association is acknowledged, thereby allows for an additional role of war in serving instrumentally in the development of freedom. The philosophical discernment of freedom evident in the modern world in the *Philosophy of Right* provides an additional philosophical sense in which the paradigm of political freedom is recognized.

²²PR, 215; *Werke* 7, 287.

²³PR, 216–227; *Werke* 7, 288–297. See also Hegel, *Introduction to the Philosophy of History*, trans. Leo Rauch (Indianapolis and Cambridge, Hackett Publishing Company, 1988). *Vorlesungen ueber der Geschichte der Philosophie*, *Werke* 7.

²⁴PR, 216–227; *Werke* 7, 288–297. See also *Introduction to the Philosophy of History*.

10.4 Conclusion

Recognition is of central significance in Hegel's philosophy. Thought and action, for Hegel, depend upon human activities. The *Phenomenology of Spirit* prepares the way for the absolute perspective of Hegelian objective idealism by relating the truth of consciousness to the activities of the self determining consciousness, and self-consciousness in turn depends upon social interaction to provide a sense of the self and social practices to which its activities are correlated. Mutual recognition between subjects is constitutive of Hegel's philosophical perspective; it grounds the judgments of consciousness and connects individuals with others in the social practices and institutions that maintain social life. Knowledge, ethics, politics, art and religion are neither external to the processes of their construction nor sets of truths to be discovered; they are produced or constructed by individuals, who are engaged in social practices. If recognition is a significant category in Hegel's philosophy, its significance is highlighted by the drama of its evocation in Hegel's writings. The dramatic quality of the depiction of the struggle for recognition and the master–slave dialectic in the *Phenomenology of Spirit* is matched by the existential impact exhibited in Hegel's account of war. In these related evocations of recognition, the prospect of death underlines the embodied finitude of the individual and gives point to the development of equilibrated inter-subjective practices in ongoing forms of social and political life. War serves as a recognitive reminder of the fragility of political arrangements, the priority attaching to their defense, and the value and duties of citizenship. It is a form of recognition that is framed by Hegel so as to register its continuity with the life and death issues raised in the *Phenomenology of Spirit*.

Hegel's identification of the recognitive role of war in the economy of political citizenship is a controversial move. Positive remarks about war rightly invoke uneasiness. It must be noted, though, that Hegel is not advocating war, and acknowledges its destructiveness while observing its expression of citizenship.²⁵ The role that war plays in allowing for an expression of citizenship is part of Hegel's wider agenda of showing how politics depends upon recognition. Hegel's use of recognition in developing his philosophical understanding of individual and social life is distinctive and bears upon contemporary international and political theory. A standard way of theorizing about politics and international relations is to frame a view of the state or global politics via a set of abstract principles, thought experiments, basic intuitions or natural law.²⁶ For instance, Rawls and Nozick set an agenda for political theory that assumes the state is to be analyzed via a set of basic rights or a thought experiment that is modelled according to abstract

²⁵PR, 208; *Werke* 7, 278.

²⁶Hegel argues expressly against "abstract" rights, the social contract and utopian rational schemes. The point of his famous *Doppelsatz* (the rationality of actuality and vice versa) is to rule out such contrivances rather than to adhere strictly to the status quo.

general principles.²⁷ This tradition of analytic political theory tends to eschew engagement with the practice of actual politics and to reduce the political to what fits with fundamental moral principles. First principles, founding experiments and the reduction of politics to the moral are rejected by Hegel on a number of grounds. First, what is projected onto an initial founding condition or is presumed to be of basic moral significance is inherently controversial.²⁸ Secondly, however ingenious or persuasive such feats of abstraction may appear, history and social reality demand that appearance be fleshed out by real events. Even if hypothetical philosophical argument is impressive or plausible, people, citizens still require motivation to behave in the specified way.²⁹ Thirdly, abstract principles can neither determine a specific act nor specify how a range of duties are to be applied. General principles or rules are indeterminate in that they need to be interpreted in the light of events and circumstances and if rules or principles are invoked to facilitate such interpretation, they in turn will require interpretation. The upshot is that there is no avoidance of a reliance on a practice of politics, which is what Hegel observes.³⁰

In rejecting abstract foundations or reliance upon general principles Hegel turns to the concrete via historical development and the practice of citizenship, whereby historic citizens are envisaged as recognizing their common identity as rational citizens. Recognition supplies the motivation and solidarity, which are highlighted in war, and which will ensure rights are respected, contracts maintained and commitments delivered. From Hegel's perspective, justice is not a matter of the difference principle or the maintenance of basic pre-political rights. Rights and the welfare of individuals are thoroughly political matters to be determined in concrete circumstances by the practice of politics, in the light of the historic development of institutions and rights. While the modern world has recognized the significance for freedom of rights of the person and property, and practices such as civil society, these developments neither establish how priority is to be assigned to distinct principles of justice nor how they are to be interpreted. In the *Philosophy of Right* the relative weight to be assigned to property rights and welfare is left indeterminate. Hegel's citizens are envisaged as obeying the law conscientiously, influencing legislation via their representatives and defending the community, if called upon, in time of war. The determination of laws and the enactment of policies

²⁷See John Rawls, *A Theory of Justice* (Oxford: Oxford University Press, 1971) and Robert Nozick, *Anarchy, State, and Utopia* (Oxford: Blackwell, 1974).

²⁸Note that Hegel's emphasis upon the constructive activities of Spirit, and his express testimony in his early writings, rule out his subscription to anything like a traditional notion of natural law.

²⁹For a cogent questioning of the prevalent moralism, see Bernard Williams, *In the Beginning was the Deed: Realism and Moralism in Political Argument* (Princeton: Princeton University Press, 2005).

³⁰There is an affinity here between Hegel and Wittgenstein in that Wittgenstein is keen to avoid recourse to explanations that are not required to account for an on-going social practice. See, in particular, Ludwig Wittgenstein, *Philosophical Investigations*, §§239-242. For a contemporary translation of this standpoint to international ethics, see Mervyn Frost, *Global Ethics* (Abingdon Oxon and New York: Routledge, 2009).

are not envisaged as being specifiable in advance of circumstances and concrete determination by political representatives, members of the executive and officials. Justice is not a matter of adhering exclusively to the difference principle but of respecting laws reciprocally recognized to be right and which aim to accommodate the general principle of freedom in the light of circumstances.

Hegel's focus upon a particular recognitive community of citizens and his rejection of a politics, governed by abstract principle, entail a scepticism over cosmopolitanism. His acknowledgement of the significance of a sense of identity on the part of a national community anticipates objections to contemporary cosmopolitanism. These objections focus upon the perception that cosmopolitanism ignores the motivational aspects of political life and underrates the complexities of establishing a universalistic regime of human rights, which in practice need to be applied and interpreted.³¹ Hegel's hard-headed analysis of the role of war in expressing the ethical solidarity of citizens of a state poses questions of two sorts to contemporary cosmopolitans. On the one hand, there is his realistic assessment of the possibilities of war and the unreality of perpetual peace, which is underlined by continuing conflicts across the globe. On the other hand, there is his observation on how positive identification with a political order on the part of citizens can be expressed in times of war. Its plausibility highlights how recognition lends itself to membership of a particular bounded community, and it raises questions over the likelihood of individuals recognizing themselves to be associated with others on a global basis.³²

Cosmopolitanism heightens the tensions associated with reducing the practice of politics to general moral principles. There is an indeterminacy attaching to many aspects of political and moral life, which are compounded by conceiving of politics on a global scale. How are principles of right to be interpreted? How are principles to be prioritized in local situations? Even if a set of principles can acquire widespread respect across the globe it is highly optimistic to expect that frameworks for meaningful recognition on the part of global citizens can be developed. Some cosmopolitans look to the possibilities of reformed contemporary institutions such as the United Nations, the G9 and the World Bank, but they remain highly controversial and ideologically contestable institutions.³³ These institutions seem to ally with particular nations and forces and at the same time appear to be distant from the lives of ordinary people, so that suggestions that they can be reformed so as to harmonize with democratic ideals appear as fanciful as expectations of regional

³¹For a contemporary critique of contemporary cosmopolitan global justice, see David Miller, *National Responsibility and Global Justice* (Oxford: Oxford University Press, 2007).

³²For the dilemmas arising out of the necessarily bounded character of democratic regimes see Seyla Benhabib, *Another Cosmopolitanism*, ed. Robert Post (Oxford: Oxford University Press, 2006).

³³See for instance, David Held, *Democracy and the Global Order: From the Modern State to Cosmopolitan Governance* (Stanford: Stanford University Press, 1995); and Ulrich Beck, trans. Kathleen Cross, *Power in the Global Age* (Cambridge: Polity, 2002).

supra-national governments capturing the imagination of citizens.³⁴ The invocation to assume a universal perspective appears to beg questions about how politics is viewed by particular individuals and sets of people. Derrida, amongst others points to the undecidability of decision-making rather than the ease with which principles can be interpreted across space and time.³⁵ Scholars of nationalism urge that the appeal of nationalism remains high and Hegel's injunction to respect what is actual would seem to counsel caution in imagining that nations and borders are recessive in the popular imagination.³⁶

There is no doubt that Hegel's treatment of war in the *Philosophy of Right*, like his earlier treatment of the struggle for recognition in the *Phenomenology of Spirit*, is evocative, powerful and thoughtful. It deals with life and death issues and the embodied, mortal nature of human beings and in doing so contrasts with the general run of political theory, which often takes politics to be a merely rational, reflective undertaking without reflecting upon the actual circumstances of embodied human existence. War, for Hegel, constitutes an emergency situation that is to be taken seriously, just as the life and death encounter between individuals in the *Phenomenology* crystallizes the embodied and social character of consciousness. The emergency situation of war highlights the precariousness of political construction, the fragility of social constructions that render life amenable to multifarious activities of rational agency and it also provides a dramatic context for the solidarity of citizenship whereby citizens recognize and express their allegiance to the ethical world of the state. Notwithstanding the skill with which Hegel deals with emergency situations, his strategy of employing them as radical examples of how recognition figures in the economy of social and political life threatens to unravel related aspects of his social theory.

Emergency situations allow for radical and extreme examples of recognition and do not substitute for more prosaic forms of recognition at various levels that run through the course of Hegel's explanation of social and political life. Representative politics, everyday participation in classes and corporate life within the setting of publicly recognized laws and engagement in negotiations at various levels with other states are all expressions of recognition. In an undramatic way, recognition is at the core of social and political life, in small-scale associations and groups as well as via the Estates, just as participation in all kinds of social practice express the sociality of consciousness. War is a dramatic example of recognition; it does not replace the many other forms. Hegel's imaginative and literary skills in devising and employing emergency situations in his writings, take him in the direction of Schmitt and the

³⁴See Ulrich Beck, *Power in the Global Age* for a radical enthusiastic embrace of the prospective role of the EU and cosmopolitanism more generally.

³⁵For interesting insights into the indeterminacy of democracy, see Jacques Derrida, *Rogues: Two Essays on Reason*, trans. Pascale-Anne Brault and Michael Naas (Stanford: Stanford University Press, 2005).

³⁶For a perceptive review of the state of play on nationalism, see Alan Buchanan and Margaret Moore, *Nations, States and Borders* (Cambridge/New York: Cambridge University Press, 2003).

politics of exceptionalism. If war constitutes an extreme example of recognition, might politics be conducted on a war-footing? This way of thinking is relevant to the conduct of politics in the West after 9/11, where the threat of terrorism threatens to override democratic practice.³⁷

To be fair to Hegel, however, he does not propose that extreme situations should determine the on-going development of politics and social life. The struggle for recognition is a thought experiment that is designed to illuminate everyday social encounters and he sees war as destructive. He is not campaigning for a military regime and his ideal political society is one that maintains rights, allows for freedom in civil society and admits diverse opportunities for citizens to recognize and participate in public affairs. Hegel's reckoning with extreme, emergency situations is part of his realism, his determination to face what is and to identify the rationality that is contained within it. What he has to offer as a political theorist is his realism, his determination to theorize without simplifying foundations and his insight in invoking recognitive practices to ground and legitimize political regimes.

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³⁷See Bonnie Honig, *Emergency Politics: Paradox, Law, Democracy* (Princeton: Princeton University Press, 2009).

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Chapter 11

Hegel, Global Justice, and Mutual Recognition

Andrew Buchwalter

11.1 Introduction

In recent years more and more attention has been afforded the role of recognition in Hegel's practical philosophy. Writers like Axel Honneth,¹ Robert Pippin,² and Robert Williams³ have in different ways all sought to elucidate themes in Hegel's moral, social, and political thought by giving prominence to his concept of recognition. For the most part, however, such discussions have focused on Hegel's account of individuals, their identities and their relationships. Less attention has been accorded the value of recognition theory as regards the identity and relations of groups, peoples, and nations.⁴ This is not altogether surprising, since Hegel's chief focus in recognition theory—quintessentially expressed in the famous struggle for recognition between master and slave detailed in the *Phenomenology of Spirit*—focuses on relations among individuals and persons. Still, as reflected in his account of international law, Hegel holds that recognition theory is also applicable to the

¹Axel Honneth, *The Pathologies of Individual Freedom: Hegel's Social Theory*, trans. Ladislaus Löb (Princeton: Princeton University Press, 2010).

²Robert Pippin, *Hegel's Practical Philosophy: Rational Agency as Ethical Life* (Cambridge: Cambridge University Press, 2008).

³Robert R. Williams, *Hegel's Ethics of Recognition* (Berkeley: University of California Press, 1997).

⁴Compare, however, Klaus Vieweg, "Das Prinzip Anerkennung in Hegels universalistischer Theorie des äusseren Staatsrechts," in *Metaphysik der praktischen Welt. Perspektiven im Anschluß an Hegel und Heidegger*, ed. Christoph Jamme and Andreas Grossmann (Amsterdam and Atlanta: Rodopi, 2000).

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relations of peoples and nations. Moreover, given that he does claim—for better or worse—that peoples and nations are understandable through the categories of subjectivity and selfhood that motivate his understanding of recognitive relations generally, there is nothing in principle that precludes his construing the relationship of peoples and groups in these terms.⁵

The aim of this chapter is to employ elements of Hegel's theory of mutual recognition to elucidate themes in global justice. Drawing on perspectives advanced by authors of this volume, I focus on four topics: the place of national sovereignty in a transnational setting, cosmopolitanism, global distributive justice, and the idea of global community itself. Examining these themes from the perspective of recognition theory facilitates appreciation both of the distinctly Hegelian approach to these issues and the value of Hegelian thought for the general discourse on global justice.

⁵It is true that in recent years Honneth has extended his account of recognition theory to themes in international relations, instructively addressing a question explored in the present chapter: how recognition theory might provide the basis for a viable approach to transnational relations of cooperation. It is noteworthy, however, that he does so with limited attention to Hegel's account of international law. Indeed, his own position is fashioned in decided opposition to that of Hegel. Affirming the conventional view of Hegel as an advocate of the "realist" approach to international relations, one limited to accommodating the strategic self-interest of individual states, Honneth appeals to recognition theory in part to formulate an alternative to views associated with Hegel and others in this tradition. Indeed, he even speaks of the need for a "paradigm shift," asserting "[it] is high time that international relations be viewed in a light other than it has by Hegel and his realist descendants." See Axel Honneth, "Anerkennung zwischen Staaten. Zum moralischen Untergrund zwischenstaatlicher Beziehungen," in *Das Ich im Wir. Studien zur Anerkennungstheorie* (Frankfurt: Suhrkamp, 2010), 183, 201.

In this chapter I dispute this view. Not only do I claim that Hegel fashions an alternative to the conventional realist approach to international relations, I claim as well that he does so with the tools of the concept of recognition he does utilize in his account of international law. To be sure, I employ Hegel's theory of recognition in ways somewhat distinct from Honneth. For Honneth, recognition is invoked in response to forms of humiliation and disrespect experienced historically by groups and individuals. Recognition theory is thus valuable to clarify the injustices experienced by "underdeveloped, disenfranchised" (182) peoples, but it has only limited applicability to the constitutional states that comprise Hegel's account of international law, oriented as it is to safeguarding the independence and strategic claims to self-assertion of states. By contrast, I regard recognition theory as a component of Hegel's account of nation-state sovereignty itself, where openness to mutuality and non-instrumentality is at least normatively part of an account of national identity and self-assertion itself. In this regard, I understand Hegel's account of international law or law of peoples (*Völkerrecht*) to be committed to relations of transnational cooperation, even if it attends to strategic interest as well. As such, Hegel's conception of *Völkerrecht* is distinct from the more specifically inter-state version of Hans Kelsen that appears to guide Honneth's thinking on this matter. Appreciation of the distinctiveness of Hegel's position is important not least because it calls into question any rigid distinction between the claims of sovereign autonomy on the part of Western nation-states and the experiences of underdeveloped and marginalized groups and peoples.

To be sure, many questions can be raised about Hegel's position. One can, for instance, question the appropriateness of extending to international law notions of self-identity and social interaction that were conceived first for individuals and their relations—a question legitimately raised by Honneth, even if in modified form he makes this extension himself. The point I wish to make here is only that Hegel not only employs the tools of recognition theory for his account of international law, but that he does so in a way that challenges conventional realist accounts.

11.2 National Sovereignty and Transnationalism

Central to Hegel's account of international law is the primacy of nation-state sovereignty. It is telling that, in marked contrast to Kant, Hegel never advanced an account of cosmopolitan law (*Weltbürgerrecht*). Not unlike Rawls today, international law,⁶ on his view, remained restricted to a law of peoples (*Völkerrecht*). Yet this is not to suggest that Hegel's view of states and their relations simply affirms the Westphalian world order of his day. Certainly it is wrong to suggest that he merely reaffirms a Hobbesian account of interstate relations, one comprised of autonomous and self-sufficient entities pursuing their own strategic self-interest, often in an adversarial manner and in a way not subject to higher regulatory authority. Common though it still is,⁷ this view misrepresents Hegel's notion of state sovereignty and the degree to which it is intertwined with richer forms of international cooperation and communality.⁸

For Hegel, nation-state sovereignty is not understood first and foremost through territorial borders. Nor is it understood through the power and authority of state structures and institutions. Nor is it understood in terms the idea of protective responsibility, a notion that has acquired greater currency in recent years. Although these views all play a role in Hegel's notion, none captures the specific way in which sovereignty articulates the concept of freedom, the fundamental principle in his practical philosophy. Freedom, for Hegel, is not freedom from external interference, nor is it freedom of agency, nor does it denote responsible public authority. Instead, freedom, on his view, is defined as *Bei sich selbst sein*, which is translated sometimes as self-containment and literally means being-at-home-with-oneself.

There are many elements to this definition, but an essential component is the idea of self-awareness or self-consciousness. People are considered free not simply on certain objective measures (e.g., the presence of institutional protections for private and public liberties), but when they know and perceive themselves as free. A people is free when it recognizes and affirms its identity in the circumstances characterizing the conditions of its existence. Whatever else it might entail, political sovereignty, for Hegel, references a people's consciousness of itself and its identity.

Appreciation of the centrality of self-consciousness to Hegel's concept of sovereignty is important because it attests to the transnational dimension of that concept. Adverting to Kant's notion of self-consciousness as the transcendental unity

⁶John Rawls, *The Law of Peoples* (Cambridge, MA: Harvard University Press, 1999).

⁷For a recent rearticulation of this view, see, in addition to Honneth above, Dudley Knowles, *The Routledge Philosophy Guidebook to Hegel and the Philosophy of Right* (London and New York: Routledge, 2002), 341.

⁸I have addressed this matter in a somewhat different way in "Hegel Conception of an International 'We,'" in *Identity and Difference: Studies in Hegel's Logic, Philosophy of Spirit, and Politics*, ed. Philip T. Grier (Albany, NY: SUNY Press, 2007), 155–176.

of apperception, Hegel understands autonomous selfhood as the identity of identity and difference. In so doing, he rejects Cartesian notions of self-consciousness. Self-consciousness is not to be understood introspectively, as an apprehension of inner states. Hegel maintains instead that self-consciousness and self-identity generally are intelligible only with reference to other selves. In particular, self-consciousness is intelligible only in relations of reciprocal recognition. I apprehend my own identity when I perceive myself in relations to others, when I acknowledge the other's recognition of me, and when I integrate into my own self-understanding the other's perception of me as well as acknowledgement of my relationship to the other.

Hegel develops a recognitive account of self-identity principally in his theory of persons. Yet he extends this analysis to his theory of international law, which he presents not as a law of states, but—also like Rawls—as a law of peoples, i.e., as one pertaining to entities for which categories of reflexive self-understanding are applicable. There are at least three elements to a recognitive view of sovereign peoples and their relationship. First, a particular community must recognize communities other than itself. Cross-cultural understanding is a basic means by which one culture acquires insight into its own distinctiveness. Second, a particular community must also *be recognized* by another community. If one community is to acquire an illuminating perspective on its own self-perception, it must also take into account how it is perceived by the other. Third, a particular community must incorporate into its own sense of self the perspective that the other has on it. Only then does it actualize a genuine or complete form of self-identity, one based on the identity of identity and difference.

Hence while proceeding from a world system comprised of sovereign nation states, Hegel does not advocate the exclusionary view of the relationship of states characteristic of “realist” accounts of international relations. Instead, the very assertion of sovereign self-sufficiency includes, for Hegel, a moment of self-transcendence.⁹ While appeal to the concept of self-consciousness articulates what is distinctive to a particular national community, its proper elaboration entails an expanded and enlarged self-apprehension, one that eschews parochial self-understandings. National identity depends on incorporating into a people's self-

⁹Hegel's position can be compared to that of Habermas, who also seeks to reconcile individual state sovereignty with a robust account of global interdependency. For Habermas, this is achieved through a “proceduralist conception of popular sovereignty,” one that supplants subject-centered versions, including those that link sovereignty with notions of distinct cultural identity. By contrast, Hegel remains committed, rightly or wrongly, to a model that does connect sovereignty to the identity of a people. Yet this view does not entail a notion of nation-state identity construed “as an organic and sovereignty ethical entity that is understood as an end in itself.” Nor does it imply that challenges to atomist, exclusionary notions of sovereignty entail an abrogation of national identity. In the recognitive account sketched here, political sovereignty understood in terms of the identity of peoples is not only compatible with “transition to the postnational constellation of a global society”; it depends upon it for its proper articulation. See Jürgen Habermas, “Does the Constitutionalization of International Law Still Have a Chance?” in *The Divided West*, trans. Ciaran Cronin (Cambridge: Polity Press, 2006), 115, 128, 153, and *passim*.

understanding diverse conceptions and perspectives, and self-identity itself is the processed integration of those conceptions and perspectives. On the Westphalian model of international law, states confront each other as self-contained units related only on exclusionary terms. Hegel rejects this “binary” of global and national, to use a term employed by Saskia Sassen.¹⁰ Proceeding from a view of international law based on peoples, he understands sovereign polities through the structure of subjectivity or self-consciousness, and on his intersubjective account this means that nations define and affirm their sovereignty only via relations of reciprocal recognition. One nation is “completed” in the recognition of and by the other.¹¹ For Hegel, sovereign states are self-conscious communities, autonomous in the consciousness of their self-sufficiency, and thus “depend[ent] on the perception and the will of the other.”¹² In explicating Hegel’s position, Gary Browning in this volume writes: “individual state sovereignty demands rather than repudiates international relations and international law.” In his essay, Robert Fine observes that Hegel’s aim “was not to abolish sovereignty but to make it relative.” In different ways both give articulation to the view that, properly understood, sovereignty, for Hegel, is construed through transnational relations of recognition.

In *What is Globalization?* Ulrich Beck sketches an account of the system of nation-states appropriate to a global order.¹³ This account does not jettison the centrality of states or the principle of state sovereignty. To do so would be to conger the nightmare vision of an imperial world state. Instead, Beck refashions notions of statehood and state sovereignty in a way that does justice to the reality of an increasingly interconnected world. On this view such concepts are not understood via the traditional politics of confrontation focused on exclusive claims to power and identity. They are defined instead by the principles of cooperation and reciprocity needed for agency in an interconnected world society. Central to this model is the idea of a “transnational internal politics,” one in which domestic political realities and practices are increasingly reconceived to incorporate attention to modes of global mutual dependence rather than antagonism and separation. Beck’s vision is instructive, as it gives contemporary expression to how a Hegelian notion of nation-state sovereignty, one rooted in recognition theory, might be formulated in ways that do justice to the changing realities of the international community.

¹⁰With Hegel, she also construes transcendence of traditional notions of state sovereignty not as an abstract repudiation but as an endogenously generated “denationalizing” of the nation-state itself. See Saskia Sassen, “Neither Global nor National: Novel Assemblages of Territory, Authority, and Rights,” *Ethics & Global Politics* 1, no. 1–2 (2008): 61–79.

¹¹G.W.F. Hegel, *Elements of the Philosophy of Right*, ed. Allen Wood, trans. H.B. Nisbet (Cambridge: Cambridge University Press, 1991) [hereafter *PR*], §331.

¹²*PR*, §331.

¹³Ulrich Beck, *What is Globalization?* trans. Patrick Camiller (London: Polity, 2000), especially 109–113 and 132–36.

11.3 Situated Cosmopolitanism

11.3.1 *An Overlapping Consensus on Human Rights*

Proper understanding of Hegel's theory of political sovereignty also bears on his approach to cosmopolitanism. As contributors to this volume note, Hegel is highly critical of theories of cosmopolitanism. Above all in its Kantian formulation, cosmopolitanism, for Hegel, fails to appreciate the need on the part of people for local and national affiliation, the reality of conflict and war, the vacuity of cosmopolitan norms, and the impotence of mechanisms for their enforcement. But as authors of this volume also make clear, Hegel is not fully opposed to cosmopolitanism. Not only did he advocate a robust notion of universal human rights, a point asserted by Maria Kowalski in her contribution; he espoused a notion of international law committed to a level of cooperation and mutuality not included in the state-centric, realist accounts with which his position is commonly identified. What Hegel does criticize in cosmopolitanism is not the ideal itself but the abstract version that contraposes universal norms to particular and diverse forms of life. Not only do cosmopolitan assertions of universal norms depend on conditions of contextual application, and not only is the idea of cosmopolitan commonality incoherent without reference to conditions for local self-determination, a global community of shared values only emerges in the interaction of the diverse members of that community. Hegel famously claimed that *world history* is the "world's court of judgment."¹⁴ His doctrine of cosmopolitanism is itself directly intertwined with the proposition that transnational and transcultural norms are generated, clarified and validated only in the historical "dialectic" of peoples and cultures.

Hegel's specific notion of cosmopolitanism is shaped by the concept of mutual recognition central to his general law of peoples. In this account, as we have just seen, peoples are not atomistic, self-contained entities, but depend for their identity and autonomy on recognitive relations with other peoples and cultures. Yet a theory of international law rooted in recognition theory attends not just the status of individual peoples and nations. Mutual recognition, as understood by Hegel, is more than a matter of respect, tolerance, or cooperation. It serves as well to fashion common norms and intercultural notions of shared identity. As in the relation of individuals, so, too, with communities: the "I" tendentially becomes a "We."¹⁵ Inasmuch as reciprocal recognition serves to transform initial self-conceptions in light of challenges provided by the other, inasmuch as each is reciprocally transformed in integrating the other's conceptions and self-conception, the recognitive process sets in motion a dynamic contributing to the formation of an enlarged self, an interpersonal or collective identity forged in the increasing convergence of individual self-conceptions. As Steven Hicks emphasizes in his

¹⁴*PR*, §340.

¹⁵This point is developed at greater length in my "Hegel's Conception of an International 'We,'" 162 and *passim*.

contribution, the dialectical interchange of national self-consciousnesses contributes to what Hegel calls a “trend . . . towards unity”¹⁶ culminating in the universal self-consciousness understood as an “inner universality.”¹⁷

To say that Hegel is committed to some notion of collective identity at the global level is, to be sure, not to say that he was supportive of supranational political structures, be it a world state or even a world federation. Hegel’s arguments against world government—restated by many in this volume—are well-known. Whether those arguments are compelling is now a matter of some dispute. In their essays Clark Butler and Paul Cobben both reconstruct Hegel in light of current realities to suggest how global institutional structures might be conceived from an Hegelian perspective. It is clear, though, that Hegel himself provided little direct instruction on this score.

Yet if Hegel rejects a political or institutional construal of a global community, he does affirm one based on shared cultural considerations, i.e., on the shared norms, practices and values that emerge from the interaction of peoples and cultures historically. This is evident in his account of the then emergent European community, which he characterized as “a family of sorts with regard to the universal principle underlying their legal codes, their customs, and culture.”¹⁸ Hegel’s law of peoples may not culminate in a *Weltstaat* but it does give expression to a *Weltgeist*.¹⁹ Central to this view are rudiments of what Hicks calls a global ethical life, not a system of global governance but a set of shared values and principles that emerge, however fitfully and the face of profound human tragedies, in the process of world history.

The central principle or norm in Hegel’s law of peoples is that of right. This is significant not least because Hegel thereby reaffirms the principle that informs the account of cosmopolitanism presented by Kant in *Perpetual Peace* and elsewhere.²⁰ Unlike Kant, however, Hegel does not advance the concept of “universal right” as a moral postulate or an a priori principle of reason, one abstractly juxtaposed to the life forms and self-conceptions of individual cultures.²¹ He claims instead that such norms are fashioned in the historical interaction and recognitive relations of particular cultures and forms of life.²² It is telling that Hegel understands right—“the

¹⁶*Vorlesungen über der Philosophie der Weltgeschichte* (Leipzig: Meiner, 1920), 761, cited in Shlomo Avineri, *Hegel’s Theory of the Modern State* (Cambridge: Cambridge University Press, 1972), 207.

¹⁷*PR*, §339.

¹⁸*PR*, §339A.

¹⁹*PR*, §340, *The Philosophy of Mind*, Part III of the *Encyclopedia of Philosophical Sciences*, trans. William Wallace and A.V. Miller (Oxford: Oxford University Press, 1971) [hereafter *EPM*], §548.

²⁰See Ludwig Siep, “Das Recht als Ziel der Geschichte: Überlegungen im Anschluß an Kant und Hegel,” in *Das Recht der Vernunft: Kant und Hegel über Denken, Erkennen und Handeln*, ed. Christel Fricke et al. (Stuttgart-Bad Cannstatt: Frommann-Holzboog, 1995), 355–379.

²¹See Ludwig Siep, “Das Recht als Ziel der Geschichte.”

²²The attempt to affirm cosmopolitanism in a way that appeals not to abstract principles but to processes of transnational communication can be discerned in John S. Dryzek, “Transnational

relationship of persons in their comportment with one another”—as a principle of reciprocal recognition, indeed, as “the relationship of recognition” itself.²³ Granted, processes of mutual recognition always already presuppose some notion of right as a condition for sociation itself.²⁴ But it is also the case that the principle of right is validated and authoritatively accepted as a principle of sociation only in and through the recognitive interaction of peoples and cultures.

In the *Philosophy of Right*, Hegel characterizes the principle of right governing a law of peoples as one possessing “validity in and for itself.”²⁵ In terms of the basic categories of his thought, something valid “in and for itself” is so not just as a product of theoretical analysis but as a principle endorsed and motivationally accepted by those to whom it applies. It is no coincidence that the *Philosophy of Right*, whose stated aim is to provide a philosophical justification of the idea of right, culminates in an account of world history. For Hegel, history is the domain where the principles of right are defined, validated and concretized for and by the persons and peoples to whom they have meaning and application. In his chapter, Gary Browning asserts that Hegel criticizes conventional notions of cosmopolitanism for their abstractness, their disregard of the motivational elements of political life, and their inattentiveness to the conditions for realizing universal norms. Hegel’s historically situated account of cosmopolitanism addresses all three concerns.

There are many ways in which the historical positivization or concretization of norms of cosmopolitan right can be understood via an Hegelian account of history. In his contribution Peter Stillman details how principles central to cosmopolitanism—modern morality, ethical obligations, and universal rights—were, for Hegel, historical achievements associated with the emergence and realization of modern constitutional states. He points out as well how the increasing globalization of modern trade relations contributes increasingly to a world consensus on rights of property and contract, as well as norms of cooperation. In his essay, Robert Fine suggests that the increasing acceptance today of principles and structures associated with cosmopolitan law—“human rights, world courts, international criminal laws, global institutions, anti-torture conventions and so forth”—are understandable as achievements explicable through an Hegelian account of history. Such observations demonstrate how Hegel’s view of world history, propelled through the relations of the world’s peoples, may be said to forge what Charles Taylor has termed an overlapping consensus on human rights, one however rooted in and produced through actual practices and experiences of persons and peoples in history.²⁶

Democracy: Beyond the Cosmopolitan Model,” in *Deliberative Democracy and Beyond* (Oxford: Oxford University Press, 2000), 115–139.

²³G.W.F. Hegel, *Jenaer Systementwürfe III*, ed. Rolf-Peter Horstmann (Hamburg: Meiner, 1987), 197.

²⁴*EPM*, §547.

²⁵*PR*, §333.

²⁶Charles Taylor, “Conditions of an Unforced Consensus on Human Rights,” in *The Politics of Human Rights*, ed. Obrad Savić and Beogradski Krug (London: Verso, 1999), 101–119.

11.3.2 *Eurocentrism and Racism*

It can, of course, be asked if rights explicated through historical development of this sort are genuinely universal. It can be claimed that, far from possessing universal status, such norms simply articulate historically existing power constellations and in this case the dominance of European or Western cultures and societies. Nor is there any doubt that Hegel did posit a connection between universal principles of right and the values and institutional structures of modern European societies. In addition, he undoubtedly did rely on European or “Christian-Germanic” standards when conceiving and evaluating non-Western cultures and societies. He might agree as well with those today who claim that historical realities are such that global norms are now in some sense inescapably Western.²⁷

Still, none of this entails that an Hegelian account of cosmopolitan right is necessarily one-sidedly, triumphantly, or hegemonically Western.²⁸ If this may be currently the case, the logic of recognition infusing his account of historical transformation points to a more balanced and globally inclusive understanding. According to Anthony Giddens, the mechanisms of global engagement and interconnectivity are such that we can no longer speak of “a one-way imperialism,” but must instead recognize “not only that the other ‘answers back,’ but that mutual interrogation is possible.”²⁹ This is also the Hegelian position. Moreover, if, as Hegel contends, mutual recognition is required for the autonomy of all relevant parties, then surmounting one-way imperialism is also a condition for the proper self-identity of the “imperialist” powers themselves. As he wrote in his critique of colonial domination: “The liberation of the colonies proves to be the greatest advantage to the mother state, just as the emancipation of slaves is of the greatest advantage to the master.”³⁰ Hegel’s thought does allow for an overlapping consensus on human rights, one which—*pace* Taylor—may not be “unforced,” but in principle can be differentiated, inclusive, and open to mutual interrogation.³¹

²⁷Cf. Dipesh Chakrabarty, *Provincializing Europe: Post Colonial Thought and Historical Difference* (Princeton: Princeton University Press, 2000).

²⁸I have dealt with this issue at greater length in “Is Hegel’s Philosophy of History Eurocentric?” in *Dialectics, Politics, and the Contemporary Value of Hegel’s Practical Philosophy* (London and New York: Routledge, 2012), Chapter 12.

²⁹See “Living in a Post-Traditional Society,” in *Reflexive Modernization: Politics, Tradition and Aesthetics in the Modern Social Order*, ed. Ulrich Beck et al. (Stanford: Stanford University Press, 1994), 96f. In the present context, one way in which such mutual interrogation may occur is through the East–west/North–south political debates surrounding the Covenants on Civil-Political and Social-Economic Rights and how these might lead to a general appreciation of the codependency of negative and positive rights. See Xiaorong Li, “A Question of Priorities: Human Rights, Development, and ‘Asian Values,’” *Report from the Institute for Public Policy* 18, no. 1–2 (Winter-Spring 1998): 7–12.

³⁰*PR*, §248A.

³¹For a discussion of how on a Hegel’s recognitive account of mutual interrogation entails a complex and multifaceted combination of internal and external normative perspectives,

The proposition that Hegel's law of people does entail a robust notion of intercultural mutuality can certainly be questioned in light of seemingly racist comments he made about non-European peoples both in his *Lectures on the Philosophy of World History* and the *Philosophy of Subjective Spirit*. In recent years such comments and claims have been subject to significant critical scrutiny, and rightly so.³² At the same time, however, such assertions should not also be construed as evidence of the flawed character of Hegel's general philosophical enterprise; nor should they serve to deny the value of Hegel's thought for elucidating contemporary issues, including a meaningful account of intercultural justice. However problematic and even contemptible these assertions are, they are still distinguishable from the core tenets of his philosophy; indeed, the latter can be instructively invoked to challenge racist and race-based modes of characterizing peoples and their relationships.

At least for his mature work, the core principle of Hegel's thought is *Geist* or spirit. Spirit is a highly complex concept in Hegel's thought, and cannot be properly explored here. A couple of observations, however, are in order. First, *Geist*, understood by Hegel to connote internal self-reflexivity, is a principle that defines human beings in terms of their rationality, something moreover that he claims is inherent in human beings generally. As such, *Geist* is a principle that disallows the notion that there are essential differences between human beings or that what differences there are should be understood on the basis of racial categories, blood relationships or other naturalistic considerations. Indeed, in opposition to the view that one race may be deemed naturally inferior to another, Hegel is theoretically committed to "the possibility of equal justice for all men and the futility of a rigid distinction between races."³³

As a principle of rationality, *Geist* is also a principle of freedom or autonomy, and this principle, which Hegel also says applies to human beings equally, likewise demonstrates the inappropriateness of employing racial considerations for understanding his social philosophy. This is especially clear in his account of peoples, which he understands *inter alia* in terms of the capacity to express and embody the principle of freedom. For Hegel, freedom is specifically understood in terms of the principle of selfhood-in-otherness, and this has multiple implications for his account of peoples and in particular the *Volksgeistern* that are the focus of his historical thought. From this perspective peoples are internally differentiated, depend for their identity on certain institutional structures, subsist in their capacity to reflect on the ends of their shared life and the conditions for their commonality,

see *Dialectics, Politics, and the Contemporary Value of Hegel's Practical Philosophy*, Chpt 11. Cf. David A. Crocker, "Insiders and Outsiders in International Development," in *Moral Issues in Global Perspective*, ed. Christine Koggel (Peterborough, Ontario: Broadview Press, 1999), 147–162.

³²See, for instance, see Robert Bernasconi, "Hegel at the Court of the Ashanti," in *Hegel After Derrida*, ed. Stuart Barnett (New York: Routledge, 1998) and Michael H. Hoffheimer, "Hegel, Race, Genocide," *The Southern Journal of Philosophy* 39 (2001): 35–62.

³³*EPM*, §393A.

and properly establish their autonomy only in achieved relations of recognition with other peoples and cultures. All these are features of an account of peoples appropriate to a philosophy of spirit; none lends support to specifically racial or racist interpretations of cultures.

To be sure, Hegel's actual presentation of the relationship of *Volksggeistern* can be construed in racial terms. Rooted in a developmental account of freedom culminating in the affirmation of "Christian-Germanic" peoples, Hegel's philosophy of history does contain remarks and observations that give expression to various prejudicial and chauvinist attitudes and assumptions. It is also the case that Hegel likely did ignore features of the legacy of slavery in his account of history.³⁴ Yet it is also wrong to conclude that his philosophy is itself committed to racial or racist categorizations. Indeed, viewed from the perspective of its "inner logic,"³⁵ Hegel's thought is not only at odds with such approaches but supplies tools for their criticism. It is telling that theorists like W.E.B. DuBois³⁶ and Frantz Fanon³⁷ have explicitly adopted modes of Hegelian argumentation, and specifically those deriving from his account of reciprocal recognition, to challenge forms of racism and racial oppression.

11.3.3 *War, Intercultural Learning, and Enforced Cosmopolitanism*

A more formidable challenge to any Hegelian notion of global comity and intercultural reciprocity would seem to derive from Hegel himself. Such challenge flows from the undeniable role played by conflict, strife and war in his account of the relations of peoples. In this volume Gary Browning emphasizes this aspect of Hegel's position, noting how the attention he accords to war significantly distances him not just from Kant's doctrine of perpetual peace but views of internationalism current today. Browning's account is especially apposite, as it establishes the centrality of war in Hegel's view of international relations via consideration of his recognition theory and its attention to the existential struggles among differently situated persons and peoples.

³⁴Susan Buck-Morss, "Hegel and Haiti," *Critical Inquiry* 26 (Summer 2000): 821–865.

³⁵Joseph McCarney, *Hegel on History* (London/New York: Routledge, 2000), 151. The approach adopted here has commonalities with McCarney's. For an instructive exchange between McCarney and Robert Bernasconi, see Joseph McCarney, "Hegel's Racism? A Response to Bernasconi" and Robert Bernasconi, "Hegel's Racism: A Reply to McCarney," *Radical Philosophy* 119 (May/June 2003): 32–37.

³⁶W.E.B. DuBois, *The Souls of Black Folk* (Boston/New York: Bedford Books, 1997) and Shamoan Zamir, *Dark Voices: W.E.B. Du Bois and American Thought, 1888–1903* (Chicago & London: University of Chicago Press, 1995).

³⁷Frantz Fanon, *Black Skin, White Masks*, trans. Charles Lam Markmann (New York: Grove Press, 1967).

Yet acknowledging the connection between recognition theory and bellicosity does not itself preclude a notion of cosmopolitan comity, something Browning also allows. For Hegel, war is itself rooted in failed processes of recognition, and so at least in principle implicates the idea of mutuality and cooperative relations. In Hegel's law of peoples, war is something that should "come to an end . . . [and] preserve the possibility of peace."³⁸ Indeed, Hegel even posits a connection between bellicosity and the principle of right itself. War is a condition of force and contingency, but it is also an expression of rightlessness (*Rechtslosigkeit*), and as such entails, however implicitly, the principle of right itself. Throughout, war remains a "determination of international law" (*Völkerrecht*).³⁹ In addition, Hegel suggests that war can contribute to further elaborating and concretizing the principle of right. Referring to evolving forms of cooperation among European nations, he notes how conflict entails modifications in "conduct . . . otherwise dominated by the mutual infliction of evil."⁴⁰ War, conflict, strife and other forms of struggle thus might be understood as part of an intercultural learning process,⁴¹ one in which principles of justice are forged in the historical response to injustice and the forms of misrecognition with which, for Hegel, it is associated.⁴²

Certainly, bellicosity should not be viewed as an epiphenomenal expression of an antagonism posited only to establish some greater harmony—a standard criticism of Hegelian dialectics generally. Not only is war an ever-present and deep seated reality in the life and relations of nations, a point emphasized by Robert Fine; it has an independent status of its own, one that contributes to the health of nations. Indeed, as Browning stresses, war plays a central role in forging a community's collective identity, sense of social solidarity, and notion of shared responsibilities. War performs this function, moreover, in cultivating an opposition between self and other. For Hegel, a sense of collective identity goes hand in hand with demarcating another as an enemy, one he claims that would obtain as well for any transnational identity. "[N]egation is an essential component of individuality. . . . [E]ven if a number of states join together as a family, this league, in its individuality, must generate opposition and create an enemy."⁴³

Yet even these considerations do not invalidate a more cooperative understanding of Hegel's account of international relations. If Hegel claims that collective identity does depend in part on the presence of an identifiable foe, that foe, as Steven Hicks argues in his contribution, need not be understood as another nation, group, or

³⁸PR, §338.

³⁹PR, §338.

⁴⁰PR, §339A.

⁴¹See Heiner Bielefeldt, "Menschenrechte als interkulturelle Lerngeschichte," in *Philosophie, wozu?* ed. Hans Jörg Sandkühler (Frankfurt: Suhrkamp, 2008), 289–300.

⁴²Jürgen Habermas has construed the articulation and elaboration of human rights in terms of struggles associated with historical challenges to human dignity. See "The Concept of Human Dignity and the Realistic Utopia of Human Rights," *Metaphilosophy* 41, no. 4 (July 2010): 464–80.

⁴³PR, §324A.

community. It could also be understood as more generalized threats to humanity as a whole—those posed by risks emanating from nuclear annihilation, global climate change, ecological degradation, global poverty, global financial collapse, global terrorism, the global spread of AIDS and other diseases. Ulrich Beck has advanced a notion of cosmopolitan awareness nurtured in an appreciation of global risks, and this notion is compatible with the understanding of social solidarity that Hegel claims is fashioned in response to threats to survival emanating from more traditional sources.⁴⁴

Nor does such “enforced cosmopolitanism,”⁴⁵ as Beck calls it, entail elimination of attention to modalities of mutual recognition. For one thing, appreciation of global risks could well expand a people’s sense of shared vulnerability, leading to transcultural notions of interdependency and mutual responsibility.⁴⁶ For another, the very idea of collective global identity would, on an Hegelian account, not be fully intelligible without efforts to identify and forge relations of intersubjectivity with appropriate recognitive interlocutors. Thus, a notion of collective identity forged in response to threats currently confronting humanity could well generate and even mandate responsiveness to new interlocutors, including, and perhaps above all, those represented by future generations. War does play a central role in Hegel’s practical philosophy, yet it is not one inconsistent with recognitively understood notions of global comity and commonality.

11.3.4 *Glocalized Cosmopolitanism*

One reason why Hegel is seen to question aspirations toward global consensus on norms is that such consensus betrays a problematic view of norms themselves. Maria Kowalski and Peter Stillman both make this point with regard to the idea of rights. Even if we might endorse a general account of universal human rights, those rights have meaning and validity only to the degree that they are embodied in institutional structures that underwrite their adoption and enforcement. Yet such structures will always express the cultural traditions and practices specific to their embodiment. As realized principles of freedom, then, practicable norms of right will always give voice to a cultural particularity resistant to efforts at transcultural unification. This, we might say, is the “Herderian” dimension of Hegel’s account of a law of peoples.⁴⁷

Appreciation of this point, however, is not a decisive impediment to an Hegelian account of cosmopolitanism. While it is true that norms must always be articulated in ways that do justice to local conditions and circumstances, such articulation itself involves processes of cultural self-interpretation and self-definition. As should be

⁴⁴Ulrich Beck, *World at Risk*, trans. Ciaran Cronin (Cambridge: Polity, 2009), 56f.

⁴⁵Beck *World at Risk*, 61.

⁴⁶Beck, *World at Risk*, 56f.

⁴⁷See Ludwig Siep, “Das Recht als Ziel der Geschichte,” 371.

clear from the foregoing, however, processes of self-interpretation themselves entail reference to wider relations of mutuality and cooperation. This phenomenon is increasingly evident in the legal practice and judicial self-understanding of states today, notably in the European Union, as Paul Cobben here suggests. On Hegel's recognitive account of identity, the processes by which one culture affirms and reaffirms its own set of norms and values will involve, especially in the face of increasing globalization, practices that engage and integrate other understandings of norms and values. For Hegel, affirmation of local self-determination can proceed isomorphically with affirmation of global interconnectivity.

To be sure, such interconnectivity does not entail any complete reconciliation of perspectives. If for no other reason, this is precluded by the recognitive process itself. Not only are processes of recognition motivated by and sustained in the ongoing interaction of diverse and differently situated persons and peoples, a point stressed here by Gary Browning; such processes are themselves directed to achieving more fully autonomous and integrated modes of *individual* self-identity. Here, too, it is telling that that Hegel never supplants a law of peoples with an account of cosmopolitan law.

If nonetheless the law of peoples does affirm a notion of cosmopolitan comity, it is one that rests upon and is sustained in the modes of differentiation endemic to processes of reciprocal recognition. This means, among other things, that such comity denotes a “glocalizing” phenomenon, one where shared norms and values—especially those of right and justice—are fashioned and refashioned to express local practices, just as these practices are “modified” to express wider principles.⁴⁸ Hegel's position entails as well that any cosmopolitan comity represents a decidedly reflexive phenomenon, one where the process by which peoples and persons reassess and refashion shared norms is simultaneously one in which they reassess and refashion the conditions of commonality itself. As with the concept of *Weltgeist* itself, a recognitively construed account of cosmopolitanism exists in a global community's “interpretation of itself to itself.”⁴⁹ In addition, Hegel's position also means that global commonality represents not a specific achievement but the ongoing process of collective self-assessment and reassessment itself. Again with the concept of *Weltgeist*, a Hegelian notion of cosmopolitan community subsists and is sustained in its “unending struggle with itself.”⁵⁰ Finally, given that the recognitive process is rooted in relations of conflict and struggle, Hegel's position entails a decidedly sober and pragmatic notion of cosmopolitanism, one based less on achieved unity itself than on a shared appreciation of the threats and challenges confronting global cooperation. Jonathan Rée has spoken of a “new cosmopolitan

⁴⁸PR, §339A.

⁴⁹PR, §343.

⁵⁰*Lectures on the Philosophy of World History. Introduction: Reason in History*, trans. H. B. Nisbet (Cambridge: Cambridge University Press, 1975) [hereafter *Lectures*], 127, amended.

world,” one that is “neither national nor international.”⁵¹ Hegel’s recognitively conceived cosmopolitanism, forged in modes of mediation and differentiation, represents one articulation of such a new cosmopolitan world.

11.4 Global Distributive Justice

Certainly one of the central most issues in the discourse on global justice is that of global *distributive* justice: what responsibilities do affluent countries and their members have for world-wide hunger and poverty and what requirements, if any, exist for the global redistribution of wealth and resources? The response to these questions has been varied. In the 1960s and 1970s, Garrett Hardin advanced a series of arguments denying such responsibilities, claiming that they are unjust, counterproductive, and inimical to the interests and well-being of possible donor nations.⁵² One of the first to address the issue from the other side was Peter Singer, whose now classic 1972 essay “Famine, Affluence and Morality” argued, on utilitarian grounds, that citizens in affluent nations have not only institutional but, perhaps above all, personal responsibilities to do as much as possible to alleviate global suffering.⁵³ More recently, John Rawls argued that global stability and some basic commitment to human rights requires that affluent nations have duties to assist peoples “burdened by unfavorable conditions,” conditions to be sure that on Rawls’ view are largely the product of such peoples’ own making.⁵⁴ Against Rawls, Thomas Pogge, among others, assigns much more exacting responsibilities to members of affluent nations, claiming that they (and the international economic arrangements from which they benefit) are responsible for much of the degradation experienced by impoverished peoples world-wide.⁵⁵

Pogge’s work itself has occasioned much response. Theorists close to Rawls, like Thomas Nagel, have argued that whatever general humanitarian obligations affluent peoples may have to provide global social and economic assistance to the world’s poor, these cannot be a matter of strict justice, for that remains confined to the bounds of a legitimate state, where any governmental reallocation of wealth is

⁵¹Jonathan Rée, “Cosmopolitanism and the Experience of Nationality,” in *Cosmopolitics: Thinking and Feeling beyond the Nation*, ed. Pheng Cheah and Bruce Robbins (Minneapolis, MN: University of Minnesota Press, 1998), 88. In the same volume, Kwame Anthony Appiah advances a similar understanding of cosmopolitanism, one that against “the desire for global homogeneity” characteristic of humanistic universalism “celebrates the fact that there are different local human ways of being.” See “Cosmopolitan Patriots,” in *Cosmopolitics*, 91–114, especially 94.

⁵²See, for instance, Garrett Hardin, “Lifeboat Ethics: The Case against Helping the Poor,” *Psychology Today* 8(September 1974).

⁵³Peter Singer, “Famine, Affluence, and Morality,” *Philosophy and Public Affairs* 1, no. 1 (Spring 1972): 229–243.

⁵⁴*The Law of Peoples*, 105–120.

⁵⁵Thomas Pogge, *World Poverty and Human Rights*, 2nd ed. (Cambridge: Polity Press, 2008).

accountable to the consent of a taxpaying citizenry.⁵⁶ Conversely, Martha Nussbaum argues that the depth of poverty world-wide is so vast that appeal to standards of reciprocal justice is pointless and must be supplanted by attention to basic human needs and to the capability of all peoples to lead fulfilling lives.⁵⁷ Simon Caney has also argued for an account of global redistributive justice that goes beyond considerations of reciprocal justice, focusing, however, not on needs and capabilities but on the apparent fact that the good or ill-fortune experienced by people world-wide is largely a matter of luck and so cannot be deemed a legitimate entitlement.⁵⁸

Hegel would agree with elements of many of these positions, something noted as well by authors of this volume. His critique of philanthropic cosmopolitanism notwithstanding, he did espouse a moral universalism that would support, as Lydia Moland argues, some commitment to the well-being of humanity generally. In this respect, Hegel's position would have affinities with those of Caney, Nussbaum and Singer. On the other hand, any robust account of distributive justice from a Hegelian standpoint would likely be restricted to membership in a social order where relations of rights, duties, and their relationship are more clearly specified. As Hegel made clear in his account of civil society, it is in societies characterized by a "system of all-round interdependence"⁵⁹ that welfare entitlements have their place, a point emphasized here as well by Moland and Stillman. Yet if Hegel himself restricts matters of distributive justice to established domestic economies, there is nothing to say, *pace* Nagel, that they need be restricted just to those societies. Indeed, given that the global economy has now created a world-wide interconnected economic system or "scheme," it is fully permissible to rework Hegelian insights for global application.

In this regard there are affinities between Hegel's position and that of Pogge. Yet what distinguishes Hegel's position is that it fashions an account of social justice by way of recognition theory.⁶⁰ For Hegel, the autonomy and self-identity of one individual, be it a person or a people, depends on its recognition by another. Such recognition is meaningful, however, only if it is freely provided; the freedom of one depends on the freedom of the other. Freedom, for Hegel, is a positive as well as negative concept.⁶¹ It encompasses not just formal opportunities to pursue

⁵⁶Thomas Nagel, "The Problem of Global Justice," *Philosophy and Public Affairs* 33, no. 2: 113–47.

⁵⁷Martha Nussbaum, "Beyond the Social Contract: Capabilities and the Global Justice," in *The Political Philosophy of Cosmopolitanism*, ed. Gillian Brock and Harry Brighouse (Cambridge: Cambridge University Press, 2005), 196–218.

⁵⁸Simon Caney, "Cosmopolitanism and Justice," in *Contemporary Debates in Political Philosophy*, ed. Thomas Christano and John Christman (London: Wiley-Blackwell, 2009), 387–407.

⁵⁹*PR*, §183.

⁶⁰I first addressed this point in Chapter 11 of *Dialectics, Politics, and the Contemporary Value of Hegel's Practical Philosophy*, 216–7; see also 30.

⁶¹Hegel, *Vorlesungen über Naturrecht und Staatswissenschaft*. Heidelberg 1817/18, transcribed P. Wannenmann, ed. C. Becker et al. (Hamburg: Felix Meiner, 1983), §118.

chosen interests but conditions for freedom's actual exercise, i.e., the capacity to express and realize oneself in fact in the circumstances of one's existence. An individual can effectively exercise such freedom, however, only if he/she has access to the requisite resources. Hence, to the extent that one individual or community depends for its autonomy on the free recognition and the autonomy of others, it must also be prepared to assist with the resources enabling a people to engage in the self-expression central to that autonomy. Such assistance, to be sure, cannot be unlimited, as this would undermine the autonomy of the originating subject. Still, on the basis of a recognition theory answerable to a notion of reciprocity, some reallocation of wealth is, from a Hegelian perspective, not only allowed but required.

Hegel's position can be compared to that of Martha Nussbaum, something undertaken in this volume by Thom Brooks. Rejecting any abstract separation of negative and positive liberties, Hegel could well support a capabilities approach, committed as it is not just to basic rights but to resources required for human functioning. On the other hand, Hegel's basis for supporting such an account of justice would not derive from an abstract and, for him, motivationally unconvincing commitment to human fellowship, such as the Grotian universalism espoused by Nussbaum.⁶² Proceeding from recognition theory, Hegel proffers a more direct justification: support for the well-being of another is a condition for one's own well-being. Rephrasing Hegel's "commandment of right"⁶³: one can be a person oneself only in supporting the personhood of others.

In terms of mechanisms for such support, Hegel, like Nussbaum, would favor institutional remedies rather than, say, those that rely on philanthropy or the initiative of private individuals. Given the systemic nature of the problems, the solutions must themselves be pursued at a structural level, a point he makes in his general analysis of modern civil society. Yet such institutionalism would not focus on the centralized, top-down solutions advocated by some proponents of global redistribution. An Hegelian approach would be one that proceeds instead from the self-understanding and agency of those directly affected by global poverty. Only an approach that attends to endogenously generated solutions is compatible with an account of global social justice committed to principles of recognition. Authors of this book give various examples of such an approach. Clark Butler proposes bilateral economic relations between developed and developing countries that rely only minimally on regulatory agencies like the WTO and the IMF. Lydia Moland calls for engaging indigenous groups and for lending practices that directly empower affected groups or those traditionally excluded from the international banking system. Other measures might include extending to members of developing countries group rights committed to collective self-determination.

To reject centralized solutions is, to be sure, not just to opt for local solutions. Given the way in which local problems themselves are so inextricably intertwined with the global economic order, any redress will require transnational initiatives

⁶²Martha Nussbaum, "Beyond the Social Contract: Capabilities and Global Justice."

⁶³*PR*, §36.

as well. For this, as Hicks notes, those affected by global poverty will likely have to participate in regional bodies and transnational alliances that can effectively influence global economic policies. Such entities would represent global analogues to the estates and corporate cooperatives—discussed here, respectively, by Kowalski and Stillman—that, for Hegel, were required for effective political representation in polities of the scope and scale of modern states. Such entities might work to reform global regulatory institutions, to obtain more bargaining power for developing countries, to argue for a greater voice in global resource distributions, and to advocate *inter alia* for labor rights, environmental regulations, and rights for indigenous peoples. Given both the dominance of market-based approaches to globalization and the neo-liberal predilections of entities like the IMF and the WTO, such measures face, as Stillman notes, an uphill battle. Yet for a theory that seeks to empower the agency and self-understanding of those affected, intermediate associations and organizations of this nature must certainly play a role.

11.5 Global Community

These considerations occasion a general comment on Hegel's view of global community and a global world order. As suggested, Hegel's would be a highly mediated account of a global community. In keeping with his conception of a legitimate domestic polity ("an articulated whole whose parts themselves form particular subordinate spheres"⁶⁴), an account of global community would also subsist in its differentiated, pluralistic, and polyarchic constitution. This is also consonant with a law of peoples comprised of nation-states whose very sovereignty is conceived in terms of transnational interdependencies. In this regard Hegel's idea of a global community would have affinities, as Steven Hicks emphasizes in his contribution, with the institutional structures of the European Union, its current problems notwithstanding. The idea of divided and limited sovereignty, commitment to the principle of subsidiarity, and an account of transnational interconnectivity rooted, historically and structurally, in the interests and self-understanding of member states would all be consistent with Hegel's conception of an internally differentiated political community.⁶⁵

Yet it is also important to appreciate the uniqueness of an Hegelian account of global community. As noted earlier, the true, for Hegel, connotes that which is valid not only "in itself" but "for itself" as well—not just for a theoretical observer but for the subject matter itself. In the present context, we might say that global community is not simply that which is internally differentiated but that which subsists in the

⁶⁴G.W.F. Hegel, *Political Writings*, ed. Zbigniew Pelczynski (Oxford: Oxford University Press, 1964), 263.

⁶⁵For a discussion of the European Union from the perspective of legal and political theory, see Neil MacCormick, *Questioning Sovereignty: Law, State and Nation in the European Commonwealth* (Oxford: Oxford University Press, 1999).

consciousness of commonality on the part of the diverse and differently situated persons and peoples comprising it. Indeed, such internal self-reflexivity, facilitated by the structural differentiations noted above, is central to an Hegelian account of a differentiated global community.

That globality is decisively linked to a consciousness of globality is something that has been stressed by prominent analysts of globalization.⁶⁶ For Hegel, such consciousness of globality—we employ here his concept of a “self-apprehending totality”⁶⁷—is expressed and concretized in at least three ways, all rooted in recognition theory: (1) through an awareness on the part of persons and peoples world-wide that their identities are intertwined with the identities of others, an awareness that in turn conduces to enlarged and intersubjectively mediated modes of individual self-consciousness; (2) through an acceptance and internalization on the part of persons and peoples world-wide of the norms and values forged in increasingly obligatory processes of global interchange; and (3) through a growing awareness on the part of the world’s persons and peoples of the conditions for their shared commonality.

Predicated as it is on an awareness of interdependency, a global self-consciousness also implies a commitment to address the problems confronting shared humanity. The issue of global poverty has been addressed above, but others include environmental degradation, financial crisis, and—as with Hegel’s claim that states “cannot be indifferent to the internal affairs” of others⁶⁸—some limited commitment to humanitarian intervention. In addition, a global self-consciousness entails a readiness to fashion and maintain the mechanisms needed for attention to globally shared problems. Central here is the functioning global public sphere that Paul Cobben argues must be a part of a postnational global order.⁶⁹

Further, a global self-consciousness entails commitment to principles of multi- and interculturality, a theme also addressed by Cobben in his essay. Central to a notion of global self-consciousness, as Thom Brooks asserts with regard to a recognitive account of community, is not simply the *fact* of common identity but the self-consciousness of such commonality. For Hegel, however, self-consciousness of shared identity is itself not fully intelligible without an appreciation of diversity, that presupposed in the very notion of shared identity. Global self-consciousness is also an affirmation of difference, and indeed as an element constitutive of self-consciousness itself.

Finally, since a sense of commonality rooted in heterogeneity bars any full harmonization of interests and perspectives, a global self-consciousness of commonality remains more an object of aspiration than a realizable end. As such,

⁶⁶See Roland Robertson, *Globalization: Social Theory and Global Culture* (London: Sage, 1992), especially 97–114.

⁶⁷*Lectures*, 65.

⁶⁸*PR*, §331.

⁶⁹See also Jürgen Habermas, “Why Europe Needs a Constitution,” *New Left Review* 11 (Sept-Oct 2001): 18.

however, it takes the form not of a regulative ideal or a counterfactual norm but a shared recognition that global commonality itself subsists in the ongoing reflection, by diversely situated persons and peoples, on the conditions of commonality itself.

Global commonality, for Hegel, is as much as anything a cultural phenomenon. At issue is indeed *Weltgeist* rather than *Weltstaat*. What Hegel said about right generally applies as well at the global level: its realization and maintenance depends on a facilitating ethos and an account of ethical life. This, too, is a component of an Hegelian account of global justice. As we have seen, however, a notion of global ethicality itself depends on structures of recognition. Not only do processes of recognition forge globally shared norms and values, and not only do they give rise to notions of shared identity that in turn entail commitment to globally fashioned shared ends; a common commitment to the values of openness, revisability, and futurity central to a full account of globality is itself a feature of a notion of community sustained in ongoing recognitive struggles.⁷⁰

11.6 Conclusion

In recent years more and more consideration has been accorded the value of Hegel's theory of recognition for comprehending issues in social and political thought. Much of this attention has focused on issues of recognition and misrecognition as they bear on the identity and relationship of individual persons. In this chapter I have explored features of Hegelian recognition theory as they pertain to international law and to Hegel's "law of peoples." In doing so, I have focused on his notions of political sovereignty, cosmopolitanism, global distributive justice, and global community. My aim has been to demonstrate how Hegel can be considered a rich and distinctive theorist of global justice—something that, as others in this volume note, has not been sufficiently appreciated. But my aim as well has been to clarify the value of Hegel and recognition theory generally for the ongoing discourse on global justice.

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⁷⁰Cf. Bhikhu Parekh, "Principles of a Global Ethic," *Global Ethics and Civil Society*, ed. J. Eade and D. O'Bryne (Aldershot: Ashgate, 2005), 15–33.

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