

# HEGEL ON INTERNATIONAL RECOGNITION

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*Abstract:* Scholars have recently argued that Hegel posited international recognition as a necessary feature of international relations. My main effort in this article is to disprove this point. Specifically, I show that since Hegel rejected the notion of an international legal system, he must hold that international recognition depends on the arbitrary will of individual states. To pinpoint Hegel's position, I offer a close reading of Hegel's intricate formulations from the final paragraphs of the *Philosophy of Right*—formulations that are easy to quote out of context just as they are transparent when considered in due context.

At the center of Hegel's doctrine of international relations stand his notions of international law and international recognition. In classic as well as recent literature, there has been wide agreement that Hegel was skeptical about the establishment of an international legal system.<sup>1</sup> However, many scholars argue that he posited international recognition as a necessary feature of international relations. In a recent volume dedicated to the subject of *Hegel and Global Justice*, for instance, Andrew Buchwalter drew on Hegel's *Philosophy of Right* to argue that for Hegel "a particular community must recognize communities other than itself" and that "a particular community must also *be recognized* by another community."<sup>2</sup> In what follows, I will attempt to nuance the first point and disprove the second. Arguing against Buchwalter's interpretation will provide me with an opportunity to spell out the key elements of Hegel's theory of international recognition.

My main thesis will be that Hegel's verdict on international recognition hinges on his rejection of the notion of an international legal system. I will accordingly begin by arguing (1) that since Hegel explicitly rejects the notion of an international legal system, he must hold that international recognition depends on the arbitrary will of individual states. Since it depends on arbitrary will, international recognition remains at the level of a mere possibility. I will then proceed (2) to show that in the final paragraphs of the *Philosophy of Right* Hegel explicitly argues that international recognition is never a necessity.<sup>3</sup> In order to pinpoint Hegel's position, I will comment on Hegel's intricate formulations in these paragraphs; formulations that are easy to quote out of context just as they are transparent when considered in due

context. I will then conclude with (3) a short remark on what Hegel labels the tendency towards cultural unity under the hegemony of spirit.

(1) *That International Law is an “Intellectual Fantasy”*

International relations are for Hegel fundamentally “unstable.”<sup>74</sup> The “broadest view of these relations,” he claims, “will encompass the ceaseless turmoil not just of external contingency, but also of passions, interests, ends, talents and virtues, violence, wrongdoing, and vices in their inner particularity.”<sup>75</sup> Hegel is almost Machiavellian when he describes how states are not bound by any sort of law nor by the precepts of morality but act solely in their own self-interests. The “welfare” of the state, he affirms, “is the supreme law for a state in its relations with others.”<sup>76</sup>

Hegel’s harsh conception of international relations hinges on his skepticism with regards to the establishment of a legal system with capacities to legislate, implement and enforce laws at the international level. In the absence of such a system, all the vicissitudes of contingency and particularity Hegel listed above are set to run loose. But the interesting point in this context is that Hegel does not claim that international law does not exist at all. Rather, he argues that it exists in a specific modality. In his words, international law exists in the form of an *ought*: “International law applies to the *relations* between independent states. What it contains *in and for itself* therefore assumes the form of an *ought*, because its actuality depends on *distinct and sovereign wills*.”<sup>77</sup>

In Hegel, the term “*ought*” (*Sollen*) is a technical term. It designates an unrealistic normative demand. Hegel is especially clear on the meaning of this term in the *Phenomenology*, where he defines the “*ought*” as the modality of being of “what only *ought* to be, but is not.” In the same place, Hegel continues to argue that what only “*ought*” to be “has no real truth” and that reason will do well not to allow itself to be led into error by such “intellectual fantasies.”<sup>78</sup> In other words, that something “*ought*” to exist means that it does not exist but that it is nonetheless demanded or expected to exist. In the *Encyclopedia Logic*, to boot, Hegel notes that the “*ought*” is “perennial” or presents itself “as the *endless progression*.”<sup>79</sup> In the manner of a regulative idea in the field of normativity, the “*ought*” is an unrealistic demand that drives to action but can never be satisfied.<sup>10</sup>

Hegel’s point accordingly is not simply to argue—in the manner of a Hobbes or a Montesquieu—that international relations are always in a state of nature<sup>11</sup> or that they are inherently “governed by force.”<sup>12</sup> Rather, it is to emphasize the discrepancy between the appearance and the reality of international relations. To grasp Hegel’s position, let us concentrate on why Hegel considers international law to be a mere intellectual fantasy. This question can be divided into two subordinate questions: (a) What is implied in the demand for international law? (b) Why can this demand never be satisfied?

## HEGEL ON INTERNATIONAL RECOGNITION

In his discussion of Hegel's conception of the contract, Jean-François Kervégan argues that for Hegel contracts, and in general what Hegel refers to as abstract right, "play a fundamental role in structuring" the sort of economic competition that takes place between individuals within civil society. Kervégan labels this structuring process "the contractualization of the social."<sup>13</sup> The demand for international law can be grasped in similar terms as the project of extending the rule of law to the international level so that contracts and abstract right may play an equally fundamental role in structuring the competition that exists between states. It is thus possible to label the demand for international law a demand for the contractualization of the international. In contemporary terms, this is a demand for the judicialization of international relations. That Hegel has this in mind when he discusses the demand for international law is evident from his position that the "principle of *international law*" is the demand that international treaties be observed since they possess, as Hegel notes explicitly, "the formal nature of *contracts* in general."<sup>14</sup> The principle of international law, or the demand that international treaties be regarded as binding contracts, is hence a demand to reproduce on the international level the sort of legality that already regulates the interpersonal level.

The demand for international law is accordingly based on an analogy between private persons and states. For this reason, it is easy to imagine the establishment of an international legal system with an authority to adjudicate between states; a vision Hegel explicitly attributes to Kant's idea of a perpetual peace.<sup>15</sup> It is easy to do so since it is not necessary to imagine anything radically new but simply to apply the principles governing interpersonal relations to the field of international relations. From a Hegelian perspective, moreover, international law is not only easy to imagine, it also appears to make very good sense. Insofar as Hegel holds that right or law (*Recht*) is the foundation of modern sociality in general; insofar as it is the foundation of the entire sphere of objective spirit whose categories are duly discussed in a *Philosophy of Right* (*Philosophie des Rechts*), what could appear more fitting than to establish an international court of law, supported by an international legal system, that would adjudicate cases in which states claim rights or accuse other states of infringing their rights?

But for Hegel, the demand for international law can never be satisfied because the analogy between private persons and states is by no means a complete analogy between fully comparable objects.<sup>16</sup> In fact, Hegel dedicates the better part of the first sections of his discussion of international law to the elaboration of the thesis that states "are not private persons."<sup>17</sup> In spite of many similarities, the decisive difference between a person and a state is that a person depends on other persons, whereas a state is independent of other states. It is important to stress that the sort of dependence Hegel has in mind when speaking of the dependence of persons is what could be referred to as spiritual dependence. It is not merely the sort of material dependence

## IDEALISTIC STUDIES

on the products of a social division of labor that one finds in Plato's discussion of the origin of the state in the *Republic*.<sup>18</sup> Rather, it is a dependence on wider social relations that are required for the development and expression of the various potentials of human subjectivity. Hegel explicitly notes that "it is only through being a member of the state that the individual himself has objectivity, truth, and ethical life."<sup>19</sup> By contrast, states are "completely independent totalities."<sup>20</sup> Of course, Hegel holds that states depend on their components. States rely for instance on a flourishing civil society and on those individuals that find within them the sort of objectivity and truth that Hegel mentioned. But states do not rely on other states. This independence with regard to its exterior is what makes the state, as Hegel puts it emphatically, "the absolute power on earth."<sup>21</sup>

For this reason, Hegel argues that there "is no praetor [i.e., judge] to adjudicate between states."<sup>22</sup> If the state is independent, then it is not subject to any higher authority. In this context, it is accordingly crucial that we do not to take Hegel's point as a mere assertion. Rather than stating a matter of fact, Hegel's words should be understood in the categorical sense, stating that there *can* be no authority to adjudicate between states. At the same time, it is also important to note that Hegel does not exclude cases of non-binding international arbitration or mediation.<sup>23</sup> From a Hegelian perspective, one cannot rule out the existence of an international court of arbitration if the latter is understood as an instance which arbitrates or mediates between states that are either willing to submit to it or have been forced to do so. But this would not amount to adjudication since the resolutions of such an establishment would have no binding status over a state who is both unwilling and strong enough to resist it. In this case, the decisions of an international court of arbitration could at best have the status of a recommendation. The same also goes for international treaties; they too can have no binding status. In Hegel's words, "whether based on moral, religious, or other grounds and considerations," treaties "would always be dependent on particular sovereign wills."<sup>24</sup> In other words, treaties can be broken as there is nobody there to enforce them.

From the absence of an international legal system and from the independence of states follows another crucial consequence, namely that states do not have rights. In Hegel's terms, state rights are "rights that lack genuine actuality."<sup>25</sup> In cases where one person claims right and another claims the infringement of right, a judge is supposed to determine which claim corresponds to a right. But where adjudication is impossible, there can be no authority to determine whether a particular claim falls under a universal right. Under these conditions, claims remain claims. Justifications brought forward by the different parties in order to support their claims would be insufficient by definition.<sup>26</sup> This means that in the international level, just like in the sphere of morality for instance, claims can be "united only as a *contradiction*" and "solutions, within this sphere, can only be *relative*."<sup>27</sup> All

## HEGEL ON INTERNATIONAL RECOGNITION

this is simply another way to affirm that independent states are not subject to any authority that can make international right “a necessary actuality” by means of legislation, education and enforcement.<sup>28</sup>

From this line of reasoning follows an interesting implication that Hegel does not state explicitly. Given that states do not have rights, and given that the will of a state—as we already noted—is nothing more than “its own *welfare* in general,”<sup>29</sup> it follows that when a state claims a right, what it really does is to express its interests in the language of legality.

Lastly, we note in consequence that for Hegel states do not even have the right to exist. The independence of states, which denies them the status of subjects of law, is in this sense a double-edged sword that enables their potential demise by way of external aggression. For Hegel, the fate of states is therefore left to be determined by what are in legal terms pure contingencies: force, persuasion, caprice. But from the perspective of world history, Hegel argues, this precarious predicament is necessary. That states do not even have the right to exist; that “in this turmoil, the ethical whole itself—the independence of the state—is exposed to contingency”; all this produces the sort of historical dynamism that allows for old states with underdeveloped state institutions to be replaced by new states with more advanced state institutions. In other words, it allows for the progress Hegel finds in world history. This necessity, albeit contestable from a non-Hegelian viewpoint, functions as a retrospective metaphysical justification for the absence of international law.

To summarize this section, we note that for Hegel the demand for international law relies on an analogy between private persons and states. But since this is in fact an incomplete analogy, we cannot infer from it that states, like private persons, are subjects of law. The demand for international law consists accordingly in projecting the concept of right between spiritually dependent persons outside its field of application and into the field of spiritually independent states—where it does not belong. For this reason, the demand for international law cannot be satisfied. It is what Hegel would refer to as an “intellectual fantasy.”

### *(2) That International Recognition Depends on Arbitrary Will*

Insofar as recognition is not guaranteed by a legal system, it cannot have the status of what Hegel refers to as a necessity. Hegel makes this point implicitly when he affirms that the state makes interpersonal recognition into “a necessary actuality” by means of legislation, education and enforcement.<sup>30</sup> Since there is no institution that can perform equivalent functions on the international level, namely, since Hegel explicitly rejects the notion of an international legal system, it follows that international recognition remains at the level of a mere possibility.

This conclusion also emerges from Hegel’s discussion of international recognition in the concluding paragraphs of the *Philosophy of Right* and

in parallel section from the *Lectures on the Philosophy of Right*. However, Hegel's phrasing in these pages as well as his choice of words are rather intricate. This makes quoting him out of context very easy. In order to pinpoint Hegel's position, a close reading of these passages will be required. In doing so, I will concentrate on two questions: (a) Must states be recognized as states by other states? (b) Must states recognize other states as states?

To accurately capture Hegel's position, we turn to his remark to § 331 from the *Philosophy of Right*. Hegel begins his remark by suggesting that "the state can no more be an actual individual than an individual can be an actual person without a relationship with other persons (see § 322)."<sup>31</sup> This point has been read by Robert Williams, for instance, as suggesting the sort of analogy between interpersonal and international relations that Hegel in fact rejects. It was read as suggesting that states depend on some sort of positive relation of recognition vis-à-vis other states.<sup>32</sup> However, when we turn to § 322 we see that the relation Hegel is referring to in § 331 is not a positive relation of recognition but rather a relation of independence. Individuality, he notes in § 322, "appears as the relation to other states, each of which is independent in relation to the others."<sup>33</sup> In other words, Hegel's point in § 331 is that the state cannot be an individual without a relation of independence to other states. That this is Hegel's position is further confirmed by his suggestion in the same context that "the legitimacy of a state [. . .] is a purely internal matter."<sup>34</sup> With respect to the suggested analogy between states and private persons, we need not accord it too much weight. We already know from numerous other passages that states are much more independent than private persons. The analogy, again, is accordingly incomplete.

Attention should also be accorded to another segment, this time from Hegel's *Lectures on the Philosophy of Right*. In the relevant section, Hegel opposes his thoughts to the following view that he attributes to Napoleon: "the Republic no more requires [*bedarf*] recognition than the sun needs [*braucht*] to be recognized." Hegel then declares that "the state is for itself but it must [*muß*] also be for others, it must [*muß*] therefore be recognized."<sup>35</sup> It appears that these words led Buchwalter to argue that for Hegel "a particular community must also *be recognized by another community*."<sup>36</sup>

To get a better grasp on the precise meaning of Hegel's assertion, which is by no means self-evident, it is crucial to understand how Hegel uses the word "must" in this context. In my interpretation, Hegel's use of the word "must" should not be grasped as denoting an objective necessity. In other words, international recognition should not be grasped as a necessary condition for the existence of states. Rather, Hegel's use of the word "must" should be taken colloquially as a synonym for "require" and "need" (think of the phrase "I must have coffee" that may be colloquially used as a synonym for phrases like "I want coffee" or "I need coffee"). A more exact formulation of Hegel's position would accordingly be that international recognition is

## HEGEL ON INTERNATIONAL RECOGNITION

something that states “need” or “require” but not something on which their very existence is premised.

This interpretation seems plausible for three main reasons. First, after asserting that the state “must” be recognized, Hegel explicitly notes that the question of international recognition is not a matter of “the mere existence of the state.”<sup>37</sup> Not being a matter of the mere existence of states, international recognition cannot be a necessary condition for their existence. Second, it is plausible by virtue of the historical context of Hegel’s example. Surely, Hegel was well aware that the nascent French republic existed throughout its revolutionary and imperial phases despite the refusal of European monarchies to recognize its legitimacy. This being the case, Hegel could not have thought of international recognition as a necessary condition for its existence. It is worth noting in this context that Hegel’s general model of a state without proper international recognition is the French Republic, for which Hegel had considerable admiration. This is a point to keep in mind, since the French model fares far better with Hegel’s theses about the contingent status of international recognition than contemporary examples of unrecognized or barely recognized states such as South Ossetia or Transnistria, which might strike the modern observer as anything but self-sufficient. Third, from a broader philosophical perspective, thinking of international recognition as a necessary condition for the existence of states runs contrary to Hegel’s general notion that states are spiritually independent. Insofar as states are independent, their existence cannot depend on recognition granted by other states.

For this reason, it is not the case that states “need” international recognition as air is needed for breathing. The sense of “need” here is much weaker. But it should still be strong enough for the opposition between Hegel and Napoleon to make sense. In this context, I suggest that saying that the state “must” be recognized—or saying that it “requires” recognition or that it “needs” it—are no more than different ways of saying that states “ought” (in Hegel’s sense of the term) to be recognized or that they necessarily demand to be recognized. Against Napoleon, Hegel affirms that international recognition should not be a matter of political indifference. In the language of Napoleon’s metaphor, Hegel notes that the French republic is not “the sun.” The republic should solicit international recognition since, as we noted earlier, the latter would be beneficial for it. But Hegel never argues that international recognition has the status of a necessity.

Before continuing to discuss our second question, we may conclude in the interim that although Hegel answers the question of whether states “must” be recognized in the affirmative, this verdict has to be qualified in the aforementioned sense because in the relevant context Hegel does not use the word “must” in the strong sense of the term.

We now turn to the question of whether states must recognize other states. In this case, we use “must” in the habitual sense of denoting objective

necessity. To this question, which is accordingly whether states are under any sort of strict obligation to recognize other states, Hegel answers in the negative. This is already evident from his rejection of the notion of international law. But it is also explicit in § 331, where Hegel begins his discussion of international recognition by stating that states have a “primary and absolute entitlement” to be regarded as a “sovereign and independent power *in the eyes of others*, i.e., *to be recognized by them*.”<sup>38</sup> Again, Hegel’s remark seems at first to contradict his thesis that states do not have rights. But Hegel is quick to correct this impression by affirming that “this entitlement is purely formal, and the requirement that the state should be recognized simply because it is a state is abstract.”<sup>39</sup>

Hegel calls the demand for recognition abstract for two main reasons. First, it is abstract because when states demand to be recognized, they claim a right that is no right. As we already know from the last section, what states really do in this case is to express their interest to be recognized in the language of legality. But Hegel also calls this demand abstract because he considers that in the absence of international law international recognition is a mere possibility that depends, as he puts it, “on the perception and will of the other state.”<sup>40</sup> In other words, it is only arbitrary recognition. States are under no constraint to recognize each other and may very well refuse to do so. In § 332, Hegel repeats this point by stating that international relations “are determined by the independent arbitrary wills of both parties.”<sup>41</sup> From this we infer that just like all other international relations, international recognition stands or falls on (what are from a legal viewpoint) contingent decisions made by a particular will.

In §§ 338–339 of the *Philosophy of Right*, Hegel’s phrasing is again quite complicated. In § 338, Hegel affirms that the “fact that states reciprocally recognize each other as such remains, even in war—as the condition of rightlessness, force, and contingency—a bond whereby they retain their validity for each other in their being in and for themselves.”<sup>42</sup> By affirming that international recognition is a bond that can endure even in war, the most brutal of international relations, this statement seems to run contrary to what has preceded. In his lectures, this statement is coupled with what seems to be Hegel’s predication that modern wars will be “waged in a humane manner”;<sup>43</sup> a prediction scholars usually cite in order to point to Hegel’s shortsightedness with regard to the horrors of modern war. But in the following paragraph, § 339, Hegel corrects the impression made by these remarks by arguing that “otherwise” (*sonst*)—that is, if the fact that states reciprocally recognize each other as such does not remain—“the conduct of states towards one another in wartime [. . .] will depend primarily on national *customs*, for these are the universal aspect of behaviour which is preserved under all circumstances.”<sup>44</sup> Hegel is thus firm on his verdict that even if international recognition has been established, there always exists a possibility that it may one day be

## HEGEL ON INTERNATIONAL RECOGNITION

withdrawn. A similar reserve obtains with regard to Hegel's remark on the humane character of modern wars. It is only a possibility; not a necessity.

From what has preceded, and especially from the fact that states do not have a right to be recognized, it follows that international recognition is always dependent on the particular will of states and individuals. In other words, international recognition never attains the status of a necessity.

### *(3) Remark on the Hegemony of Spirit*

Before concluding, a short remark on Hegel's concept of the hegemony of spirit. Against my interpretation, which wishes to emphasize Hegel's understanding of international relations as inherently "unstable," it may be noted that in his *Philosophy of World History*, Hegel argues that modernity brings with it an international tendency (*Richtung*) towards cultural unity under the hegemony of spirit.<sup>45</sup> Hegel's vision may certainly be interpreted as an optimistic prediction about the way in which international conflicts may be mitigated by means of cultural rapprochement. Pushing this optimism to the limit, it is even possible to speculate that Hegel did not rule out a situation in which wars would be replaced, for instance, by mere conflicts of interests or by what we refer to today as trade wars. My intention in this article is not to deny this potential. Hegel clearly believed that individual states are immensely and positively influenced by the hegemonic tendencies of spirit. But given, as we have already seen, that for Hegel law plays no role in structuring competition between states, it is equally crucial to note that: (a) despite the immense influence of international cultural hegemony, alignment with it does not constitute a necessary condition for the existence of states; (b) even under what Hegel refers to as the hegemony of spirit, international relations will still be underpinned by an implicit threat of an eventual use of force.

The tendency of history as Hegel perceived it is thus destined to reduce the frequency and severity of international hostilities. But a general tendency is not a rule without exceptions. For Hegel, international recognition will proliferate as a general rule. But in the individual case, nothing is written in stone. Insofar as Hegel does not hold that the pathologies of international relations can be done away with once and for all, the threat of an outbreak of international hostilities remains an invariable feature of any system of international relations. Accordingly, international relations (including cognitive ones) remain necessarily contingent—spots of inherent "rightlessness"<sup>46</sup> within a political sphere which is by and large regulated by right.

### *(4) Conclusion*

In this exposition of Hegel's conception of international recognition, my argumentation obeyed the following line of reasoning. Since necessary recognition depends on the establishment of a functioning legal system; and since Hegel explicitly rejects the notion of international law, it follows that for

## IDEALISTIC STUDIES

Hegel international recognition stands or falls on mere contingency. That this line of reasoning corresponds to Hegel's actual position was later made clear with reference to the relevant sections from the *Philosophy of Right*. This is also the place to note that since recognition and law are interdependent, the inference works just as well in the opposite direction. It would have equally been true to argue that insofar as Hegel denies the status of a necessity to international recognition, international law can only have the status of an unrealistic demand.<sup>47</sup>

On a final note, it is worth stressing that, for Hegel, the task of political philosophy consists among other things in properly identifying the precise coordinates within the system of objective spirit where arbitrariness or contingency cannot be dispelled; where they are wired into the system, so to speak. In Hegel's words, the task of political philosophy is to show that "whatever is by nature contingent" suffers "this fate" by necessity.<sup>48</sup> In Hegel's eyes, properly identifying these inherent deficiencies in the political sphere allows the philosopher to deny necessity to transient political institutions such as tyranny or slavery and hence anticipate their demise in places where they still exist. By the same token, this task implies philosophical skepticism in face of what Hegel believed to be "intellectual fantasies"—such as Kant's vision of a perpetual peace—that portray invariable features as if they were transient.

Whether Hegel had good criteria to tell apart the invariable from the transient and whether we should follow him in the judgments he made are questions of an utterly different nature than the ones I could address in this framework. But what should be emphasized in conclusion is that in contradistinction to what has often been seen as Hegel's commitment to grant a necessary status to international recognition, and in due tension with his idea of a prospective hegemony of spirit, Hegel's verdict on international relations is only relatively optimistic. I may only suggest that contemporary philosophers will do well to follow Hegel on this point. They will do well not to regard world peace, which is the desired state of affairs, as natural or necessary. In my eyes, quite on the contrary, appreciating the contingency and evasiveness of this desideratum is key to taking the proper measures to eventually achieving and preserving it.

# HEGEL ON INTERNATIONAL RECOGNITION

## Notes

1. Two classics in this vein are Eric Weil's *Hegel et l'état* (Paris, 1950) and Shlomo Avineri's *Hegel's Theory of the Modern State* (Cambridge (UK), 1972).

2. Andrew Buchwalter, "Hegel, Global Justice and Mutual Recognition," in *Hegel and Global Justice*, A. Buchwalter (ed.) (Dordrecht, 2012), 214–215. Similar positions may be found in: Steven V. Hicks, "Hegel on Cosmopolitanism, International Relations and the Challenges of Globalization," in *Hegel and Global Justice*, 21–47; Steven V. Hicks, *International Law and the Possibility of a Just World Order: An Essay on Hegel's Universalism* (Amsterdam and Atlanta, 1999); Hans-Martin Jaeger, "Hegel's Reluctant Realism and the Transnationalism of Civil Society," *Review of International Studies*, vol. 28, no. 3 (2002) 497–517; Athanasios Gkoutzioulis, 'Challenging the association of Hegel with political realism: the contribution of Hegel's methodological insights to a critique of realism and a richer understanding of war and statehood,' *Journal of International Relations and Development* (2019), 1–26; Andrew Vincent, "The Hegelian State and International Politics," *Review of International Studies*, vol. 9, no. 3 (1983), 191–205; Robert Williams, *Hegel's Ethics of Recognition* (Berkeley, 1997); Erik Ringmar, "The Relevance of International Law: A Hegelian Interpretation of a Peculiar Seventeenth-Century Preoccupation," *Review of International Studies*, vol. 21, no. 1 (1995), 87–103; Eugene Fleischmann, *La philosophie politique de Hegel* (Paris, 1964); Klaus Vieweg, "Das Prinzip Anerkennung in Hegels universalistischer Theorie des äußeren Staatsrechts" in *Metaphysik in der praktischen Welt. Perspektiven im Anschluß an Hegel und Heidegger* (Amsterdam, 2000), 23–40.

3. When arguing that international recognition is not a necessity, I mean (1) that it is not a necessary condition for the full actualization of spirit. But since, for Hegel, necessary conditions for the full actualization of spirit are bound to be met, I also mean (2) that international recognition does not enjoy such a status. There is no necessity in its existence, which is for this reason a mere possibility.

4. G.W.F. Hegel, *Elements of the Philosophy of Right* (Cambridge (UK) 1991), 371 (GW26.3, 1476).

5. Ibid, 371 (GW14.1, 272).

6. Ibid, 369 (GW14.1, 271).

7. Ibid, 366 (GW14.1, 269). Nisbet originally translates *Sollen* as "obligation." I preferred the term "ought" in this context since I believe it better translates Hegel's intentions and for the sake of terminological uniformity with Pinkard's translation of the *Phenomenology* and Brinkmann and Dahlstrom's translation of the *Encyclopedia Logic*.

8. G.W.F. Hegel, *Phenomenology of Spirit* (Cambridge (UK), 2018), 147–148 (GW9, 142).

9. G.W.F. Hegel, *Encyclopedia of the Philosophical Sciences in Basic Outline. Part I: Science of Logic* (Cambridge (UK), 2010), 297–298 (GW20, 227).

10. For Hegel, the "ought" in question indicates an ideal, but not a genuinely binding norm since no mechanism exists by which it may be determined and enforced.

11. Thomas Hobbes, *Leviathan* (Indianapolis, 1994), 74ff, 219ff.

## IDEALISTIC STUDIES

12. Charles-Louis de Montesquieu, *The Spirit of the Laws* (Cambridge (UK), 1989), 514ff.

13. Jean-Francois Kervégan, *The Actual and the Rational. Hegel and Objective Spirit* (Chicago, 2018), 101–102.

14. Hegel, *Philosophy of Right*, 368 (GW14.1, 270).

15. Ibid, 368 (GW14.1, 270). “Kant’s idea of a *perpetual peace* guaranteed by a federation of states which would settle all disputes and which, as a power recognized by each individual state, would resolve all disagreements so as to make it impossible for these to be settled by war presupposes an *agreement* between states” (Ibid, 368 (GW14.1, 270)).

16. That this analogy is incomplete simply means that from the similarities between private persons and states we cannot infer that states, like private persons, are also subjects of law. For this reason, Jaeger’s interpretation cannot be upheld: “I argue that civil society can be understood as an analogy to international relations, and as concretely bearing on international relations through its transnationalisation (Jaeger, “Hegel’s Reluctant Realism,” 499). Brooks also saw this point (Thom Brooks, “Hegel’s Theory of International Politics: A Reply to Jaeger,” *Review of International Studies*, vol. 30, no. 1 (2004), 149–152).

17. Hegel, *Philosophy of Right*, 366 (GW26.2, 1039).

18. “Well then as I see it, a state comes into being since each of us is not independent, but actually needs the support of many people. Or what other way of founding a state do you think there is? ‘None,’ he said ‘Right then, by associating with each other, one person in need of another, and another of someone else, we need many people, and after bringing many together into one settlement as associates and helpers, we give this community the name of state, do we not? ‘Certainly.’” (Plato, *Republic*, Volume I: Books 1–5 (Cambridge, MS: 2013), 161 [369b–e]).

19. Hegel, *Philosophy of Right*, 274 (GW14.1, 202).

20. Ibid, 336 (GW26.2, 1039). See also: “As a single individual the state is *exclusive* against *other* such individuals. In their *relationship* to each other, willfulness and contingency obtain, because, owing to the autonomous totality of these persons, between them the *universal* of right only *ought* to be, it is not *actual*.” (Hegel, *Philosophy of Mind* (Oxford, 2007), 245 (GW20, 522)).

21. Hegel, *Philosophy of Right*, 336 (GW14.1, 269).

22. Ibid, 338 (GW14.1, 270).

23. Cassirer’s following point is hence misleading: “It is a mere utopianism [for Hegel] to think that the conflicts between nations could ever be settled by legal means—by international courts of arbitration” (Ernst Cassirer, *The Myth of the State* (New Haven, 1946), 266).

24. Hegel, *Philosophy of Right*, 336 (GW14.1, 269).

25. Hegel, *Philosophy of Mind*, 246 (GW20, 523). This point has many implications that cannot be discussed here. One such implication is that from a Hegelian perspective there could be no such thing as an unjust war. But importantly enough, and against the

## HEGEL ON INTERNATIONAL RECOGNITION

doctrine of *jus ad bellum*—i.e., the right to go to war—there could be no such thing as a just war either.

26. The young Hegel depicts a similar state of affairs in his discussion of the German constitution: “Each party bases its own behaviour on rights and accuses the other of infringing a right. The right of state *A* has been infringed by state *B* in respect of right *a* which state *A* enjoys, but state *B* maintains that it asserted its own right *b* and that this cannot be interpreted as an infringement of the right of *A*. The public takes sides, each party claims it has right on its side, and both parties are right; for it is precisely the rights themselves which come into contradiction with each other.” (G.W.F. Hegel, “The German Constitution (1798–1802)” in *Political Writings* (Cambridge, UK: 1999), 69 [GW5, 118–11]).

27. Hegel, *Philosophy of Right*, 139–140 (GW14.1, 102).

28. Hegel, *Philosophy of Mind*, 236 (GW20, 508); Hegel, *Philosophy of Right*, 240–244 (GW14.1, 175–178).

29. Hegel, *Philosophy of Right*, 369 (GW14.1, 271).

30. In the sections on objective spirit from *Encyclopedia*, Hegel argues that the function or “work” of the state consists, among other things, in maintaining individuals as persons and “making right [and hence their right to be recognized as persons] a necessary actuality” (Hegel, *Philosophy of Mind*, 236 [GW20, 508]). In the *Philosophy of Right*, Hegel explains that the state does so by means of (1) legislation, where right comes into existence “in the form of being posited”; (2) education, where right is given “an existence in which it is universally recognized, known, and willed”; and (3) enforcement, where right is “applied to the material of civil society” and in face of violations “restores and thereby actualizes itself as valid” (Hegel, *Philosophy of Right*, 240, 244, 252 [GW14.1, 175, 178, 183]).

31. Ibid, 359 (GW14.1, 269).

32. “Just as recognition is a condition of the realization of an individual’s freedom, so also recognition is necessary for the actualization of a state’s sovereignty: ‘Just as little as an individual can be an actual person without relations to other persons, a state cannot be an actual individual without relations to other states.’ Recognition is thus a condition of the state’s actuality and legitimacy, as well as the condition on which all its international relations, treaties, and so on, depend.” (Robert Williams, *Hegel’s Ethics of Recognition* [Berkeley: 1997], 349).

33. Hegel, *Philosophy of Right*, 367 (GW14.1, 264).

34. Ibid, 359 (GW14.1, 269). Hegel’s point is that even though states are immensely influenced by an international recognition of their legitimacy, the latter is not a necessary condition of the existence of states, whereas an internal recognition of this legitimacy is a necessary condition. In the same context, Hegel also notes that “this legitimacy should be supplemented by recognition on the part of other states” (ibid). Here again, Hegel’s point is that international recognition is only an addition to the fundamentally internal legitimacy of states—not a necessary condition for it.

35. “Der Staat ist für sich, aber zweitens auch für Andere, er muß daher anerkannt werden, in neuerer Zeit sind hierüber viele Kollisionen entstanden, besonders über die französische Republick. Napoleon sagte in Laubach bei Abschliessung der Friedenstrak-

## IDEALISTIC STUDIES

taten ‚Die Republick bedarf keiner Anerkennung, so wenig wie die Sonne anerkannt zu werden braucht.‘ Aber es handelt sich nicht bloß um die Existenz des Staats, er muß auch anerkannt werden, er tritt in die mannigfaltigsten Beziehungen mit anderen und die so in Beziehung treten müssen sich zuerst anerkennen.“ (Hegel, GW26.3, 1474–1475). Hegel’s reference to Napoleon also appears in the addition to § 331 of the *Philosophy of Right*, but there it is cut off from its original context and accompanied by editorial supplements that render Hegel’s point incomprehensible (compare: Hegel, *Philosophy of Right*, 367). Ringmar, reading only the addition, was thus led astray by it (“The Relevance of International Law,” 96–97).

36. Buchwalter, “Hegel, Global Justice and Mutual Recognition,” 214.

37. “Aber es handelt sich nicht bloß um die Existenz des Staats” (Hegel, GW26.3, 1474–1475).

38. Hegel, *Philosophy of Right*, 367 (GW14.1, 269).

39. Ibid.

40. Ibid, 367 (GW14.1, 269).

41. Ibid, 368 (GW14.1, 272).

42. Ibid, 370 (GW14.1, 272).

43. Ibid, 271 (GW26.3, 1476).

44. Ibid, 370 (GW14.1, 272).

45. Hegel, *Philosophy of World History*, GW27.1, 397.

46. Hegel, *Philosophy of Right*, 370 (GW14.1, 272).

47. In Hegel’s words, “the presupposed *recognition* between states” is the universal principle of “so-called *international law*”. (Hegel, *Philosophy of Mind*, 246 [GW20, 523]). Hegel’s use of the term “so-called” clearly expresses that he is skeptical with regards to the validity of international law, thus with regards to the necessity and stability of its so-called principle—international recognition.

48. Hegel, *Philosophy of Right*, 361 (GW14.1, 265).

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