The Juridification of the World. Law, Recognition, and the Universal State in Alexandre Kojève

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Abstract

The essay analyzes Alexandre Kojève's thought on law, recognition, and the universal and homogeneous state, focusing on his *Outline of a Phenomenology of Right* (1943) and his political activity in the postwar period. It shows how Kojève, through a Hegelian reading of recognition, proposes a conception of justice based on social relations and the role of the "third," opposing Carl Schmitt's view centered on friend-enemy opposition. Kojève sees the development of the *Droit* as a historical process leading to a pacified order where law prevails over political decision, with the universal and homogeneous State as both a theoretical ideal and practical goal. Therefore, the essay explores tensions between utopia and realism, sovereignty and depoliticization, placing Kojève as a thinker-functionary who sought to rethink Europe as a legal and political unity.

Abstract (Italiano)

Il saggio analizza il pensiero di Alexandre Kojève su diritto, riconoscimento e Stato universale e omogeneo, focalizzandosi sul suo *Lineamenti di una fenomenologia del diritto* (1943) e sull'attività politica nel dopoguerra. Mostra come, attraverso una lettura hegeliana del riconoscimento, Kojève proponga una visione della giustizia fondata sulle relazioni sociali e sul ruolo del "terzo", in opposizione alla concezione di Carl Schmitt centrata sulla coppia oppositiva amico-nemico. Kojève vede lo sviluppo del diritto come un processo storico che porta a un ordine pacificato in cui la legge supera la politica, con lo Stato universale e omogeneo come ideale teorico e meta pratica. Il saggio esplora le tensioni tra utopia e realismo, sovranità e depoliticizzazione, indagando Kojève come un pensatore politico impegnato a costruire l'Europa su basi giuridico-politiche.

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Alexandre Kojève's reflections on law, recognition, and the universal State represent one of the most ambitious attempts to rethink the foundations of political order within the horizon of modernity, Kojève conceives the justice as the space in which humanity seeks reconciliation with itself, where the dialectic of recognition acquires historical and institutional form. In his thought, the juridical replaces sovereignty as the medium through which universality is realized and sustained. This perspective finds its most systematic articulation in *Outline of a Phenomenology of Right*, where Kojève grounds justice in the structure of social relations and envisions the universal and homogeneous State as the concrete form of political and juridical unity.

1. From Recognition to Right

> It is impossible to study human reality without sooner or later coming up against the phenomenon of *Droit*, particularly if one considers the political aspect of this reality, and especially when one is concerned with questions relative to the Constitution of the State, since the notion of a Constitution is itself a notion just as much political and it is juridical (Kojève, 2000: 29).

Outline of a Phenomenology of Right is among the rare completed works of Alexandre Kojève, most likely written between 1942 and 1943, yet published only posthumously in 1981 (Filoni, 2024). The typescript bears the note "Marseille 1943"; the publisher Gallimard's foreword states: "Alexandre Kojève wrote these pages during the summer of 1943, in Gramat (Lot), where he had gone to see the family of Eric Weil" (Kojève, 2000: IX). Gramat is a commune in Occitania, Marseille lies in Provence. We know that Kojève was forced to leave Nazi-occupied Paris and crossed several regions of France, staying with acquaintances and friends – such as Eric Weil, then a leading figure in the French Resistance – until he reached Marseille towards the end of 1943. There he remained until the end of the war, continuing to maintain contacts with the Resistance, particularly with the *Combat* group. During those years, Kojève did not abandon his work of reflection on political and juridical concepts related to the form of the State, perhaps also stimulated by the emerging prospect of embarking upon a career as a political adviser

(Hassner, 2009; cf. also Filoni, 2025; Love, 2018). Yet it was not only the possibility of a State career that led him to continue this reflection: he was confronted with a theoretical problem raised by the tragedy of the Second World War, which also marked the historical catastrophe of sovereign power. Claiming to be rational, that power revealed instead its will to domination, its demonic face, its absolute exceptionality unfounded in any norm. Kojève was therefore compelled to understand the reasons for such a tragic outcome, and precisely in those darkest years of the war he worked on two concepts that the will to power seemed to have undermined: authority and law. Two of his most significant politico-juridical works are devoted to these themes: *Outline of a Phenomenology of Right* and *The Notion of Authority* (1942, also long unpublished and first printed only in 2004).

The possibility of a political appointment materialized in 1945, when Robert Marjolin invited him to work at the *Direction des relations économiques extérieures* (DREE), thus beginning what may be described as his "second life," that of a senior official of the French State. In this role Kojève became, beyond his collaboration with Marjolin, a much-needed and influential adviser to Raymond Barre – staunch Gaullist, Vice President of the European Commission in 1967, and later Prime Minister from 1976 to 1981–, to Olivier Wormser – one of France's most important ambassadors and Governor of the Banque de France –, and to Bernard Clappier, also Governor of the Banque de France. Through Marjolin, Kojève was also close to Jean Monnet while drafting the Treaty establishing the European Economic Community, signed in Rome on 25 March 1957. Thus, during Europe's political, institutional, and economic reconstruction, he became one of the most important negotiators and advisers within French diplomatic delegations at international conferences, primarily on economic and trade agreements. His political work was consistently animated by the ideal of a final state of human unity that would abolish political, economic, and social conflicts (Auffret, 1990). The testimonies and recollections of Kojève's extraordinary political skills (Barre, 2007) and his writings of the time show us a man who never lost sight of the complexity of historical reality. As we shall see in the following pages, he was fully aware of all the difficulties that the post-1945 world posed, especially for

European states (relations with the USSR, or, conversely, what he called Britain's "hesitant attitude" toward the European continent). He was also aware of the impossibility of maintaining European imperialist colonialism, and of the need for Mediterranean European states to pursue a policy of engagement with Arab countries (Kojève, 1945; Kojève, 1949). He was also a man who never lost sight of the relation between theory and practice, and thus never ceased to write and reflect – because, as he noted at the end of 1944, political thought studies the present in view of the future: it becomes conscious of what is given to set an end, and in this lies its "utopian element" (Kojève, 1944). Hence, "the social and political perspective always has priority" (Roth, 1988: 102) in Kojève's reading: it appears in his lectures on the *Phenomenology of Spirit*, where he "betrays" Hegel in an original way by reading the fulfilment of Absolute Spirit in the concreteness of Objective Spirit, that is, in history; in his political works, such as *The Notion of Authority*, *Outline of a Phenomenology of Right*, or the essay on the Latin Empire (Kojève, 1945); but also in his important correspondences with Leo Strauss (Strauss, 2013: 215-326) and Carl Schmitt (Kojève and Schmitt, 2001). The question that traverses the works and political essays he composed beginning in the 1940s always proceeds from the conclusion of his Hegelian reading: what are the forms of the universal and homogeneous State, the State of the time of post-history? This was the question that Kojève spent his life trying to answer; the answers he gave to this question demonstrate a range of variations not always univocal, given the continuous tension that manifests itself therein between the ideal – utopian element, ultimate end, demand for completion – and political realism.

A first response, perhaps the most elaborate from the politico-philosophical and legal-philosophical standpoint, is offered in the work whose opening lines we have already cited, *Outline of a Phenomenology of Right*. The anthropology underpinning this text is the original anthropology he developed between 1933 and 1939 while lecturing at the *École pratique des Hautes Études* on Hegel's *Phenomenology*. It is constructed around the figure of the Mastery and the Slavery, produced within the dialectic of recognition. For Kojève this means that there is no human self-prior to social interaction: the human is always a product of fight and work, and the

social and political dimension is always constituted within a relation. On this point, Kojève criticizes Marx's anthropology in the *Phenomenology of Right*: "Marx was wrong to simplify and truncate the Hegelian conception [...] the act of work presupposes another act, that of the fight for pure prestige, whose true value Marx does not appreciate" (Kojève, 2000: 177). As pointed out Bruno Karsenti, the novelty of these Kojevian pages is the claim that the productive activity of work must not be conceived in a strictly economic sense, independent of all other determinations. Its original sense is social: work is embedded in a social process essentially grounded on ostentatious, passionate, and non-utilitarian dissipation, during which what is at stake, above all, is the prestige tied to the position of domination (Karsenti, 2011).

This anthropology leads Kojève to think that there is no genuine individual right in the strict sense, for the manifestation of right likewise requires the relation between two individuals, which calls for the disinterested intervention of a third.

> The essence of *"Droit"* is the entity [...] which is realized as the existence of *"Droit"* and is revealed as the phenomenon of "*Droit*" in the event of an interaction between two hum an beings, A and B, in and by the intervention of a third hum an being, C, impartial and disinterested, this intervention being necessarily provoked by the interaction in question and annulling B's reaction which responds to A's action (Kojève, 2000: 39).

Right, therefore, is an entirely human and social phenomenon, without any transcendent or transcendental foundation, and every authentic juridical situation necessarily presupposes the presence of a third – that is, historically speaking, society or the State. Developing further the dialectical paradigm of the Mastery and the Slavery from his Hegel seminars, Kojève argues that the politico-social dimension cannot be reduced to the interaction of two individuals alone: it also requires the intervention of the third. *Droit* may therefore be defined as "the application of a certain idea of Justice to given social interactions" (Kojève, 2000: 180). Remaining faithful to "his" Hegel and in opposition to juridical utilitarianism, Kojève insists that man aspires to the satisfaction made possible by the universal recognition

of his personal worth, that is, of his individual personality. Thus, if the political existence of man is determined by the desire to be recognized – that is, by a social relation – his political existence cannot but be intimately connected to his juridical life, even if the idea of justice is not reducible to a political phenomenon, as is thought by all those who, in Kojève's view, belong to the tradition of legal utilitarianism (Kojève, 2000: 181).

The juridical evolution of humanity is thus interpreted as the evolution of the idea of justice, or rather as the dialectic between two antithetical ideas of justice, which Kojève takes as ideal types, ultimately reaching their synthesis in a third form of justice – the only form that is truly real and concrete. Here we are faced with the application, to the phenomenon of law and to the idea of justice, of the fundamental principles of the phenomenological anthropology that Kojève believed he had rediscovered in Hegel's pages. Just as, in his lectures on Hegel, he had affirmed that "if the human being is begotten only in and by the fight that ends in the relation between Master and Slave, the progressive realization and revelation of this being can themselves be effected only in terms of this fundamental social relation" (Kojève, 1980: 9); so now, in his work on law, he perceives in the original constitution of this relation the manifestation of the idea of justice – since the anthropogenic conflict unfolds between two adversaries in identical conditions and thus exhibits those characteristics of consensus and reciprocity proper to justice.

Just as the anthropogenic fight gives rise both to the figure of the Master and of the Slave, so too justice emerges in the dual form of the justice of equality (the justice of the aristocratic right of the masters, grounded in the equality of the risk undertaken in combat) and the justice of equivalence (the justice of the bourgeois right of the slave, grounded in the equivalence of the conditions produced by the fight) (Kojève, 2000: 224). And yet, unlike in the interpretation of the *Phenomenology*, in this legal-philosophical work both the Master and the Slave, as well as the justice of equality and the justice of equivalence, lack historical concreteness: they are not assumed in their historicity, but rather function as logical principles. Consequently, in the *Phenomenology of Right* we do not find the philosophy of history that Kojève had developed in his reading of Hegel. Historical justice is instead the synthetic justice of the citizen,

which takes the name of justice of equity – that is, the justice that manifests itself in the full satisfaction of the anthropogenic desire for recognition, which belongs only to the citizen, the man who overcomes the impasse of mastery and slavery because, as citizen, he is recognized by the one who recognizes (Kojève, 2000: 213).

The right of the citizen is the right of the State, which will undergo historical development until the bourgeois tendency (the right of the slaves) has eliminated all non-equivalences, and the aristocratic tendency (the right of the masters) all inequalities. The final stage of such development will be absolute *Droit*, "the result of the juridical evolution, or – which is the same thing – the integration of this evolution – that is, the synthesis of all the constitutive juridical elements, which are so many stages of the historical evolution of *Droit* taken as a whole" (Kojève, 2000: 268). Absolute right, which Kojève repeatedly designates in these pages as a limit-idea – since it has not yet been fully realized in the concrete, and thus its positive content remains unknown – is the right of the universal and homogeneous State, with which it shares its unfolding in an a-historical temporality, that is, a temporality stripped of the succession of past-present-future, and therefore of the possibility of evolution. "For as the [universal and homogeneous] State – by definition – can neither change nor perish (either external and civil wars being ruled out), its *Droit* will not change either: it will be eternally and universally valid" (Kojève, 2000: 268)[1].

The operation underpinning the *Phenomenology of Right* is in evident tension with Carl Schmitt: Kojève, in fact, seeks to affirm the original primacy of recognition over hostility – to thematize, that is, the self-affirmation of the juridical, as the realization of a determinate idea of justice affirmed as universal, over the political. Kojève explicitly refers to Schmitt in these pages: "'Friend' and 'enemy' mean: '*political* friend' and '*political* enemy'. [...] But I assume as know these two fundamental, specifically political, categories" and he makes an explicit mention in a note of *Der Begriff des Politischen* (Kojève, 2000: 134). In the Schmittian reading the political is the figure of an irreducible primordial hostility, one that pertains to the

[1] Regarding the themes of *Outline of Phenomenology of Right* cf. at least Roth (1983); Frost (1999); Nichols (2007: 63ff.); Palma (2012); Garofalo (2024).

theological-political condition of man and from which one never liberates oneself, but which can only be "restrained" (the theological-political theme of the *katechon*). In contrast, Kojève views both hostility – the anthropogenic fight – and justice – the intervention of the third – as equally primordial, and to overcome, in the consummation of history, the primordiality of the political, in a sort of dialectical synthesis producing a realized, concrete pacification.

> It would be just as wrong to want to reduce the juridical to the political as it would be to deduce the political (in the proper sense) from the juridical. The idea of Justice, which is at the base of *Droit* as such, is a specifically juridical category, [or] in any case a category irreducible to specifically political categories (Kojève 2000: 182).[2]

Law thus appears to coincide with the historical dynamic of recognition culminating in synthesis.

In Kojève's juridic-political phenomenology, the primordial negative – manifest both in the dialectic of master and slave and in the dialectic of aristocratic right and bourgeois right – is overcome in the movement of history, which produces a synthesis that materializes in the time of post-history (a time that is no longer historical, for it no longer knows change, as he had already explained in Paris in his reading of Hegel's *Phenomenology*). The political form of this new time is the universal and homogeneous State – a State no longer requiring the qualities of sovereignty, which Kojève, together with Schmitt, identifies with the capacity to designate external and internal enemies.

> For there to be a State, the following two principal conditions must be fulfilled: 1) there must be a Society, of which all the members are all 'friends', and which treats as an 'enemy' all non-members, whoever they are; 2) inside this Society a group of 'governors' must be clearly distinguished from the other members, who constitute the group 'governed.' Each of the two conditions is necessary (Kojève, 2000: 134).

[2] On this different reading of the relation between the juridical and the political, cf. also the Schmitt-Kojève correspondence (2001) and on this Altini (2003). On Schmitt's presence in *Outline of a Phenomenology of Right* cf. also Palma (2022). For a Schmittian critique of Kojève cf. Preterossi (2023).

That means that the universal and homogeneous State no longer relies on the political act of decision, but instead acts through the juridical act of "being the sanction of the political and social equality and equivalence of its litigants" (Kojève, 2000: 268).

More than against Schmitt – toward whom he would always maintain great attention, engaging in a long dialogue, because there was no one else in Germany worth talking to, as he remarked to Jacob Taubes when meeting him in Berlin in 1968 (Taubes, 2013) – Kojève seeks to think beyond Schmitt: to Schmitt's political theology he opposes a philosophy of history, albeit in a work that, as we have already seen, is not strictly speaking a philosophy of history: "this dialectic of universal history is also [...] the dialectic of *Droit* and the idea of Justice" (Kojève, 2000, 214). As for Schmitt, so too for Kojève the time of the political is a tragic time, in which concrete fights for recognition take place, and a time marked by the risk of death and of war. Yet beyond Schmitt, the necessary evolution of this tragic time can only lead to the synthesis of a pacified world society, which represents the meaning and the goal of the juridical evolution of humanity: the opening of an inevitably post-political epoch, characterized by the primacy of law over violence and power, and by the full satisfaction of the desire for recognition.

These pages show that, beginning in the 1940s, Kojève aligned himself with that current of European thought that resisted the mere identification of politics with sovereign power; pages which, like those of the essay on authority, display striking resonances with Hannah Arendt's reflections on authority – unsurprising, since Arendt herself attended some of Kojève's lectures (Tortorella, 2021-2022; Ovcharuk, 2024). At the same time, in these pages Kojève also reiterates, as he had done in 1939 with the announcement of the end of history, that the end of a certain way of conceiving politics as the clash between friend and enemy – sanctioned by the fact that the State "is no longer supposed to vary, seeing that it will no longer have, by definition, either external wars or internal revolutions" (Kojève, 2000: 126) – does not mean the end of man, the individual who fights and works, and thus his mere re-animalization, but rather that "the Citizen will act in his capacity as Citizen, i.e., as any given member of the community, or according to his human being" (Kojève, 2000: 475).

> The universal and homogeneous State will result from the interactions of national States (warlike or pacific) – that is, also from the interactions of national *Droit*. [...] Juridical unification [of humanity], therefore, must be backed up by a *political* unification. Once again, *Droit* will only be real in actuality in the universal and homogeneous State (Kojève, 2000: 126).

The universal and homogeneous State thus becomes the institutional form of a new "global" order governed by law. In the concluding pages of *Outline of a Phenomenology of Right*, Kojève explicitly identified the concrete form of the universal and homogeneous State with the socialist empire, noting, "let us not forget, moreover, that the socialist Empire is a universal and homogeneous State" (Kojève, 2000: 474). At the time, in 1943, the Soviet Union seemed a realistic political prospect, given the collapse of the French State into a collaborationist regime under Nazi totalitarianism. By the 1950s, as a senior official of the French Republic actively engaged in building the European Community, Kojève would go on to explicitly use the term *nomos* in a 1957 lecture on underdeveloped countries at the Rhein-Ruhr Club in Düsseldorf. With this term – an explicit homage to Schmitt, who had arranged for his invitation – he intended to designate precisely the necessity of a new global political and juridical order, which was no longer to be embodied by the Soviet Union but rather by Europe, provided it could attain full consciousness of itself.

2. The Genesis of the Universal State

> Universal history, therefore, is nothing but the history of the *dialectical* – i.e., *active* – relation between Mastery and Slavery. Hence, history will be completed at the moment when the synthesis of the Master and the Slave is realized, that synthesis that is the whole Man, the Citizen of the universal and homogeneous State, created by Napoleon (Kojève, 1980: 44).

But where did the concept of the universal and homogeneous State originate? Before examining some of the variations on the theme that Kojève elaborated beginning in the second half of the 1940s, it

is useful to take a step back to understand the genesis of this idea that has provoked so much debate.

During his Paris seminar, Kojève first announced the advent of the universal and homogeneous State. The universal and homogeneous State – synthesis of the dialectic of master and slave, politics and philosophy – became the underlying thread of the Hegelian pages. "It is from the Slave's Work that *Denken* and *Verstand*, Understanding and Thought – that is, conceptual understanding of the World – are born. [...] Therefore, the Concept *is* Work, and Work *is* the Concept" (Kojève, 1980: 145). The substance of man, who fights and works, is the Hegelian concept, which is identified with the soldier-worker of the Napoleonic armies: "The Napoleonic State has an essentially new character; in it is realized the synthetic man, the authentic *Bürger*, the true Citizen – synthesis of the Master and the Slave: the soldier who works and the worker who goes to war" (Kojève, 1979: 114, translation by the author). Once Concept and Work are identified, Kojève can also interpret accordingly the final chapter of the *Phenomenology*, devoted to absolute knowledge: the full comprehension of the Concept, absolute knowledge, coincides with the full realization of man, the Citizen of the universal and homogeneous State, who is at the same time the Sage – the one who comprehends the entire movement of history and philosophy, the fully satisfied man, who appears at the end of history. Wisdom and the universal and homogeneous State thus mark the end of man as historically understood, that is, of that being who, driven by the desire for recognition, separated himself from his own nature and became a historical subject – an entity that Kojève defined as "fatal disease of the animal" (Kojève, 1979: 554, translation by the author) or "the death that lives a human life" (Kojève, 1979: 550, translation by the author) – and who, through work and fight, the two modes by which human action is concretized, attains full satisfaction as reconciliation with himself. Only through the dialectic of master and slave does one realise wisdom, for work enables man, as he comes to consciousness of himself and the historical reality in which he lives, to attain the final stage of complete self-consciousness and satisfaction. This manifests in the figures of the Sage, the Citizen, the Integral Man, who inhabit the universal and homogeneous State.

Thus, during his lectures at the *École pratique*, Kojève proposed a philosophy of history in whose movement there unfolds the progressive recognition that all men are free and equal – a recognition that necessarily and definitively comes to completion in the universal and homogeneous State. The two adjectives qualifying the State at the end of history mean that we are faced with an institutional form that has overcome religious and national rivalries – the source of both civil wars and international wars – that is, a "universal" State, and one that no longer knows arbitrary distinctions of class or social condition – that is, a "homogeneous" State. Already in the Hegel lectures, the principal characteristic of the universal and homogeneous State is that it no longer changes – a characteristic also of the citizen who inhabits it, a subject finally "satisfied," since he experiences a condition in which both his personality and dignity are recognized by all (universally). He, in turn, recognizes the value of all. Political-legal recognition becomes recognition of man as such, not as a family, class, or nation member.

> The Particular (the *I*) relates directly to the Universal (the State) without any mediation by 'specific differences' (*Besonderheiten*: families, classes, nations). That is to say, in the post-revolutionary world, Individuality is realized for the first time. Now, to be an Individual – that is, truly Man – is to be 'satisfied,' to no longer wish or be able to 'transcend' oneself: to become other than what one is (Kojève, 1979: 146, translation by the author).

The universal and homogeneous State is the image of a world in which the collective quest for new orders or understandings of the world has been overcome: the desire for recognition is satisfied, and "History is ended" (Kojève, 1979: 154, translation by the author).

With the end of history, historical action and philosophical reflection are finally filled with meaning, and the past can be judged retrospectively; a criterion is thus offered to those who claim to judge the world. As we saw, human history has been made through man's negative activity (the fight and the work); so, the man of the end of history – the citizen – embodies the figure of one fully reconciled with himself. Likewise, if the history of the States has been the history of bloody wars among the states, the State at the end of

history – the universal and homogeneous State – is the "State of the *Tun Aller und Jeder*, in which each man exists only through and for the whole, and the whole exists through and for each man" (Kojève, 1980: 95): in short, the State that can no longer transform itself and can no longer expand.

In 1939, a few months before the outbreak of the Second World War, Kojève presented to his audience, and to subsequent philosophical-political reflection (including his own), the evidence that the satisfaction of the anthropogenic desire for recognition is fulfilled in the experience-understanding that the individual's desire is not satisfied by the subjugation of the other, but by the reciprocal recognition of the other's inviolability – by universal recognition. As a reader of Hegel, he discerned in the aspiration to the universal the meaning of the State itself, for "the State has no voice except as the expression of the universal realization of free subjectivity, capable of confronting the other in accordance with its own irreducible freedom" (Cacciari, 2004: 204). But was this outcome truly possible? Did the equality of citizens, which the State recognizes through juridical forms, truly satisfy the requirements of the dialectic of recognition? Or did the concrete recognition of the State itself rather sanction the impossibility of recognition as effective satisfaction? (Cacciari, 2004: 204). These were the very questions that Kojève would seek to answer not only on the plane of speculation but also through his work as a statesman and official.

3. Europe and the End of History

As we saw in the first section, in the pages of *Outline of a Phenomenology of Right* Kojève attempts to solve the philosophical-political – and politically concrete – questions opened by the announcement of the universal and homogeneous State. In his lectures Kojève explicitly identified Napoleon as the man of action who closes history, but his Parisian audience was only too aware that Napoleon was the name for Stalin – even if Kojève never referred in his lectures to Stalin or the Soviet Union. Kojève himself admitted much later that this had been his position in the 1930s. In particular, it is necessary to confront the theoretical and material tension between the figure of

the citizen – who, in order fully to satisfy the desire for recognition, tends to identify with humankind as a whole, thereby exceeding the state form – and the institutional form of the end of history, which Kojève nonetheless names "State," that is, a bounded form that is (or must be) universal, as if compelling the post-historical state form to encompass all humanity. As Massimo Vegetti has emphasized,

> citizenship thus expresses the impossibility of maintaining order within a static and closed form such as that of the State, and therefore unleashes an imperial vocation aimed at dissolving all politico-social differences while preserving its epicentre in the State. [...] The post-revolutionary State corresponds to an eschatological temporality precisely because it inscribes its necessity in the interval between the political and the humanitarian, in the drive to actualize citizenship by 'comprehending' humanity, thereby overcoming its own historical necessity (Vegetti, 2008: 517).

Kojève devoted his political and philosophical work to resolving this theoretical and practical problem from the 1940s until he died in 1968, which occurred suddenly in Brussels while attending a meeting of the Western Trade Group of the Common Market. On the one hand, already in the pages of *Outline of a Phenomenology of Right* there begins to appear a new name for the political form of post-history-Empire – a form that, by its very nature, is not bounded but tends to expand with a quasi-global projection, and which – as we have seen – he identifies with the socialist Empire. The Empire

> on the one hand, that is no Enemy, does not make war; on the other hand, because of its homogeneity, there is not in it an exclusive political Group, i.e., relations between Governors and the Governed (although there is a distinction between Administrators and the Administered). In other words, the Empire will be deprived of the two essential characteristics of the State. It will have, so to speak, any political 'interest'. It will be 'disinterested' in respect to its Citizens. This is why it will be able to continue to play the role of the juridical Third in respect to them. [...] to be a Citizen, therefore, will be nothing other than being a human being in the full and strong sense of the term (Kojève, 2000: 474).

The universal and homogeneous State – or Empire – in its fulfilment lacks the political characteristics of statehood which, we recall, Kojève had located in the capacity to discriminate between friend and enemy and to distinguish between rulers and ruled. What differentiates the modern State from this new State form – so new that Kojève lacks even a word to name it and must either resort to qualifying adjectives to signal its novelty or retrieve an ancient word from Europe's political lexicon, "Empire," to underscore that we are dealing with a distinct political form – is that "the activity of the universal and homogeneous State, therefore, will boil down to a juridical activity" (Kojève, 2000: 474). The total juridification enacted by the universal and homogeneous State makes it possible to conceive a dynamic of recognition devoid of fight, that is, devoid of the political element (Perulli, 2013). We are still dealing with a form of political order – as evidenced by the fact that it is an organization of space still designated with terms that identify political orders – but one that claims to be governed entirely by law, because it can dispense with the element of the political. It should also be noted that the law described remains a law of the State; and Kojève, an attentive reader of Hegel and of the entire nineteenth- and twentieth-century positivist legal tradition, knows well that it is no longer possible to invoke a transcendent dimension or a substantive natural law as its foundation. Rather, it has its roots in the historical-political tradition of the *jus publicum Europaeum*. The long argument that unfolds through the pages of *Outline of a Phenomenology of Right* attests to this awareness. And yet it is a law he considers effective precisely because it is completely de-politicized – that is, freed from its origin, from the encumbrance of the political, from the friction of materiality: recognition is no longer a political recognition, but a juridical recognition of equality in humanity. In short, "the idea of an impolitically global order speaking in the name of a truly universal *Jus gentium*" emerges (Vegetti, 2008: 636; cf. also Pullano, 2017).

We know that Kojève did not regard the reflection conducted in *Outline of a Phenomenology of Right* as definitive – in fact, the original work's subtitle reads *Exposé provisoire* – and he repeatedly returned, in later writings as well as in exchanges with Strauss and Schmitt, to the question of the universal and homogeneous State, prompted also by the observations of his correspondents. In the

1940s he tried to resolve the tension at the heart of the concept by naming it Empire not only in the work on law we have examined, but also in the essay on the Latin Empire. In that text, Empire appears as the form capable of realizing in Europe the concrete form of the universal and homogeneous State both from a political standpoint – since the imperial form would give a new impulse to democracy, forcing it to abandon a traditional ideology still tied to a framework of nations – and from an economic standpoint – since the Empire is presented as an economic organization able to overcome both liberalism and statism. Indeed, the political form of Empire must correspond to a colonial economic union and a metropolitan economic union (Kojève, 1945). Yet even as Kojève dwells at length on the economic conditions that would allow the constitution of the Latin Empire, he does not cease to insist that "the final and true goal of imperial union is fundamentally political, and it is a specifically political ideology which must create and inspire it. Now, the fundamental political category is that of independence or of autonomy" (Kojève, 1945). His reflection on this problem also continues in the 1950s and 1960s, becoming almost a kind of utopia against which to measure the work carried out within the international community – work that would make him one of the architects of the new tariff system born of the Bretton Woods agreements and of the nascent European Economic Community.

In the postwar years, continuing to inquire into the universal and homogeneous State does not mean, therefore, envisaging the disappearance of the State – as Strauss also notes, for example, in the *Reply on Xenophon's Hiero*, written in response to Kojève's essay *Tyranny and Wisdom*, the continuation of their long dialogue on the relation between politics and philosophy (Strauss, 2013). Kojève himself, still in dialogue with Strauss, reaffirms the political character of philosophy – its conflictuality, its being necessarily political action – since the question now is that

> if the Westerners remain capitalist (that is to say, also nationalist), they will be defeated by Russia, and *that* is how the End-State will come about. If, however, they 'integrate' their economies and policies (they are on the way to doing so), then they can defeat Russia. And *that* is how the End-State will be reached (the *same*

> universal and homogeneous State). But in the first case it will be spoken about in 'Russian' (with Lysenko, etc.), and in the second case – in 'European' (Strauss, 2013: 256).

We are in 1950, and Kojève now interprets the end of history and the universal and homogeneous State not as the overcoming-and-verification of the State, of Hegelian philosophy – in short, of political modernity – as in the Paris lectures and still in *Outline of a Phenomenology of Right*, but as the fulfilment and full realization of modern politics and, in this sense, its outcome – an outcome that, consequently, can only be administered in the diverse forms that the universal and homogeneous State will come to assume.

This rethinking – or rather, re-elaboration – is certified by Kojève himself in a note he added in his own hand to the second edition, published in 1968 again by Gallimard, of *Introduction à la lecture de Hegel*, where he writes that already in 1948:

> [I] understood that the Hegelian-Marxist end of History was not yet to come, but was already a present, here and now. Observing what was taking place around me and reflecting on what had taken place in the world since the Battle of Jena, I understood that Hegel was right to see in this battle the end of History properly so called. In and by this battle the vanguard of humanity virtually attained the limit and the aim, that is, the *end* of Man's historical evolution of Man. What has happened since then was but an extension in space of the universal revolutionary force actualized in France by Robespierre-Napoleon. From the authentically historical point of view, the two world wars with their retinue of large and small revolutions had only the effect of bringing the backward civilizations of the peripheral provinces into line with the most advanced (real or virtual) European historical positions. [...] the Sino-Soviet actualization of Robespierrian Bonapartism obliges post-Napoleonic Europe to speed up the elimination of the numerous more or less anachronistic sequels of its pre-revolutionary past (Kojève, 1980: 160).

If the universal and homogeneous State is already present, then one must work to complete the unification of the world. Considering these reflections, I believe we should also read the lines that Kojève dedicates in the essay on the Latin Empire to relations between the

two shores of the Mediterranean (Kojève, 1945). While it is undeniable that in those pages, he still regards European colonialism as a necessary economic base to avoid excessive economic dependence on the United States, he already maintains that "an agreement between Latinité and Islam would render the presence of other imperial forces in the Mediterranean basin curiously instable" (Kojève, 1945). The Mediterranean is conceived not as a boundary that divides, but as a political and economic space of relations among peoples – an original position, albeit one that went unheard (Howse, 2004, 2006).

The same conviction returns in the pages of the lecture on "underdeveloped countries," in which Kojève in effect discusses globalization as the outcome of the Bretton Woods system – that is, Western commercial globalization – against the backdrop of a world divided in two. The original German text of the lecture delivered by Kojève, at Schmitt's invitation, on 16 January 1957 at the Rhein-Ruhr Club in Düsseldorf, was only published in 2001 by Peter Tommissen in the sixth volume of the *Schmittiana* series (Kojève, 2001a). A shortened French version was given by Kojève to some friends, but this was only published in the revue *Commentaire* in 1980.

In the lecture, Kojève argues that colonialism must be transformed from "appropriating" to "giving" by investing a share of surplus value in the regions where it is produced to promote their development and counter the imbalances between Western democracies and the African and Asian world. From the mid-1950s onward, as this lecture shows, Kojève sided with the process of decolonization, taking an active part in preparing the Évian Accords that would resolve the Algerian question. Once again, one cannot fail to underscore Kojève's capacity to think the present beyond the present itself: we are confronted with a text by an author who, already at the end of the 1950s, seeks to look beyond the world's division into two blocs and identifies colonialism as the problem of the twentieth century.

"The word 'colonialism' will designate the system where the surplus value, as in 'capitalism', is not invested by the state, but privately, but where it is raised not inside but outside of the country" (Kojève, 2001b: 119). For Kojève, capitalism is the economic system of a unified world – here designated as the "Western world" – which, however, "is absolutely no longer just European or Euro-American. It is also,

and perhaps even predominantly, at least in the long term, African and Asian" (Kojève, 2001b: 118). Kojève understands the terms colonialism and capitalism in the Marxist sense; in fact, he emphasizes that "if one takes the real world as a whole, however, then one immediately sees a gigantic proletariat, precisely in the true Marxist sense of this word" (Kojève, 2001b: 119). If colonialism represents the contemporary modality of capitalism, then – to avoid a systemic crisis – colonialism must assume the same stance Henry Ford took concerning Marxian analyses. This means that "to prevent the collapse of colonialism, this colonialism will have to be reconstructed in a radical way, which is analogous to the way in which the capitalists before, around and after Ford reconstructed the old capitalism under the impact of Fordism" (Kojève, 2001b: 120). To the German industrialists in his audience Kojève, with the philosophically ironic tone that was his hallmark, suggests acting as a new "collective Ford" (Kojève, 2001b: 123). The global system of capital cannot tolerate massive imbalances between advanced states and the so-called developing countries if it wishes to avoid ever more dangerous disequilibria. This has now become "a world problem and a mortal danger" (Kojève, 2001b: 122), a matter that Kojève is convinced Europe – in the embryonic form of the Community that is about to be born – must assume in the first person, because "if giving colonialism is not practiced as well, the southern and eastern Mediterranean clients will remain, as before, poor clients; and that also means: bad clients or even 'dangerous' clients" (Kojève 2001b: 126-127). Kojève, like Schmitt, assimilates U.S. technocratic capitalism ("the stronghold of 'principled' colonialism is in Washington") (Kojève, 2001b: 122) and the planned economy (the Soviet Union is engaged in reiterating a nationalized modality of the "old, taking capitalism which gave the domestic masses as much as possible") (Kojève, 2001b: 123). This interpretation – seeking to see beyond the Cold War – seems to him to constitute the favourable condition for Europe itself to propose a new *nomos*, one that, alongside Schmitt's triple root of appropriation-distribution-production (Schmitt, 1993) – which Kojève explicitly cites – adds a fourth root, that of the gift, because "if everything has already taken, one can naturally divide only if some give away the others receive" (Kojève, 2001b: 123). So, it is no coincidence that Schmitt, in the second edition of *Appropriation/Distribution/Production* (1958), added five

glosses, and in the last one he explicitly criticizes Kojève's proposal. Schmitt write that one must recall, however, that there cannot be any man capable of giving what, in one way or another, he has not first taken. But, Schmitt argue, only a God who creates the world out of nothing can give without taking (Ruschi, 2004-2005; Palma, 2012).

The proposal of "giving colonialism" is undoubtedly the fruit of Kojève's long work as a negotiator for the French State in the OEEC and GATT talks, at the meetings of the European Common Market in Brussels, in the Kennedy Round (Geneva, 1963-1967), and in the early-1960s negotiations on tariff preferences for developing countries. It is no accident that the relationship between rich and poor countries stands at the centre of Kojève's reflection and political activity from the late 1950s onward: he understood well that much of the future international political scene would unfold on that terrain.

Before the German industrialists, we see, in short, another figure of the universal and homogeneous State taking shape – a figure that proposes to conceive the universal and homogeneous State "in the European way," in polemic with another figure of the universal and homogeneous State that Kojève sees advancing and that, in the continuation of the 1968 note to *Introduction to the Reading of Hegel* cited above, he names the *American way of life*:

> Now, several voyages of comparison made (between 1948 and 1958) to the United States and to the U.S.S.R., gave me the impression that if the Americans give the appearance of rich Sino-Soviets, it is because the Russians and the Chinese are only Americans who are still poor but are rapidly proceeding to get richer. I was led to conclude from this that the 'American way of life' was the type of life specific to the post-historical period, the actual presence of the United States in the World prefiguring the 'eternal present' future of all of humanity (Kojève, 1980: 161).

Full satisfaction – the condition of the end of history – thus seems to be realized "in the form of the satisfaction of the masses brutalized by the security of well-being" (Vegetti, 2008: 651). This reading of the world asserts itself within a post-political and post-historical horizon in which all desire the same thing: consumption.

In Kojève's world of thought and action, the blocs still exist and risk going to war; yet we are no longer faced with the modern form of war triggered by the Hegelian fight for recognition. Rather, it is a war of competition, because any horizon alternative to a history modelled on capitalism has receded, leaving little room for alternatives. In short, Kojève – moving among negotiating tables for international trade agreements yet refusing to abandon philosophical reflection on his present – signals the risk that no radical alternative remains on the field, perhaps anticipating the self-projection of capitalism as triumphant and victorious after the fall of the Berlin Wall. For a time – especially in the first two decades after 1989 – this self-representation did in fact take shape, informing the ideology of contemporary globalization and neoliberal economic policies. Yet faced with a unification of the world that now appears to be driven more by the economic than by the juridical utopia sketched in *Outline of a Phenomenology of Right*, Kojève does not adopt a stance of tragic resignation. He continues to "fight" personally so that a different way of administering politics and international relations might oppose the advancing post-historical Americanization. Europe – and in particular Latin Europe, the product of a long cultural and spiritual tradition, as he had argued in the essay on the Latin Empire – can be the best interpreter of this different way: both by practicing "giving colonialism" throughout the Mediterranean region (Kojève, 2001b: 127) and by not limiting itself to an exclusively economic union, but realizing "a real political entity" (Kojève, 1945), whose ultimate aim must be "the maintaining peace in the European West" (Kojève, 1945). Some scholars, such as Nichols Jr (2007), have recognised a suggestive capacity for foresight in the pages of the essay on the Latin Empire. And Roberto Esposito (2018) has emphasized how the Kojevian text already contains all the terms of a problem that remains unresolved today and that is a decisive factor for understanding the political and economic difficulties in which the European Union continues to struggle (cf. also Moore, 2024).

To conclude – provisionally, as Kojève preferred – his philosophical-juridical-political analyses, developed from the 1940s onward, undoubtedly display elements of difficulty and critical tension. It must indeed be noted that in discussing the forms of the universal

and homogeneous State, Kojève undertakes a reflection on the figure of the democratic social State, which played a major political role in postwar Europe; nor, for that matter, does he deal much with democracy, or reflect on the relation between Keynesianism and democracy, or on fights for the recognition of social rights conducted within capitalist systems, considering, as we have seen, only Fordism as a factor in the reform of capitalism. Likewise, one should underline that the picture of the European context he proposes is strongly Franco-centric. At the same time, the solutions he envisages raise legal and political problems that Kojève does not fully resolve. Nevertheless, the interest aroused by so eccentric an intellectual figure – the "Sunday philosopher," as Raymond Queneau dubbed him – endures, as the renewed editions of his works, both in Europe and across the Atlantic, attest. This interest can be accounted for by the lucidity with which he discerned the challenges inherent in the time of post-history. Although more than half a century separates us from this singular thinker-official, and although historical circumstances have profoundly changed, those very challenges continue to assert their relevance today – at a moment when war has once again returned to the world stage and Europe exposes the political fragility of a system that either would not, or could not, respond to the call to constitute a genuine political union capable of meeting the demands of the post-historical age[3]. Kojève's legacy thus lies in his effort to reconcile law and history, utopia and realism, in a vision of Europe as the juridical form of a post-historical world.

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[3] In this sense also Pullano (2017), who reads the attempt of the universal and homogeneous State as an attempt to offer a critique of political modernity that is neither reactionary nor regressive.

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