

# CORRADETTI, HEGEL, AND THE POSTMETAPHYSICAL THEORY OF UNIVERSAL HUMAN RIGHTS

**ANDREW BUCHWALTER**

*Department of Philosophy*  
*University of North Florida*  
abuchwal@unf.edu

## **ABSTRACT**

This essay evaluates Corradetti's compelling assertion that the "primary aim" of his *Relativism and Human Rights* "is that of reconstructing some central concepts of the Hegelian understanding of the right and of providing a post-metaphysical reinterpretation of the notion of recognition in terms of a dialectical process, granting fundamental rights within the context of an institutional discursive model of rationality." The discussion is divided into four parts. Part 1 reviews Hegel's reception of the tradition of natural right, asserting that the latter plays a role in Hegel's recognitive account of ethical life greater than Corradetti allows. Part 2 considers the use Corradetti makes of Hegel's concept of dialectical negativity, arguing that, while it can and should be understood in terms of relations of recognition and, especially, misrecognition, it also articulates features of Hegel's logic and metaphysics that – *pace* Corradetti – can play a role in a postmetaphysical theory of social life. Part 3 seconds Corradetti's claims about the value of recognition theory for a Hegelian account of universal human rights, but asserts that that value is best expressed via an intercultural understanding of that account. Part 4 details the normative dimension of such an account, arguing that here, too, Hegel has more to offer than Corradetti allows.

## **KEYWORDS**

Hegel, natural law, human rights, recognition, interculturality

In section 2.4 of the second edition of his wide-ranging work, *Relativism and Human Rights: A Theory of Pluralist Universalism*, Claudio Corradetti writes: "The primary aim of this work is that of reconstructing some central concepts of the Hegelian understanding of the right and of providing a post-metaphysical reinterpretation of the notion of recognition in terms of a dialectical process, granting fundamental rights within the context of an institutional discursive model

of rationality”.<sup>1</sup> This is a noteworthy assertion. It is noteworthy, however, not just because Hegel is not commonly deemed a theoretician of human rights or because his universalism is not commonly construed as supportive of pluralism. It is also noteworthy for a more mundane reason: nowhere in the Introduction to the work does Corradetti give any indication that the ‘primary aim’ of the work is indeed to engage central concepts of the Hegelian understanding of right or rights. Even in the abstract for chapter 2, that containing not only the above statement but what is an extended engagement with Hegel’s political thought, no such acknowledgement is supplied. While in these prefatory and introductory comments Corradetti does make specific reference to many of the other thinkers he plans to engage, he does not do so for Hegel himself. Why this is the case, and whether the absence is of any real significance, is unclear. What is clear, however, Corradetti’s work does indeed represent an important engagement with Hegelian thought if not the thought of Hegel himself. Not only does it dispel misconceptions about Hegel’s possible contribution to the discourse on human rights; not only does it demonstrate how the resources of Hegelian thought can be mined for a compelling account of pluralist universalism; Corradetti himself draws on central resources of Hegelian thought to fashion his own contribution to these themes. Among other things, he makes explicit and ample use of such core Hegelian concept as dialectics, determinate negation, negativity generally, ethical life, intersubjectivity, reciprocal recognition, and misrecognition. In addition, the overall focus of the work – to surmount abstract dichotomies of reason and relativism, facts and norms, individual and community, rights and duties, theory and practice – is a project of decidedly Hegelian inspiration.

Certainly, Corradetti’s appropriation of Hegel is by no means uncritical. He is critical above all of the metaphysical assumptions that undermine the value of appropriating Hegel’s thought for contemporary political theory. His aim, in particular, is to rework core concepts of Hegel in ways that meet the requirements of postmetaphysical reason, a concept of reason fashioned by Habermas and endorsed by Corradetti as well. Even here, however, he remains indebted to Hegel, the tools of whose thought provide the resources for the ‘experiential’ conception of postmetaphysical reason he opposes to Habermas’ account.

In what follows I examine Corradetti’s appropriation of Hegel for the purpose of formulating a currently compelling account of human rights. While endorsing his goal of appropriating Hegel for this purpose, and while accepting his claims about the distinctiveness of the account that flows from this appropriation, I raise questions both about the appropriation itself and the account of human rights emerging from it. Given space considerations I shall not address Corradetti’s specific engagement of Habermas. Instead, I limit myself to showing that much of

<sup>1</sup> C. Corradetti, *Relativism and Human Rights. A Theory of Pluralistic Universalism*, Springer, Dordrecht, 2022 (2<sup>nd</sup> ed.), p. 67.

what he presents in departing from Hegel is instructively already articulated by Hegel himself.

My discussion is divided into four parts. Part 1 considers Hegel's reception of the tradition of natural right, asserting that the latter plays a role in Hegel's recognitive account of ethical life greater than Corradetti allows. Part 2 considers the use Corradetti makes of Hegel's concept of dialectical negativity, arguing that, while it can and should be understood in terms of relations of recognition and especially misrecognition, it also articulates features of Hegel's logic and metaphysics that – *pace* Corradetti – can play a role in a postmetaphysical theory of social life. Part 3 seconds Corradetti's claims about the value of recognition theory for a Hegelian account of universal human rights, but asserts that that value is best expressed via an intercultural understanding of that account. Part 4 details the normative dimension of such an account, arguing that here, too, Hegel has more to offer than Corradetti allows.

## 1 HEGEL AND NATURAL LAW THEORY

According to Corradetti, a central aim of the *Philosophy of Right* is to challenge assumptions about human nature, political life and sociality generally as associated with the modern tradition of natural law. According to this tradition, human beings are conceived in terms of an atomistic individualism, while political life is understood via contractual arrangements forged among private individuals and between private individuals and the state. Hegel, by contrast, advances an opposing view of both human beings and political life. For him, human beings are defined by relations of intersubjective recognition, while political life articulates forms of sociality shaped by recognitive relations. Accordingly, the *Rechtsphilosophie* is dedicated to reformulating central modes of modern social life – the familial, societal, and political – in intersubjective terms.

In this section I do not dispute Corradetti's claim that Hegel jettisons natural right individualism in favor of an intersubjective account of social life. I do claim, however, that for Hegel this goal is achieved through a further development of that tradition rather than its simple repudiation.

It is indisputable that Hegel seeks to challenge assumptions associated with modern natural law conceptions of political life. Yet his challenge is arguably more nuanced than Corradetti suggests. This is clear simply from the subtitle of the *Philosophy of Right*: '*Natural Right and Positive Political Science*'. By emphasizing positive political science, Hegel does make clear that a proper account of right must accommodate conditions for its realization in an existing political community. He thus rejects appeal to the pre-political norms of modern natural law and its attention to an originary state of nature. But Hegel's project, as the subtitle also suggests, is not a rejection the tradition of natural law itself. Instead, it reaffirms that tradition in

multiple ways. Perhaps most central is that, as with certain natural right theorists, his entire undertaking proceeds from a general account of freedom and in particular the freedom of the individual person, both of which his politics characterizes by way of the principle of the free will.

Granted, Hegel, following Kant, understands freedom as autonomy or self-determination, thereby rejecting the foundational naturalism of traditional natural rights theory.<sup>2</sup> In addition, the nature of that freedom – selfhood in otherness – requires articulation in legal-political community juridically committed to principles of respect and reciprocity. It is no coincidence that Hegel, here differing with Kant, construes the principle of autonomous personality in terms of a legal imperative: it is a commandment of *right* that one “be a person and respect others as persons”.<sup>3</sup>

Still, if Hegel’s concept of politics prioritizes conditions for institutional relations, he does not thereby jettison appeal to what remains a pre-institutional account of freedom. Indeed, what drives the developmental logic of the *Philosophy of Right* is precisely an effort to specify how institutional structures more adequately and more effectively express a general principle of freedom. Hegel defines right as the “existence of the free will”.<sup>4</sup> He thus reaffirms the notion that freedom depends on conditions for its embodiment in juridical institutions. But he also makes clear that that institutional embodiment is itself measured on its capacity to express general principles of freedom. The point is clear from the account of institutions themselves. Hegel’s political thought is distinctive owing to its emphasis on conditions for institutional embodiment, those expressed in existing practices, customs, and traditions. Yet it is also distinctive for its claims that institutions themselves depend for their reality and legitimacy on their subjective acceptance and endorsement by those to whom they pertain. The reality of institutions does not lie in their simple existence, their objective authority or their habitual acceptance, even if Hegel says these things as well. Instead, that reality, like the polity of which they are a part, depends on the “self-awareness”<sup>5</sup> of affected members. For Hegel, this requirement for cognitive affirmation is itself understood via the language of politically antecedent subjective rights, and in particular the “right of insight,” for which “[t]he right to recognize nothing that I do not perceive as rational is the highest right of the subject”.<sup>6</sup>

In prioritizing institutional arrangements, Corradetti may be right to say that Hegel’s “ethical life ‘contains’ within itself both moments of abstract law and

<sup>2</sup> G.W.F. Hegel, *Hegel’s Philosophy of Mind*. Part 3, *Encyclopaedia of Philosophical Sciences*, trans. W. Wallace and A.V. Miller. Oxford, Clarendon Press, 1971, §502.

<sup>3</sup> G.W.F. Hegel, *Elements of the Philosophy of Right*, ed. A. Wood, trans. H.B. Nisbet. Cambridge: Cambridge University Press., 1991a, §36.

<sup>4</sup> G.W.F. Hegel, 1991a §29.

<sup>5</sup> G.W.F. Hegel, 1991a, §147, §265A.

<sup>6</sup> G.W.F. Hegel, 1991a, §132.

morality as its main dialectical components”.<sup>7</sup> Yet containment must be understood via the internal differentiation of what for Hegel is a genuine – i.e., self-reflective – political totality, one based not only on the interdependence of parts and whole but also on its conscious affirmation by those who understand that their identity subsists in that interdependence. At issue is a “self-apprehending totality”.<sup>8</sup> Hegel’s account of ethicality thus attests to the centrality of the principle of self-consciousness – “the principle of right, of morality, and of all ethics”<sup>9</sup> – for an account of the political. But it also attests to a commitment to the centrality of the principle of subjective freedom, a principle that, however transformed, continues to affirm a notion of political legitimacy indebted to the modern tradition of natural law.

None of this disputes Corradetti’s claim that Hegel rejects the atomistic individualism of the natural rights theory in favor of a rich account of intersubjective sociality. He correctly notes that a political order for Hegel is not the product of a contract among autonomous and self-sufficient private individuals. Yet what motivates his rejection of atomism and contractarianism is not appeal to a “prior commitment” to relations of reciprocal recognition, one that “represents a conceptual *præ* to the hypothesis of an original contract among people”.<sup>10</sup> At least in terms of its argumentative logic, the *Philosophy of Right* remains committed to both atomism and contractarianism, themes addressed in the opening paragraphs of the section of abstract right, itself the opening doctrine of the work itself. Hegel proceeds in this manner, not in order to endorse atomism or contractarianism, but because of the prevalence of those views among members of modern (market based) societies. If one seeks to mount an effective and consequential challenge to these views, they must be confronted on their own terms. This is a desideratum for a political philosophy understood as ‘its own time comprehended in thought’. Appealing *ab ovo* to a primordial intersubjectivity, if that indeed is Corradetti’s aim, can be of little value. Indeed, a simple dismissal of atomistic individualism in favor of relations of intersubjective sociality would for Hegel represent the type of idle and impotent type of criticism he rejects precisely for its appeal to norms and standards unrelated to the matter at hand.

Hegel’s critique of the modern natural law tradition thus proceeds, not by confronting its assumptions with an alternative narrative, but by demonstrating that they are inadequately accommodated within the framework of natural rights theorizing itself. In particular, he claims that the notion of individualism and individual identity that informs and underlies political atomism is itself best secured only in the context of a robust account of social relations, one shaped through relations of reciprocal recognition. Indeed, an aim of the *Rechtsphilosophie* is

<sup>7</sup> C. Corradetti, 2022 (2<sup>nd</sup> ed.), p. 67.

<sup>8</sup> G.W.F. Hegel, *Lectures on the Philosophy of World History. Introduction: Reason in History*, trans. H. B. Nisbet. Cambridge: Cambridge University Press, 1975, p.65.

<sup>9</sup> G.W.F. Hegel (1991a §21R).

<sup>10</sup> C. Corradetti, 2022 (2<sup>nd</sup> ed.), p. 68.

precisely to fashion a more coherent account of the individual person, one that integrates into its self-understanding relation to the others on whom its identity depends, including the perspective of the other on it. It is this enlarged mentality, termed by Hegel a “universal self-consciousness”,<sup>11</sup> that properly articulates the nature of the individual person. While Hegel does jettison the atomist individualism of the modern natural rights tradition, he does so, not by disputing that tradition’s attention to the idea of individual personhood, but by demonstrating that that idea is best be understood recognitively rather than atomistically. Consonant with his view of consequential philosophical criticism, Hegel proceeds, not by confronting the tradition of liberal individualism with an alternate account of the self, but by demonstrating that that tradition’s own self-understanding is internally inadequate.

## 2 DIALECTICAL NEGATIVITY

In his appropriation of Hegel, Corradetti does not focus narrowly on relations of *recognition*. Instead, he invokes Hegel’s attention to relations of struggle and misrecognition. In doing so, he appeals to Hegel’s 1803-5 Jena writings, for which misrecognition is understood as “not seeing oneself in the other”.<sup>12</sup> But he also appeals to the 1820 *Philosophy of Rights*, whose doctrine of civil society accentuates the forms of negativity associated with the operation of modern market societies, including the “danger of death of starvation or violence”.<sup>13</sup> Appreciation of such forms of ‘dialectical negativity’ does not mean, for Corradetti, that Hegel is not also committed to intersubjectively conceived relations of reciprocal recognition. His point is rather that a proper account of those relations itself depends on acknowledging the role played by misrecognition and, generally, modes of negativity in those relationships. “In virtue of an inherent negative moment which accompanies the dialectical process of recognition, no mediated form of coordinating principle can be mutually achieved without a prior moment of (argued) discursive mis-recognition”.<sup>14</sup> This view is based in part on a ‘dialectical conception of recognition’, one achieved in which agents surmount the mistaken view that the other is alien to one’s own identity rather than a condition for its realization. It is based as well on the understanding that superseding this view of self-identity is achieved through struggles triggered and fuelled by relations of misrecognition. Corradetti illustrates the point by referencing civil society’s account of the corporation, the concluding section of the doctrine of civil society and the one directed to establishing relations of mutual recognition in response to pathologies resulting from the untrammelled operation of civil society. For Corradetti, the

<sup>11</sup> G.W.F. Hegel, 1971, §436.

<sup>12</sup> C.Corraddetti, 2022 (2nd ed.), p. 69.

<sup>13</sup> *Ibid.*

<sup>14</sup> C.Corraddetti, 2022 (2nd ed.), p. 71.

corporation functions as a force “counterbalancing . . . the negative effects of civil society” just because the negativity articulated by civil society is conceived as “an essential moment for the development of rational relations of recognition”.<sup>15</sup>

Corradetti does well to emphasize the central role played by dialectical negativity in Hegel’s social theory. Yet – recalling Marx’s dispute with Feuerbach – it is unclear if such negativity is to be understood primarily as a dialogical principle directed to forging modes of intersubjective recognition. Instead, it is arguably better understood in terms of the ‘logical’ mediation of opposites central to Hegel’s dialectical method generally. On that view, any affirmation of a particular claim is simultaneously its negation, just as its negation is simultaneously its affirmation. This approach is operative in Hegel’s critique of the natural right tradition. While he does reject the atomism of modern individualism, he does so not via an *abstract negation* that simply repudiates individualism itself. Instead, his is a *determinate negation*, one that, against atomist understandings, integrates into the idea of individualism itself reference to and engagement of the other. Conversely, if individuality is realized only in relations of intersubjective sociality, the latter is itself properly achieved only in its self-conscious embrace by individuals. While modes of dialectical negativity are clearly manifest in intersubjectively conceived relations of (mis)recognition, the latter are themselves a species of the mediated account of opposites central to Hegel’s general account of the dialectical method.

Corradetti evidently rejects appeal to a broader concept of dialectical negativity because doing so construes negativity in terms of the requirements of Hegel’s logical-metaphysical theory, something that would remove dialectics from the experientiality of a dialogical account. Under these requirements, dialectics would remain ‘external’ to the actual modes of discursive rationality that fuel the “critical self-understanding of a political community”.<sup>16</sup> Nor is it disputable that Hegel does root his political philosophy, as he does all elements of his *Realphilosophie*, in the categories and procedures of his logical-metaphysical vision. Yet it is doubtful that in doing so Hegel debar attention to the experiential considerations that Corradetti accentuates in fashioning his dialogical reconstruction. Instead, such rooting only clarifies the distinctive nature of Hegel’s view of experiential sociality. The point can be illuminated by briefly considering the core principle of Hegel’s metaphysic: *Geist*.

Hegel’s concept of Geist is still commonly characterized as a hypostatized super-subject operating independently and ‘behind the back’ of human agents. By contrast, I maintain that Geist is better construed as a categorial principle that facilitates the comprehension and evaluation of the various modes of human experience. Geist for Hegel connotes the dialectical mediation of substance and subjectivity. As such it is the defining principle for the theory of objective spirit, the

<sup>15</sup> C. Corradetti, 2022 (2nd ed.), p. 69.

<sup>16</sup> C. Corradetti, 2022 (2nd ed.), pp. 66, 71.

name for Hegel's political philosophy in his system. Objective spirit connotes an account of realized freedom, for which freedom cannot be construed, with Kant and Fichte, as an abstract principle of autonomy, juxtaposed to external determination. If it is not itself to be constrained by heteronomous considerations, it must also manifest itself in the external conditions themselves. Freedom thus must take the form of Geist, itself the unity of subjectivity and substantiality. Yet so realized freedom cannot be understood simply as an objectively existent reality, comprehensible, say, to the external theorist, a circumstance reaffirming the opposition of subject and substance foreign to the concept of Geist. Instead, freedom is realized only when the members of a community objectively deemed to be free also know and will themselves as free. In Hegel's dialectical account, freedom realized 'in itself' must be deemed 'for itself' as well. Realized spirit *is* the self-knowing actuality of spirit.<sup>17</sup> In more contemporary terms: realized freedom must be construed not just from a third-person perspective but from a first and second-person one as well.

These considerations allow appreciation of how the resources of Hegel's logical-metaphysical theory also underwrite the experiential social agency that Corradetti maintains is obtainable only by deviating from that theory. Understood as an articulation of spirit understood as the subjective rendering of substantiality, objectively realized freedom also denotes the process by which members of a political community subject themselves and the conditions of their shared existence to processes of self-clarification and self-formation. Consonant with the ontological self-creativity of Hegel's concept of spirit, a political community is constituted in the "labor of its own transformation," indeed in processes of "self-transformation".<sup>18</sup> Again employing contemporary terms, freedom in Hegel's dialectical view denotes a state of affairs in which the addressees of freedom are its authors as well.

Nor can such processes of self-formation be said to find definitive resolution. Because the object of self-clarification – the political community – is also its subject, any act of self-reflection, presupposing as it does the agency it scrutinizes, is always incomplete. Every attempted self-reflection attests to its own inadequacy, something addressable only by an additional act of self-reflection, ad infinitum. As Hegel says of the self-comprehending activity of spirit: "the completion of an act of comprehension is at the same time its alienation and transition...[T]he spirit which comprehends this comprehension anew and which...returns to itself from its alienation, is the spirit at a stage higher than that at which it stood in its earlier comprehension".<sup>19</sup> Inherent thus in the notion of realized freedom empowered by the concept of Geist is a form of collective political agency directed to *ongoing* critique and transformation. At issue is a mode of activity understood in its

<sup>17</sup> G.W.F. Hegel, 1991a, §270A.

<sup>18</sup> G.W.F. Hegel, 1971, §379A.

<sup>19</sup> G.W.F. Hegel, 1991a, §343.

“distinguishing of itself from itself,” one Hegel characterizes as “absolutely restless being”.<sup>20</sup>

Nor does such attention to collective agency preclude appreciation of the pluralism Corradetti seeks to accommodate in his dialogical reformation for Hegel’s theory. Indeed, it only clarifies it. The collective self-reflection on the conditions of a community’s identity is, given Hegel’s differentiated conception of selfhood, properly achievable only if all can participate in such deliberation. Further, the very notion of *shared* identity is itself intelligible only by affirming the way in which the whole is not only conceived as comprising its parts but is itself constituted in the self-understanding of diverse member individuals *as* members of a shared identity. Corradetti rightly emphasizes that in his account of state Hegel affirms “a form of pluralism within the deliberative functions of states’ public assemblies”.<sup>21</sup> Yet that affirmation is empowered not in spite but because of the resources of Hegel’s logical-metaphysical theory.

The point may be emphasized by saying that Hegel’s logical-metaphysical theory affirms the post-metaphysical justification of ethical life promoted by Corradetti. For Hegel, ethical life connotes a community shaped by a commitment to shared values. Characterizing that commitment is, however, not agreement on a set of *substantive* values. With modern political theorists, Hegel asserts that appeal to a univocal set of such values is precluded by the plurality of worldviews reflective of modern social life, riven by differences in religions and other ‘comprehensive doctrines’. If he nonetheless espouses a robust doctrine of ethical life, it is best understood formally or procedurally rather than substantively. With a concept of spirit understood as the subjective rendering of substantiality, ethicality consists, not in a communal commitment to a set of substantive values, but in a shared commitment to reflection on and deliberation about the conditions of communality itself. For Hegel, ethical community consists in its members’ ongoing and revisable attention to the conditions of their shared existence. If postmetaphysical thinking eschews appeal to objectivistically presumed norms and values in favor of those generated and ratified in processes of the intersubjective exchange among socially situated individuals, then Hegel’s conception of ethicality is also a postmetaphysical conception. Yet that conception is itself empowered by processes of critical self-reflection fuelled by modes of negativity expressive not only of Hegel’s dialectical logic but his metaphysic of spirit as well.<sup>22</sup>

<sup>20</sup> G.W.F. Hegel, 1971, §378A.

<sup>21</sup> C. Corradetti, 2022 (2<sup>nd</sup> ed.), p. 70.

<sup>22</sup> See Andrew Buchwalter, “The Metaphysics of Spirit and Hegel’s Philosophy of Politics,” in Michael J. Thompson (ed.), *Hegel’s Metaphysics and the Philosophy of Politics*. New York/London: Routledge 2018, pp. 33-55.

### 3 RECOGNITION THEORY AND UNIVERSAL HUMAN RIGHTS

In this section I consider of Hegel's contribution to an account of universal human rights. In agreement with Corradetti, I do so by emphasizing the concept of recognition. Also with Corradetti, I assert that a recognitive approach entails an account of universal human rights linked among other things to the construction "an idea of humankind as a form of a maximally inclusive moral community".<sup>23</sup> My account differs from Corradetti's in that I accentuate what I call an intercultural conception, something itself entailed by Hegel's intersubjectivism.<sup>24</sup> One feature of this approach is that, in line with previous observations, it fashions an account of universal human rights understood less as a repudiation of the tradition of natural rights individualism than as its internal critique and transformation. Another feature is that, in regarding as it does human rights as a sociohistorical achievement rather than an essentialist endowment, it follows Corradetti's in adumbrating the elements of a postmetaphysical approach to a theory of human. It does so, however, in a way that draws more fully on the resources of Hegel's own thought itself than is the case with Corradetti.

As noted, while Hegel's concept of rights derives from a general notion of freedom expressed in the idea of autonomous personhood, the latter is not conceived abstractly, juxtaposed to conditions for its institutional embodiment. Instead, such embodiment is a condition for autonomy itself. Right is indeed the existence of the free will. This is so both because freedom, qua self-determination, must be expressible in the external conditions seemingly alien to it and because the addressees of that freedom must be able to know and make that freedom as their own. As Hegel said already in a 1795 letter to Schelling: it is not enough that people may be said to possess rights; they must "appropriate"<sup>25</sup> them as their own.

Hegel's position is reflected in an account of the connection of rights and the collective identity of a particular people. Collective identity is here construed through the idea of a *Volksgeist*, a term itself used to characterize the idea of a polity in its "comprehensive sense".<sup>26</sup> Among other things, *Volksgeist* connotes collective identity in the sense of a people's consciousness of its commonality. Consonant with Hegel's concept of *Geist* (the subjective self-rendering of substantiality), the spirit of

<sup>23</sup> Claudio Corradetti (2009), "Dialectic of Recognition: For a Post-Metaphysical Justification of Human Rights," paper delivered at the annual conference "Philosophy and Social Science" Institute of Philosophy, Czech Academy of Sciences, Prague, 15 May 2008, p.13.

<sup>24</sup> For a more elaborate account of this view, see Andrew Buchwalter, "Hegel and the Intercultural Conception of Universal Human Rights," in James Gledhill and Sebastian Stein (eds.), *Hegel and Contemporary Political Philosophy: Beyond Kantian Constructivism*, New York/London: Routledge 2020, pp. 348-375.

<sup>25</sup> G.W.F. Hegel, *The Letters*, trans. Clark Butler and Christiane Seiler. Bloomington Indiana, 1985, p.35.

<sup>26</sup> G.W.F. Hegel, 1975, p. 96.

a people consists in “indwelling self-consciousness”.<sup>27</sup> Such consciousness is one through which members of a community not only appreciate their shared commonality but forge it as well. Hegel equates such collective self-consciousness with the idea of national sovereignty, defined as a community’s “self-consciousness in relation to its own truth and being”.<sup>28</sup> But it is also synonymous with realized freedom itself, understood as a reality that is not only in itself but for itself as well.

These considerations permit appreciation of Hegel’s distinctive contribution to a theory of universal human rights. As noted, rights depend for their concrete meaning and validity on the self-understanding of a political community. For Hegel, such self-understanding is not a monadic affair, understood independently of other such understandings. Proceeding from an intersubjective account of identity formation, he maintains that one such self-understanding is inextricably intertwined with that of another. He so argues principally with regard to interpersonal relations, but he does so as well as regards cultural-political communities, which, articulated via a principle of collective identity, express the principle of self-consciousness. Thus, to acknowledge a political community is to acknowledge that its identity is intertwined with that of other communities. It is in “the relationship of nations to other nations” that a people is able “to perceive itself...and to have itself as an object”.<sup>29</sup> As do persons, peoples also “depend on the perception and will of the other”.<sup>30</sup>

One consequence of this view is that it entails an enlarged account of law and justice within a particular community, one that integrates the perspectives of others. But this view also helps fashion an account of universal human rights. The process through which the identities of communities are reciprocally transformed and (re)shaped is also a process of mutual adjustment and adaption wherein communities tendentially forge agreement on common norms and values. As in the relation of individual persons, so, too, with communities: the ‘I’ becomes a ‘We’.<sup>31</sup> The dialectical interchange of national self-consciousness contributes to a “trend...toward uniformity”<sup>32</sup> culminating in a “universal identity” or a “universal spirit”<sup>33</sup> shaped around shared norms and values. Underlying such commonality, for Hegel, is an emergent law of peoples (*Völkerrecht*) informed by a principle of *universal* right.<sup>34</sup> Hegel thus espouses an account of *Völkerrecht* similar to Kant’s.

<sup>27</sup> G.W.F. Hegel, 1971, §552.

<sup>28</sup> G.W.F. Hegel, 1975, p. 96.

<sup>29</sup> G.W.F. Hegel, 1975a, p.101, G.W.F. Hegel, 1991a, §331A.

<sup>30</sup> G.W.F. Hegel, 1991a, §331.

<sup>31</sup> G.W.F. Hegel, *Phenomenology of Spirit*, trans. A.V. Miller. Oxford: Clarendon Press., 1977, p.110.

<sup>32</sup> G.W.F. Hegel, *Vorlesungen über die Philosophie der Weltgeschichte*, ed. G Lasson Hamburg: Meiner Verlag, 1988, p.761.

<sup>33</sup> G.W.F. Hegel, 1991a, §331, §339A.

<sup>34</sup> G.W.F. Hegel, 1991, §333.

Unlike Kant, however, he does not construe universal right as a moral postulate or a priori principle contraposed to the lifeform of individual cultures. On his recognitive account, universal right is a principle generated, clarified and validated in the historical interaction of the world's persons and peoples. At issue is indeed a concrete or inner universality,<sup>35</sup> one deriving from the real process of the world's persons and people, fitfully and often tragically, forging agreements about the norms governing their sociation. Tellingly, right for Hegel finds its most complete expression in world history – the arduous process of historical development wherein the 'in and for itself' principle of right is concretely validated and realized by those to whom it pertains.<sup>36</sup>

Hegel conceives actualized world spirit in terms of an idea of humanity whose full reality denotes a historical achievement tied to process of social interaction. “[I]t is the nature of humanity to press onward to agreement with others; human nature only really exists in an achieved community of minds”.<sup>37</sup> Humanity here is understandable as a globally achieved human rights community, itself forged in and performatively enacted through relations of mutual entitlement and reciprocal forbearance. But in line with the internal reflexivity connoted by the concept of spirit, such community is also defined by a self-consciousness of right. Not only do relevant individuals thereby know and recognize one another as rights holders,<sup>38</sup> but community consists *a limine* in a commitment on the part of members of the human community to their shared humanity and therewith the human rights community itself.

Nor should humanity so understood be considered a fixed or conclusively achieved entity. That is precluded by the intercultural view itself. Not only does any shared consensus on human rights norms proceed from the interaction of diverse peoples and persons themselves responsive to ever changing social circumstances; the binding nature of any achieved consensus depends on its capacity to articulate the concerns and life practices of diverse individuals and groups whose identities are themselves ever changing. Humanity is thus not as a definitive accomplishment, but a continual project built on the ongoing and mutually adjusting interplay of common principles and diverse experience. We might say that the self-consciousness of humanity qua human rights community consists just in its consciousness *as* an ongoing project. As with the internal reflexivity of a notion of Geist conceived as that which has its own agency as an object of reflection, humanity enacts the “unending struggle with itself” characteristic of the *Weltgeist* itself.<sup>39</sup>

So conceived, Hegel's contribution to the discourse on human rights has affinities with that proposed by Corradetti. It prioritizes relations of intersubjectivity,

<sup>35</sup> G.W.F. Hegel, 1991, §339.

<sup>36</sup> G.W.F. Hegel, 1991, §345.

<sup>37</sup> G.W.F. Hegel, 1977, p.43.

<sup>38</sup> G.W.F. Hegel, 1983b, p.169.

<sup>39</sup> G.W.F. Hegel, 1975, p.127.

it is drawn on a theory of reciprocal recognition, it construes a doctrine of human rights as an achievement rather than endowment, it roots the meaning and validity of such a doctrine in the actual experiences of affected individuals, it affirms the fact of pluralism, and it acknowledges the open-endedness and revisability of the content of a human rights doctrine.

Yet differences exist as well. These include Hegel's attention to natural law individualism as a point of departure for his account of universal human rights, the notion that recognition theory entails a specifically intercultural approach to human rights, his reliance on the resources of the concept of spirit for fashioning an account of human rights, and the appeal to those resources to conceptualize the idea of human community required for a realized account of universal human rights. In addition, whereas Corradetti seems to regard the resources of mutual recognition as providing a framework that empowers the liberty rights enabling individuals to deliberate about their private and public ends,<sup>40</sup> an intercultural account specifies how processes of recognition establish and reestablish the very content of rights system. Some of these matters may be further clarified by considering the specific normativity of a Hegelian account of human rights.

#### **4 RECOGNITIVE NORMATIVITY AND HEGEL'S DISCOURSE ON HUMAN RIGHTS**

In accounting for the normativity of his recognitive account of human rights, Corradetti appeals, albeit in a transformed way, to the resources of Habermas' theory of communicative action, for which speech act theory supplies the counterfactual meta-conditions by which empirically existing forms of social relations might be subject to normative analysis and evaluation. Yet it is unclear why an account of human rights inspired by Hegel need have recourse to Habermasian thought, important though it is. While Hegel does reject appeal to abstract normativity, his attention to existing social reality is informed by reliance on recognitive norms that themselves provide counterfactual resources to question factual practices. This is clearly the case with his doctrine of civil society. The claimed ethicality of civil society consists in the thoroughgoing mediation of individual and community reflective of principles of modern political economy. Owing, however, to its simultaneous commitment to atomistic individualism – wherein individuals regard one another and social life generally simply as a means to advance private needs and interests –, civil society is beset by a range of social pathologies – conspicuous consumption, alienating labor conditions, and vast disparities in wealth – that undermine ethicality itself. Hegel renders this assessment, however, not by confronting civil society with externally invoked standards but by

<sup>40</sup> C. Corradetti, 2009.

appealing to its own claims, above all those involving commitment to the interdependent mediation of individual and community. To do justice to that mediation, however, the relationship of individual and community must be reimagined so that individuals construe their relationship to community constitutively rather than instrumentally. They must perceive their relationship to the particular and general other not simply as a means to advance private ends but as a condition for autonomous identity itself. The notion that individuals do appreciate and act upon this notion of self-identity is what defines ethicality itself. Hegel's account of civil society thus demonstrates how his own account of recognition theory provides context-transcending norms by which to challenge the practices of an existing form of life, and yet in a way that derives from norms endemic to that very lifeform.

Hegel's position is noteworthy not just because recognition serves as socially embodied *principle* of normative evaluation. It is noteworthy as well because it construes recognitive normativity as itself a *social practice*. Corradetti is thus correct to note how *Hegelian* thought furnishes the elements of an experiential account of normativity directed to articulating and validating human rights claims. Yet those elements are already discernible in Hegel's own stated position. Hegel claimed that right is a 'relationship of recognition,' reflecting the "relationship of persons in their comportment with one another".<sup>41</sup> On this view sociality is itself infused with a commitment on the part of members to the norms of reciprocity required of a rights system whose legitimacy is predicated on realizing reciprocal relations of individual entitlement and mutual forbearance. In asserting rights claims individuals do expect that those claims will be respected by others, who in turn assume that their own such claims will be respected, which in turn entails a mutuality in respect for those claims. Appropriate thus to the normativity of ethical life is the view that individuals affirm reciprocally construed rights-norms even as they factually enact relations of recognition. Central to Hegel's notions of realized freedom and concrete rationality is the contention that, in their actual social interactions, individuals and groups reflexively attend to the conditions of their sociation.

None of this minimizes the degree to which the discourse on human rights remains for Hegel a matter of ongoing contestation among differently situated groups and individuals. Such contestation is arguably the principal force driving deliberations about the status and further realization of human rights norms. Corradetti accentuates this point by appealing to Hegel's concept of recognitive struggles and a notion of critique based on the negation of relations of misrecognition. More so than is suggested by Corradetti's reconstruction, however, elements of that position are already adumbrated by Hegel himself. Features are discernible in his doctrine of civil society and its account of the corporation, where establishing viable relations of right is achieved explicitly in struggles against the

<sup>41</sup> G.W.F. Hegel, *Jenaer Systementwürfe III*, ed. R.-P. Horstmann. Hamburg: MeinerVerlag, 1987, p.197.

‘rightlessness’ entailed by the pathologies that flow from the customary operation of modern market societies. They are also discernible in Hegel’s account of war. Not only are forms of conflict, themselves modes of misrecognition, comprehensible only with appeal to notions of reciprocal recognition, but the experience of misrecognition can itself contribute to an appreciation on the part of participants of the partiality of their perspectives, a circumstance that in turn can contribute to efforts directed to their cognitive overcoming.<sup>42</sup> Hegel makes this point in his account of international relations, where recognition by members of particular lifeworlds of the latter’s status *as* particular serves to relativize their presumed sense of ‘independence,’ thereby inculcating appreciation of their ‘mutual relations,’ and in a way that fosters consciousness of the ‘universal spirit’ central to a realized human rights community.<sup>43</sup>

This position is discernible even in the concept of history, whose presumed teleological objectivism is reason why Corradetti contends that Hegel’s continuing value is salvageable only by departing from his explicit claims.<sup>44</sup> An appreciation, for instance, of the account presented in the history of philosophy reveals that, to the extent that historical development is comprehensible at all, it is through the involvement of actual historical agents, and not via a metaphysically conceived notion of spirit operating behind their back. In seeming rejection of a progressive account of historical agency, Hegel does claim that historical advance is achieved only retrospectively, as members of a later form of life address the forms of fragmentation and the ‘bifurcation’ responsible for the demise of a preceding lifeworld. Yet rectification of aporia thus inherited is a matter not only of retrospective initiative. Consistent with Hegel’s view of philosophy as a “circle of circles”,<sup>45</sup> it is also initiated by the members of the very lifeworld in need of correction.<sup>46</sup> An existing form of life is “the inward birth-place of the spirit that will later arrive at actual form”.<sup>47</sup> In Hegel’s account of history as the progress in the consciousness of freedom, one stage represents a developmental advance on a predecessor only in knowing itself *as* an advance. Yet such knowledge itself depends on the self-understanding of members of a previous lifeworld – in their recognition, itself typically a product of cognitive struggle, both of the deficiencies in their

<sup>42</sup> Cf. C. Corradetti, 2022 (2nd ed.), Chap. 3.1.1.

<sup>43</sup> G.W.F. Hegel, 1991a, §340.

<sup>44</sup> C. Corradetti, 2022 (2<sup>nd</sup> ed.), p. 70.

<sup>45</sup> G.W.F. Hegel, *The Encyclopedia Logic*. Part 1 of the *Encyclopedia of Philosophical Sciences with Zusätze*, trans. T.R. Garaets, W.A. Suchting, H.S. Harris, H.S.. Indianapolis: Hackett Publishing, 1991b, §15.

<sup>46</sup> See Andrew Buchwalter, “Hegel’s Political Philosophy as Metaphilosophy,” in Luca Illetterati and Giovanna Miolli (eds.), *The Relevance of Hegel’s Concept of Philosophy: From Classical German Philosophy to Contemporary Metaphilosophy*. London: Bloomsbury Academic, 2022, especially pp.159-162.

<sup>47</sup> G.W.F. Hegel, *Lectures on the History of Philosophy I*, trans. E.S. Haldane and Frances Simson, Atlantic Highlands NJ., Humanities Press, 1983a, p.55.

mode of social being and the need for those deficiencies' correction, even if they are unable to provide the latter themselves. Here, too, the practices of members of a particular lifeform performatively establish a lifeform as "a birth-time and a period of transition to a new era".<sup>48</sup>

Here, too, then Hegel's stated theory provides the resources for the postmetaphysical account of human rights that Corradetti asserts is achievable only by reconstructing of Hegel's actual position. The modes of recognitive interaction operative in historical forms of life experientially enact the forms of immanent criticism needed both to expose deficiencies in a particular and articulate, however vaguely, calls for their correction. It might even be said that as regards human rights Hegel's postmetaphysical conception may provide a more emphatic account of historical development than is the case with the teleological alternative. One way to account for historical progress on Hegel's view is that say that, by constructively appropriating the tensions and discontents that undermine a previous lifeform, a subsequent stage articulates a more robust and differentiated articulation of a human rights community. Yet it is the just the absence of metaphysical certainties that can empower the wider and more far-reaching forms of deliberative contestation supportive of the variegated sets of proposals able to contribute to such realization of a human rights community. For Hegel, the greatest opposition occasions the richest and most profound reconciliation. In this way as well his own thought supplies the basis for the diversified and even pluralistic understanding of human rights that Corradetti claims is available only through its conceptual reconstruction.

<sup>48</sup> G.W.F. Hegel, 1977, p.7.