Global Governance and Justice in the Debate Between Leo Strauss and Alexandre Kojève

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It is hard to imagine that students or scholars would turn to the debate between Leo Strauss and Alexandre Kojève in the former's *On Tyranny* for any guidance on the issues of global governance and justice. Originally published in 1948, *On Tyranny* seemed to be little more than an interpretation of an obscure dialogue by Xenophon (the *Hiero*). Kojève wrote a review which amounted to a completely new interpretation of that dialogue (and much more besides) titled "Tyranny and Wisdom," to which Strauss responded with his "Restatement on Xenophon's *Hiero*" (which also included a brief discussion of Eric Voegelin's review of the book). All three works were published in French in 1954 and then in English in 1963, and subsequent editions of the book (1991, 2000, and 2013) have included the Strauss-Kojève epistolary correspondence (edited and translated by Victor Gourevitch and Michael S. Roth).[1] The debate has since become anything but obscure: it is considered by many to be one of the finest and most penetrating introductions to the differences between ancient (Strauss) and modern (Kojève) political thought in a relatively compact format, and it has been the subject of numerous articles and interpretations.[2] Still, a debate most notable as an introduction to ancient versus modern political

1. All in text citations to *On Tyranny* (= *OT*) will be to the third edition (2013), published by The University of Chicago Press.

2. At the risk of being a pedant, the following note provides an introduction to some of the most influential and thought-provoking discussions of the debate in the secondary literature, and especially the debate's other political and philosophical dimensions than the one discussed in this essay. The granddaddy of all articles on the Strauss-Kojève debate is clearly Victor Gourevitch, "Philosophy and Politics, I–II," *The Review of Metaphysics* 22 (nos. 1–2, 1968): 58–84, 281–328. Had Gourevitch added a bit more to this article, it might have become a monograph itself. Robert B. Pippin, "Being, Time, and Politics: The Strauss-Kojève Debate," *History and Theory* 32 (no. 2, 1993): 138–61, is also an important and widely cited source, if only because he has written at least three books on Hegel, Kojève's philosophical source or inspiration. More recent contributions include Dustin Sebell, "Ancient versus Modern Philosophy: The Socratic Refutations and the Napoleonic Strategy in Leo Strauss's 'Restatement',"

philosophy does not seem, at first glance, the best venue for discussing and disclosing issues of global governance and justice. Indeed, what does it have to do with these issues at all?

The Shaping of Politics by Philosophy (and Vice Versa)

Upon closer and more critical examination, however, it could be argued that the debate between the ancients and the moderns is a beginning point when it comes to these issues; for that debate is at least in part one on global universalism, perhaps not directly but certainly implicitly. The ancient or classical philosophers argued that all political communities are necessarily particular, and thus need to be adapted to time, place, and circumstance: what is good for Athens is not necessarily good for Sparta or Thebes, to say nothing of Persia or Egypt. As Plato makes clear in the *Laws*, when the Athenian Stranger begins to found a new city with Kleinias and Megillus, there are a host of particulars that have to be consulted before the founding can even properly take place. The moderns, by contrast, seemingly loosened these restrictions: while wholly acknowledging the importance of particulars in politics, they hoped that universal principles might someday reign supreme everywhere and always. Even Montesquieu's political and commercial cosmopolitanism pointed in that direction (although he was insistent that founders and leaders respect and pay scrupulous attention to local factors and *moeurs* when instituting sweeping changes). What Kojève simply does is take the proverbial (modern) ball and run with it. There is no inherent reason why global universalism is impossible or even undesirable; and if we look at things with philosophical clarity, we will see that we have been moving in that direction historically all along.

The Political Science Reviewer 45 (no. 2, 2021): 355–87, and José Daniel Parra, "Tyranny or Wisdom?: A Reading of the Strauss-Kojève Debate," in *Alexandre Kojève: A Man of Influence*, ed. Luis J. Pedrazuela (Lanham, MD: Lexington Books, 2022), 161–80. See also Lorraine Smith Pangle, "The Radicalness of Strauss's *On Tyranny*," *Interpretation* 45 (no. 1, 2018): 49–66, which focuses on the character of the book that occasioned the debate in the first place. Although it was Francis Fukuyama who made Kojève a household name of sorts with his blockbuster article "The End of History?", *The National Interest* 16 (Summer 1989): 3–18, and his best-selling book that followed, *The End of History and the Last Man* (New York: The Free Press, 1992; second edition 2006), the person who in many respects resurrected scholarly interest in Kojève was Michael S. Roth, *Knowing and History: Appropriations of Hegel in Twentieth-Century France* (Ithaca, NY: Cornell University Press, 1988). A collection of his essays on the theme or theory of history (broadly construed) is *The Ironist's Cage: Memory, Trauma, and the Construction of History* (New York: Columbia University Press, 1995). Almost every recent book about Strauss has some discussion of the Strauss-Kojève debate. Two of the more extensive are Steven B. Smith, *Reading Leo Strauss: Politics, Philosophy, Judaism* (Chicago: The University of Chicago Press, 2006), and Robert Howse, *Leo Strauss: Man of Peace* (Cambridge: Cambridge University Press, 2014). Worth consulting as well is James W. Ceaser, *Reconstructing America: The Symbol of America in Modern Thought* (New Haven, CN: Yale University Press, 1997), chapter 9, "America as the End of History." As for presentations and interpretations of Kojève's overall political philosophy—its orientation, structure, and sources—see James H. Nichols, Jr., *Alexandre Kojève: Wisdom at the End of History* (Lanham, MD: Roman & Littlefield, 2007) as well as Jeff Love, *The Black Circle: A Life of Alexandre Kojève* (New York: Columbia University Press, 2018).

Let us look at this from a different perspective or beginning point, one more in keeping with the evident issues raised in *On Tyranny*. Although there are many deep fissures between Strauss and Kojève in this debate, one thing upon which they both agree is that philosophy is the highest way of life. The question or crux, therefore, becomes how to understand that way of life: what is philosophy's meaning, nature, and purpose? Strauss argues that the philosopher is dedicated to understanding the whole or the cosmos, or that which most closely reveals or represents it, namely the human soul. As such, the philosopher is a somewhat trans-political individual: while not abandoning the study of politics and political phenomena, the philosopher is not politically active in any concrete sense, and the philosopher has a somewhat ambivalent relationship to the political regime and tends to remain in the shadows. In short, the telos or true end of philosophy is quite different from (and perhaps even diametrically opposed to) the telos or end of political life, even at the latter's highest aspirational level. Philosophers are dedicated to contemplating the eternal verities of the world; and while the comings-and-goings of the ephemeral realm of politics are of (some) interest to philosophers, their primary concern is that which transcends politics and history: the Being or character of nature itself. But what Strauss claims, Kojève denies. Kojève argues that the philosopher has a much more robust interest in politics—indeed, even a necessary interest as a philosopher. He asks a simple but penetrating question: how can philosophers ever know that what they believe is correct unless they can prove it to others, or to say the same thing, how can philosophers ever escape the dilemma of madness or subjective certainty unless they can convince others (and a great many others) that what they believe is actually true? Contrary to Strauss, philosophers are forced to enter the political arena to demonstrate to themselves and through others that what they believe or argue is true is actually genuine knowledge, and not merely some uncorroborated or unsubstantiated opinion: the proof of philosophical pudding is history, or better yet, historical success, for without it, no philosopher can know that what they propose is truth or falsehood (after all, many individuals think they are Napoleon without being so: how do philosophers know that this is not the case with them unless they can convince others through politics and political action that their ideas are a reflection of reality, whether now or in the future?). Therefore, Kojève has a much higher appreciation of politicians and politics in respect to philosophy than does Strauss: while philosophy might be the highest way of life, the politician who endorses and enacts a philosopher's ideas is in some ways the equal to the philosopher who first proposed them. Philosophers need politicians as much as politicians need philosophers, the former to prove that their ideas are true, and the latter to achieve historical success and greatness.

Now the highest way of life and how to understand it correctly is intimately connected to the idea of the best political regime or order; for the best political regime or order should (or must) promote that best way of life, however that way of life is understood. Strauss maintains that this is highly unlikely, if not impossible. The life of philosophy is fundamentally incompatible with

serious or uncompromising political commitment and engagement: one need only look at the concluding lines of Plato's *Laws*, where the Athenian Stranger, who is willing to help found a city in speech, is silent about whether he is willing to do so in deed. The philosopher's political activities (to the extent that they even robustly exist) is perhaps best exemplified in Aristotle, where the Stagirite suggests small and modest improvements to all contemporary political regimes and orders, but especially to the two most prevalent, namely oligarchy and democracy. Aristotle never makes philosophy as such the ultimate goal or end of politics, if only because philosophers do not want to rule and because most persons would not want them to either (assuming they could even discern a true philosopher in the first place). At best (and this itself is also exceedingly rare), the architectonic focus or core of politics will be the cultivation of some degree of moral virtue in the citizenry as a whole or in part (with a concomitant hope that by so doing citizens of all stripes might become over time less hostile to philosophers and the philosophic enterprise). But it must be remembered that moral or political virtue is not philosophic virtue: these two types of virtue may be intertwined or related in various ways and degrees, but they are not synonymous (as Aristotle makes clear at the end of the *Nicomachean Ethics*). Thus, even the best regime can never be fully philosophic but only sub-philosophic in its practices, orientation, and beliefs, and the philosopher can have at most only a limited or qualified attachment to it. Perhaps counter-intuitively, the philosopher is a true cosmopolitan: attached to no political order in particular but perhaps to humanity as a whole (or even to the cosmos or nature as a whole, to the extent this is possible), the philosopher pursues a way of life that, while necessarily embedded in a particular political order, seeks to transcend its limits in search of a thorough-going and true universalism. Again, the foundational and permanent ends of politics and philosophy are fundamentally incompatible, the former particular and the latter universal or cosmopolitan.

Kojève, it would seem, comes to a somewhat similar conclusion but for entirely different reasons. The truly philosophic regime is both desirable and possible (perhaps even inevitable) given the political activities of philosophers and the philosophic leanings of the best politicians: just as Plato advised Dionysius, Aristotle Alexander, and Spinoza De Witt, so the pedagogy of philosophers inspires those in power to make meaningful changes in the existing historical reality—if only to prove through their successful ideas and actions that what they both believe is actually true by improving and bettering the concrete, given present. For Kojève, history is a purposive, evolutionary, and emancipatory process—a progressive revelation of our own ever developing self-consciousness over time, even when that development may be unbeknownst to us at the present moment. In other words, the complete understanding of our self-conscious, historical fulfillment is not known or comprehended until that fulfillment is fully achieved over time in and through singular stages; and while each stage results in a partial advancement, the totality of that advancement is not known until the very end, when we fully and completely see and understand where we have been heading historically all along. Kojève never denies that

violence is part of this historical process—but progress does not occur without it, as no genuine human advancement occurs when those in power voluntarily relinquish present benefit for future uncertainty without being compelled to do so by force. The philosopher is a genuine cosmopolitan but not for the reasons Strauss had suggested: the philosopher's cosmopolitanism is rooted in their desire to prove that they are correct through historical success (and thus to avoid the pitfalls of mere subjective certainty or madness), and this necessitates that they transcend any particular regime of which they are a part for a much greater whole that is universal history (and not nature or the cosmos as Strauss had asserted). As Kojève succinctly surmises in the final paragraph of "Tyranny and Wisdom": "In general terms, it is history itself that attends to 'judging' (by 'achievement' or 'success') the deeds of statesmen or tyrants, which they perform (consciously or not) as a function of the ideas of philosophers, adapted for practical purposes by intellectuals" (*OT* 176). Contrary to what we asserted at the outset, the debate between the ancients and the moderns might be a direct and explicit contrast between the strengths and weaknesses of global universalism (and its historical inevitability or not), and the political role (if any) of philosophers therein. To say the same thing in somewhat different terms, the debate between Strauss and Kojève centers on the correct understanding of history: its past, its present, and its purported movement forward.

Hegel's Master-Slave Dialectic as the Motive Force of History

As is clear from the aforementioned remarks, Kojève is fundamentally an historicist, and this is key to almost everything he argues in "Tyranny and Wisdom" as well as in his other voluminous writings. Let us briefly summarize what Kojève's overall position is, and why he sees the engine or motor of history in and through a modified or adapted Hegelian perspective in *The Phenomenology of Spirit*.

Kojève's interpretation of Hegel is both original and arresting: he reads human history through the lens of Hegel's Master-Slave dialectic, and he sees the desire for recognition as the distinguishing characteristic of all of humanity. Human beings demand to be recognized and respected as free and equal individuals, and it is only when we are mutually recognized as such that we can lead fully and genuinely satisfying lives. At the beginning of our historical development, however, human beings, while demanding that others recognize our individual humanity and dignity, refuse to offer that recognition in return, and this leads to a struggle for recognition or a battle for pure prestige. At some point in this struggle, Kojève argues, one of the warriors' desire for self-preservation overcomes their desire to risk their life for recognition, and they thereafter become the Slave of the victorious Master, recognizing their human dignity and working for them. But while the Master may have won in the short run, over the long run the Slave's recognition of the Master is not satisfying precisely because the Master does not recognize the dignity of the Slave. The Slave is able to progress historically through that very

activity that distinguishes them as a Slave, namely work or labor: the products of the Slave's work, over time, become an objective confirmation of their own reality and worth. It is no surprise, therefore, that Kojève politely dismisses the language that Strauss uses in describing Xenophon's text. "Truth to tell, Xenophon's text is less precise than Hegel's," and this causes his (Xenophon's) characters to "confuse" several key terms. "It is therefore preferable to stay with Hegel's precise formulation, which refers not to 'affection' or 'happiness,' but to 'recognition' and to the 'satisfaction' that comes from 'recognition'" (*OT* 142–43). From Kojève's perspective, this change is in no way problematic. As a thorough-going Hegelian, he firmly believes that the present understands the past better than the past does itself; and altering Xenophon's (and Strauss's) words to match Hegel's simply makes both of them more comprehensible and thus easier to situate contextually in the current historical epoch.

Kojève traces the development of Slave consciousness through such historical stages as Christianity and Capitalism: in the former, God becomes a new and absolute Master, but one who now recognizes the unique individuality and worth of all persons; in the latter, private property or capital becomes the new Master, but one which aids and encourages the working Slave's on-going transformation and technological conquest of nature. According to Kojève, the end of history (understood as humanity's dialectical transformation and development) occurs during the French Revolution and the reign of Napoleon. The worker-warriors of Napoleon's army are willing to risk their lives for recognition, but only in order to create the egalitarian conditions whereby all individuals will recognize and be recognized as dignified and autonomous citizens. The only remaining task to accomplish historically is the world-wide propagation of the fundamental ideas of the Revolution, the achievement of which will result in what Kojève calls a universal and homogeneous state. This final or end state is universal because it encompasses all of humanity, with no arbitrary distinctions or advantages based on nationality, race, or sex; and it is homogeneous because all citizens will enjoy equal rights and duties through the promulgation of a genuinely equitable (or classless) system of justice.

In the final pages of "Tyranny and Wisdom," Kojève uses the examples of Alexander the Great and St. Paul (as well as the Egyptian Pharaoh Ikhnaton, among many others) to make "plausible" his contention that history is a dialectical (and therefore rational and purposive) process whereby contradictions in human self-consciousness are progressively revealed and then resolved, culminating in a final political order. The pagan Master Alexander sought to create a truly universal empire, one which would do away with preestablished or otherwise fixed ethnic, racial, and geographic boundaries; the Christian Slave St. Paul, by contrast, introduced the idea of the "*fundamental equality*" of all believers before God, thus doing away with class and other socio-economic distinctions. Together, these two "great political themes of History" are synthesized into a fully coherent and satisfying historical reality: from Alexandre, we retain the idea of a universal state here on earth, and not in some transcendent beyond as St. Paul had imagined; and

from St. Paul, we preserve the idea of the fundamental equality of all individuals, discarding the pagan understanding that individuals had different natures or essences. As these two previous forms of self-consciousness (in their *independence* and *exclusivity*) have been tried and found wanting, the desire or hope to remain in or to return to one of them—or to any other previous historical epoch—would be nothing less than a yearning to return to a historical condition that was flawed or irrational. Kojève sees history as the progressive reconciliation or mutual interpenetration of what "is" with what "ought" to be, and this means that what is successful historically is more meaningful or rational than what was defeated. Through our own efforts, then, human beings have been steadily moving toward, and now stand poised to enter, the universal *and* homogeneous state, a state that cannot be (and no longer needs to be) overcome or negated precisely because it is the final (and therefore completely rational) political order (*OT* 167–76).

The preceding observations indicate that Kojève adds a new dimension or layer to what animates the philosopher's political (or philosophic) pedagogy, namely the desire for recognition and the satisfaction that results from that recognition. Not only do philosophers need to be politically active in order to escape the inherent problem of subjective certainty (and/or madness) through proving historically the veracity of their claims, but they also seek the satisfying recognition that results from those demonstrations of their ideas. And it is not just philosophers who seek this: indeed, politicians who act upon the ideas of philosophers seek it as well, as does humanity as a whole.

> For the desire to be "recognized" in one's eminent human reality and dignity (by those whom one "recognizes" in return) effectively is, I believe, the ultimate motive of all *emulation* among men, and hence of all political *struggle,* including the struggle that leads to tyranny. And the man who has satisfied this desire by his own action is, by that very fact, effectively "satisfied," regardless of whether or not he is happy or beloved. (*OT* 143)

Contrary to Strauss, Kojève effectively collapses the distinction between philosophers and politicians. "From this perspective there is therefore *in principle* no difference whatsoever between the statesman and the philosopher: both seek *recognition*, and both *act* with a view to deserving it" (*OT* 156). Neither the goals of philosophy nor of politics can be fully attained in isolation from one another.

The above dynamic of the full actualization of the desire for recognition can perhaps be more easily seen in the actions of statesmen. In order to attain recognition from as many persons as possible, they will engage in what we might call all sorts of politically progressive initiatives, both in their own state and elsewhere. They will enfranchise slaves; emancipate women; reduce children's dependence on families and their authority over them; reduce crime and criminals and

anyone who seems in need of psychiatric or mental help; and finally, to improve the cultural and economic well-being of all to the highest degree possible (*OT* 145–46). But the trajectory of all of these initiatives is and always will be the same: the realization of global governance and justice in the universal and homogeneous state.

> In fact, the political man, acting consciously in terms of the desire for "recognition" (or for "glory") will be *fully* "satisfied" only when he is at the head of a State that is not only *universal* but also politically and socially *homogeneous* (with allowances for irreducible physiological differences), that is to say of a State that is the goal and the outcome of the collective labor of all and of each. (*OT* 146)

According to Kojève, "this State is the actualization of the supreme ideal of mankind." Can the same be said of the philosopher?

Many persons (and this certainly includes Strauss) see that one of the distinguishing characteristics or differences between politicians and philosophers is that the former seek recognition from "the 'many'" and that the latter seek it from the "'elect' few" (although it must be emphasized that Strauss himself is hesitant or at least qualified in his belief that either group seeks recognition in the precise sense Kojève describes) (*OT* 157). Kojève categorically denies this is the case, and this for the same two reasons he has cited throughout, namely the desire for recognition and the need to mitigate or to overcome the problem of subjective certainty.

Philosophers who only want to be recognized (or believe that they can only be recognized) by a select few are acting on the basis of an undemonstrated prejudice, one "that is at best valid under certain social conditions and at a particular historical moment." The number of persons capable of honoring philosophers is in principle no different from those capable of honoring politicians or leaders, and there is no reason why philosophers would want to "place an *a priori* limit" on the number of persons who could honor or recognize them. According to Kojève, there is simply no way to prove Strauss's contention that the philosopher philosophizes for the intrinsic pleasure of philosophizing and not for the sake of being honored by others: "By what right can we maintain that he does not seek this 'recognition,' since he *necessarily* finds it in fact?" Inasmuch as philosophers are in fact recognized and admired when they communicate their teachings to others, one cannot know whether they are indifferent to this admiration and interested solely in their own self-admiration or self-improvement (*OT* 157–62). Kojève, as a philosopher himself, certainly does not think so (cf. *OT* 178, 185–86).

The issue of philosophic communication (and the recognition or honor which it brings) leads Kojève to ask how philosophers could ever know whether their thoughts are objectively true, i.e., whether their subjective certainty of the truth of a particular idea actually corresponds to the

objective standard of Being or the truth (*OT* 152–53). Now philosophers who did not communicate their (purported) knowledge to others could never be certain whether their ideas were in principle no different from those of a madman; consequently, philosophers will find it necessary to speak to and to convince others of what they know. But while the existence of philosophic friends or disciples eliminates the problem of madness, it does not solve the problem of subjective certainty: despite their agreement, this limited group of philosophers could unknowingly share a similar prejudice. Genuine philosophers, then, will leave their cloistered circle of friends and speak to or write for an ever larger group of people. This movement away from a cloistered life and toward a more public life is necessitated because the only way philosophers can objectively (i.e., historically) demonstrate the truth of their ideas is if they can successfully convince others to adopt their doctrines (*OT* 153–55, 162–63). Philosophers cannot rest satisfied with simply "*talking*" about their ideas: in order to make certain that they have correctly comprehended the strengths and weaknesses of their historical epoch, they must offer a political program that improves, goes beyond, or negates the current political reality (*OT* 167–69). In other words, the truth of all theoretical or philosophical ideas is demonstrated practically or politically, and philosophers cannot confine themselves to the level of theory alone if they ever hope to remedy or to solve the inescapable problem of subjective certainty. As such, philosophers will want to present their thoughts and doctrines in a pedagogically efficacious manner, and by doing so they necessarily become indispensable agents for historical progress and the development of human self-consciousness.

> In short, if philosophers gave Statesmen no political "advice" at all, in the sense that no political teaching whatsoever could (directly or indirectly) be drawn from their ideas, there would be no historical *progress*, and hence no History properly so called. But if the Statesmen did not eventually *actualize* the philosophically based "advice" by their day-to-day political action, there would be no philosophical *progress* (toward Wisdom or Truth) and hence no Philosophy in the strict sense of the term. (*OT* 174–75)

It would appear that both philosophers and leaders are engaged in a seemingly endless and all-encompassing enterprise: the former seek to create subjectively in the realm of ideas the possibility of a universal and homogeneous state, while the latter seek to actualize it objectively in the realm of concrete historical reality. In other words, both philosophers and leaders are as universal and homogeneous as the end state itself. In principle, there is simply no limit to the number of persons who can recognize the philosopher and leader as such, and everyone will be able to recognize the soundness or goodness of the end state once it has been made plausible as a realistic and realizable project for the immediate future. The distinction between the few and the many in this sense is simply an arbitrary and unfounded claim that the end of history and the end state will conclusively demonstrate is patently false.

Kojève's understanding of the dialectical relationship between philosophy and politics leads him to aver that all philosophic communication or political pedagogy is in some sense a form propaganda. At the very conclusion of a long review essay he published immediately after the war, Kojève makes a remarkably bold claim (one which he maintains justifies the length of his review):

> Now, according to Hegel, a discussion can only be settled by reality, that is to say, by the realization of one of the theses which confront each other. . . .
>
> In our time, as in the time of Marx, Hegelian philosophy is not a truth in the proper sense of the term: it is less the adequate discursive revelation of a reality than an idea or an ideal, that is to say, a "project," which is to be realized, and therefore proved true, by action. What is remarkable, however, is that it is precisely because it *is* not yet true that this philosophy alone is capable of *becoming* true one day. For it alone says that the truth creates itself in time out of error and that there are no "transcendent" criteria (since a theistic theory is necessarily always true or forever false). . . .
>
> One can therefore say that, for the moment, every interpretation of Hegel, if it is more than chattering, is only a program of struggle and work (one of these "programs" being called *Marxism*). And this is to say that the work of an interpreter of Hegel has the meaning of a work of political propaganda. . . . For it is possible, in fact, that the future of the world, and therefore the sense of the present and the meaning of the past, depends in the final analysis on the way in which the Hegelian writings are interpreted today.[3]

As there are no natural or transcendent standards which can be used to determine the truth of Kojève's political philosophy or propaganda, then the truth of his system ultimately depends upon whether we accept and are satisfied with his presentation—or to say the same thing, whether he can successfully impose his project upon us and thereby demonstrate its truth historically (cf. *OT* 162–63). All philosophers have been doing this wittingly or not for centuries: perhaps there might have been a philosopher or two who never communicated their ideas to others; but if so, we would never know about them. Public or political communication is therefore key as it alone leads to historical veracity; and the need for historical veracity is a sure sign of the awareness of the problem of subjective certainty and a certain proof of the desire for recognition. Thus, Kojève is simply more forthright than others about his own motivations as a philosopher, perhaps in part because he (as Hegel before him) was fortunate enough to be born in an historical epoch where the full awareness of the totality or completion of human history was on the horizon. Previous philosophers may have been more or less cognizant of these facts, but their communicative and political activities were fundamentally the same from the beginning. It

3. Alexandre Kojève, "Hegel, Marx et le christianisme," *Critique* 1 (nos. 3–4, Août-Septembre 1946): 365–66; an English translation of the entire review is by Hilail Gildin, "Hegel, Marx and Christianity," *Interpretation* 1 (no. 1, Summer 1970): 21–42.

is no wonder that Kojève wrote philosophy on the weekends and engaged in political activities during the week as a high-level civil servant in the French Ministry of Economy and Finance. He never returned to academia after the war.

The End of History, The End State, and The Last Man

How many times has one read in a scholarly article or book (especially one that deals with the philosophy or character of international relations) a reference to Francis Fukuyama's purported end of history thesis, only to hear the author assert that current events belie that contention? (And it should be noted that Fukuyama himself is often of the same opinion, as he has gone back and forth in his later writings on his original thesis published in 1989.) It is therefore worth taking a moment to see more concretely how Kojève understood this (and other similar) claims about the end of history and the end state beyond Fukuyama's use (or even popularization) of them (even at the risk of repeating several ideas sketched out above). This obviously has great relevance for global governance, and political universalism and justice.

Now by the end of history, Kojève did not mean that wars and revolutions would be eliminated in the immediately foreseeable future; nor did he mean that newspapers would lack sundry material to fill their pages. By the end of history, Kojève meant first and foremost the end of the history of the development of politics and the full realization of rational self-consciousness (both of which imply and entail the other). Kojève begins from the premise that philosophers are not content simply to understand the world: in order to test the truth of their teachings, they must actively seek to change and to improve the prevailing political and social environment. Philosophers will therefore communicate and publish their ideas to an ever wider audience in the hopes that someone will act upon their advice and demonstrate its validity; and political leaders (often through the mediation of intellectuals) will seek to implement this advice in order to earn even greater honor and glory through their own actions and deeds. Because philosophers are best able to grasp their historical epoch in thought, and because political leaders are best suited to act upon these teachings in an efficacious manner, the salubrious interaction between philosophers and politicians makes it possible for human beings to create an ever more perfect and satisfying reality through the negating actions of political struggle and economic work, the twin motors of all historical progress. Through political struggle, we can construct a political order whose fundamental tenants and architecture articulate and make manifest a genuine common good: all persons can enjoy equal rights and freedoms in a state that in turn recognizes everyone as an essential member of the whole.

Kojève argued that this final and fully satisfying political order would necessarily or inevitably be both "universal" and "homogeneous." The state was universal and would encompass all of humanity because Kojève could see no philosophic justification for why persons should be

disadvantaged simply on account of where they were born; and it was homogeneous in the sense that invidious distinctions such as social class, race, nationality, and gender would no longer be used to define and thereafter to discriminate against an individual. Through economic work, Kojève argued that modern science and technology would continue to exploit with ever greater efficiency and ingenuity the power of nature for the relief of man's estate, and this, in turn, would help to secure the ever growing and widening material prosperity of all citizens throughout the world. In the universal and homogeneous state, wealth would be equitably distributed, people would live long and healthy lives, and everyone would have the opportunity to pursue those activities they found most fulfilling.

If all of this sounds like heaven on earth, it is—but Kojève emphasized that it was *heaven on earth*, without the crutch of religion. Kojèeve found in Hegel's *Phenomenology of Spirit* a convincing and wholly atheistic account of human history and progress, an account which demonstrated that human beings and human beings alone determine their future and that this is the future human beings wanted above all else. As individuals can live in full self-consciousness of their mortality, the tension between politics and religion can finally be overcome, and genuine philosophic knowledge—that which undergirds and informs the end state—can be and will be willingly disseminated to the people, there being no need any longer for such things as "noble lies." With all previous contradictions within self-consciousness having been resolved, we now at last stand poised to live in a universal and homogeneous state as fully satisfied individuals. In other words, now that all existential possibilities have been exhausted and found wanting, the philosopher's relentless quest for wisdom has culminated in wisdom itself. The end of history, then, is not only the realization of a fully just political order, but it is also the very condition for the appearance of the wise man or sage, a life which resembles the divine. Although the sage is the highest human type, the wisdom of the sage is potentially available to anyone who would take the time to read Hegel (or rather Hegel as corrected and updated by Kojève).

If all of this sounds extreme, we should pause to consider whether this is not simply the complete, unambiguous, and ultimate trajectory and expression of the goals of modernity and Enlightenment philosophy. Phenomena such as Islamic extremism, nationalism, religious fundamentalism, neo-Naziism, radical environmentalism, and so on, will slowly wither away, being nothing more than desperate, last-ditch efforts by reactionary individuals, groups, and states in response to the global expansion of technology and the ideals of the French Revolution. But when the push of History comes to shove, people will be persuaded that a Kojèvean future is the best and brightest of all, and no one will seriously advocate returning to some pre-modern form of government. Inevitably, nation-states will give way to ever larger trading blocs; and these, in turn, will slowly consolidate as humanity unites under a single form of government,

sustained and supplied by the wizardry of modern science and technology.[4] It is not an exaggeration to say that Kojève understood the full implications of globalization a full half century before it became both a buzz word and a subject of contention. Of course, Kojève was fully aware that the victory of modernity had occurred primarily in the realm of ideas or self-consciousness, and that it had as yet not been made manifest in the world itself in the realm of politics and practice. It is perhaps for this reason that Kojève turned away from academics and spent his adult life in striving to bring about the universal and homogeneous state as an extraordinarily influential (but relatively unknown) civil servant (at least to the public at large). But while Kojève may have turned to bureaucratic politics, he never abandoned philosophy, as his voluminous posthumous publications amply testify.

As a reading of Strauss's "Restatement" reveals, he had a multifaceted series of rebuttals to Kojève's overall philosophic position, especially when it came to subjective certainty and the desire for recognition (which is in no way to imply that Strauss did not take Kojève's arguments with the utmost seriousness, especially when it came to subjective certainty). For the purposes of this essay, however, let us turn to three of Strauss's criticisms of Kojève's universal and homogeneous state, the first two of which concern its historical inevitability and political desirability.[5] It should go without saying that these are two independent objections: what is inevitable may not be desirable (death and taxes immediately come to mind) and what is desirable may not be inevitable (the list here is virtually endless).

In the first place, Strauss severely questions whether history is a meaningful process that terminates in a final and fully rational political order. He begins by claiming that Kojève begs the question: how can he prove that history is at an end or that it is progressively moving toward the realization of the end state without tacitly assuming what he is trying to prove (namely that history is already over and that the realization of the end state is at hand) (*OT* 207–8)? More substantively, Strauss denies that Kojève or Kojève's Hegel have adequately or accurately

4. As for Kojève's understanding of the new political dispensation of the post-war world, see his fascinating policy paper "L'Empire Latin: Esquisse d'une doctrine de la politique française (27 août 1945)," *La Règle du Jeu* 1 (no. 1, May 1990): 89–123; an English translation is by Erik de Vries, "Outline of a Doctrine of French Policy (August 27, 1945)," *Policy Review* no. 126 (August/September 2004): 3–40. At the end of the war, Kojève realized that the contemporary world was a world of super-powers or empires; and if France wanted to survive and to have influence, it and its allies had to create their own empire to counter those of the Soviets and the Americans. The age of the nation-state was over. Nevertheless, Kojève never lost sight of the universal and homogeneous state as his polestar. Thus, in the final paragraph of "L'Empire Latin," Kojève reminds us that the unification of all catholic churches would lead to the unification of the human race, and thus to that "final state of unity which will permit the permanent elimination of political, economic, and social conflicts."

5. A fourth criticism by Strauss (*OT* 194) concerns the "terrible hazards" associated with "unlimited technological progress," which is of course key for Kojève in respect to the material prosperity of all citizens in the end state. For the best introduction and discussion of this aspect of Strauss's thought, see Timothy W. Burns, *Leo Strauss on Democracy, Technology, and Liberal Education* (Albany: State University of New York Press [SUNY]: 2021).

understood either pagan or Christian thought. Kojève distorts Xenophon's meaning by claiming that the highest human type desires honor or recognition and that Hegelian "satisfaction" is a more precise way of rendering the classical understanding of "happiness": certainly neither "Biblical nor classical morality encourages all statesmen to try to extend their authority over all men in order to achieve universal recognition." Kojève's purported synthesis of pagan and Christian morality is therefore both misleading and miraculous in its results, "producing an amazingly lax morality out of two moralities both of which made very strict demands on self-restraint" (*OT* 189–91, 197–98, 211). The "is" and the "ought" will never coincide politically, and this means that history cannot be the purposive process Kojève claims it is.[6]

In the second place, Strauss argues that there are several reasons to believe that the end state would be anything but a fully satisfying political order. Even if Kojève is correct in thinking that everyone *should be* satisfied in the end state, this does not mean that they *would be* satisfied. For Strauss, human beings cannot create their own satisfaction through historical action because human beings do not always act reasonably (*OT* 200–201, 207, 209–11). Moreover, even the status of wisdom in the end state is ambiguous: it is not at all clear that philosophers will become wise (and nothing else would satisfy them) nor is it apparent that everyone else will have the capacity to become wise (meaning that they would not be able to satisfy their deepest longings) (*OT* 208–11). At all events, if it is true that only a few persons will become wise at the end of history, and if the wise do not want to rule, then the universal and homogeneous state will in all likelihood be ruled by an unwise tyrant. The rule of an unwise tyrant will not only perpetuate the tyrannical and unjust opposition between ruler and ruled but such a tyrant might very well eradicate the conditions for genuine philosophizing. According to Strauss, the horrendous consequences of the universal and homogeneous state actually support and confirm the truth of the classical political philosophers, who believed that unlimited technological development and the popularization of philosophy would ultimately be "destructive of humanity" (*OT* 178, 192–94, 209–11).

Now it is important to see in the above summary of Strauss's critique of the end state that he never denies, strictly speaking, its eventual or even inevitable manifestation on earth—or to be more precise, while Strauss does not deny the possibility of a *universal* state coming into existence, he categorically doubts the possibility of it ever becoming *homogeneous*. From his opening remarks about Oriental despotism (*OT* 208), Strauss's emphasis is on the dangers of universality: this is made especially clear in the penultimate paragraph of the "Restatement" (*OT* 211–12), where Strauss speaks primarily about the "Universal and Final Tyrant" and not so

6. As Strauss did not write about Hegel to any significant degree as he did other classical and modern philosophers, the fullest introduction to his understanding of Hegel is the recorded transcript of his 1965 course on Hegel's *Philosophy of History* (supplemented by a fragmentary transcript from 1958): *Leo Strauss on Hegel*, ed. Paul Franco (Chicago: The University of Chicago Press, 2019).

much about the universal *and homogeneous* state. Homogeneity in Kojève's sense has simply dropped out of the picture. Because of the different inherent or natural capacities between individuals, and because of his (Strauss's) understanding of the character or nature of the philosopher, the homogeneity which Kojève envisions will simply never occur. There will always be differences between rulers and the ruled, between the wise and the unwise, and between real men (*andres*) and others, and thus the classless state is foreclosed as an historical possibility by the realm of necessity or human nature itself. And it is precisely this denial of homogeneity that magnifies Strauss's fears of universality, which is not in any way foreclosed by nature or necessity. While Strauss would admit that all regimes are susceptible to tyranny, even the best ("for what has come into being must perish again" [*OT* 201]), at least all tyrannies known thus far have been localized and particular, and thus allowed the possibility (often difficult, to be sure) of escape to another regime. That avenue is henceforth eliminated in Kojève's utopian scheme. Again, the real fear for Strauss is not homogeneity—that is simply precluded as a possibility by nature and necessity—but universality, which could easily lead to and resemble an Oriental despotism on a world-wide scale. While most contemporary readers of *On Tyranny* probably conjure up George Orwell's *1984* when reading these remarks, Strauss may be thinking of Edward Gibbon's at once searing and chilling indictment (as well as, of course, the current international struggle between the super-powers during the Cold War):

> The division of Europe into a number of independent states, connected, however, with each other, by the general resemblance of religion, language, and manners, is productive of the most beneficial consequences to the liberty of mankind. A modern tyrant, who should find no resistance either in his own breast or in his people, would soon experience a gentle restraint from the example of his equals, the dread of present censure, the advice of his allies, and the apprehension of his enemies. The object of his displeasure, escaping from the narrow limits of his dominions, would easily obtain, in a happier climate, a secure refuge, a new fortune adequate to his merit, the freedom of complaint, and perhaps the means of revenge. But the empire of the Romans filled the world, and, when that empire fell into the hands of a single person, the world became a safe and dreary prison for his enemies. The slave of Imperial despotism, whether he was condemned to drag his gilded chain in Rome and the senate, or to wear out a life of exile on the barren rock of Seriphus, or the frozen banks of the Danube, expected his fate in silent despair. To resist was fatal, and it was impossible to fly. On every side he was encompassed with a vast extent of sea and land, which he could never hope to traverse without being discovered, seized, and restored to his irritated master. Beyond the frontiers, his anxious view could discover nothing, except the ocean, inhospitable deserts, hostile tribes of barbarians, of fierce manners and unknown language, or dependent kings, who would gladly purchase the emperor's protection by the sacrifice of an obnoxious fugitive. "Wherever you are," said Cicero to the exiled Marcellus, "remember that you are equally within the power of the conqueror." (*The Decline and Fall of the Roman Empire*, chap. 3, end)

Strauss shudders at this prospect of universal despotism; Kojève embraces it as the condition for the full realization of justice and right in the end state.

A third and final criticism by Strauss is that the citizens of the end state will be little more than Nietzsche's last man. As Kojève concedes that there will be nothing to *do* at the end of history—that there will be neither real work nor bloody struggles, in the historical sense—the end state will coincide with the very end of humanity. In other words, because the great and noble deeds and achievements of the past will no longer be possible, virtuous "men (*andres*)" will certainly remain dissatisfied, and many of them may be led to revolt against such a state of affairs, even if such a revolt is "nihilistic" and "not enlightened by any positive goal." "While perhaps doomed to failure, that nihilistic revolution may be the only action on behalf of man's humanity, the only great and noble deed that is possible once the universal and homogeneous state has become inevitable" (*OT* 209–10). What is so striking about these passages is that Strauss is here calling upon those very war-like individuals whom he (or Xenophon's Simonides) had criticized in his interpretation of the *Hiero* (*OT* 90–91)!

Kojève is fully aware of this issue: the end of history means the end of negating action, and the end of negating action means the end of historical self-development properly so-called. In discussing Hegel's "'objective' method" of "*historical verification*" (*OT* 167), Kojève writes:

> Admittedly, Truth emerges from this active "dialogue" [between man, nature, and the social and historical milieu], this historical dialectic, only once it is completed, that is to say once history reaches its final stage in and through the universal and homogeneous State which, since it implies the citizens' "satisfaction," excludes any possibility of negating *action*, hence of all *negation* in general, and, hence, of any new "discussion" of what has already been established. (*OT* 168)

Contrary to Strauss, Kojève simply does not see this as a fundamental objection: even if Strauss's nihilistic revolution were successful, all that it would do is reignite the historical process to the same terminal goal or end. Yes, there may be nothing more to do in the historical sense in the universal and homogeneous state, but what is so terribly wrong with that? What is so problematic about an historical condition where war-like courage on the battlefield recedes into the distant past, so much so that it is no longer necessitated or recognized as a moral virtue? Should we not embrace the progressive alleviation of the impoverished masses from the burdens and toils of back-breaking and mind-numbing labor, even with the risks that technology brings in its wake? Strauss may caution us about the unforeseen dangers of the end state based on the insights of classical political philosophy, but it is not clear that a great segment of humanity would agree with him, especially as we see so many persons willingly flock to liberal democracy when they are given the opportunity. These remarks notwithstanding, Strauss continued to press

Kojève on this issue in their epistolary exchange, but it does not appear that he ever received a direct response (*OT* 236–39, 291–94). To the extent that there is such a response, it might be contained in what Jacques Derrida has aptly called Kojève's "long and famous footnote" to the second edition of *Introduction à la lecture de Hegel*.[7]

How to understand properly this footnote has been the subject of scholarly controversy ever since it was first published: was Kojève being clever, witty, playful, ironic, serious, sarcastic, outlandish, or something in-between, altogether, or completely different? At all events, there is simply nothing like it in the history of twentieth-century political philosophy: where else can you read about "musical concerts after the fashion of frogs and cicadas," making "love like adult beasts," speaking "the 'language' of bees," the Noh Theater and tea ceremonies, snobbery, "a perfectly 'gratuitous' *suicide*," and a discussion of contemporary politics revolving around Japan, China, the Soviet Union, and the United States in order to see what form the end of history will take! For now, let us simply take Kojève at his word—that humanity, understood through the Hegelian lens of the Master-Slave dialectic, will disappear. In other words, the full satisfaction of human beings through mutual recognition means that human beings will become, or only remain alive as, clever animals in the end state, and consequently all "human" activities will become purely natural as we live in a state of abundance, security, and full contentment. It should be mentioned that Kojève's previous footnote (which this new addition was meant to correct) was in some ways a bit more direct and perhaps less ambiguous than the addition that replaced it. "The disappearance of Man at the end of History, therefore, is not a cosmic catastrophe." What we gain far outweighs what we lose. "Practically [speaking]," the end of history means "the disappearance of wars and bloody revolutions"; philosophy will be replaced by wisdom as human beings comprehend themselves in the full and complete self-consciousness of their Being; everything that makes us "*happy*" will be "preserved indefinitely [e.g.,] art, love, play, etc., etc."; and having "definitively mastered" or "harmonized" nature, work will no longer be the drudgery it once was. Using the language of Marx, Kojève proclaims that the "Realm of freedom" will triumph over the "Realm of necessity."[8] Whether this possibility is realistic or desirable is for each and every reader to judge; but there can be no mistaking that Strauss and Kojève spelled out, and do not shrink from, the full (alternative) implications of their understandings of the end of history and the end state, and therefore of universal and global

7. Alexandre Kojève, *Introduction à la lecture de Hegel*, ed. Raymond Queneau, 2nd ed. (Paris: Gallimard, 1968), 436–37. An abridged translation of *Introduction* (but containing the footnote in its entirety) is by James H. Nichols, Jr., *Introduction to the Reading of Hegel* (Ithaca, NY: Cornell University Press, 1980), 159–62. Derrida's commentary is in *Specters of Marx*, trans. Peggy Kamuf (New York: Routledge, 1994), 70–75.

8. But again, let us not forget what we will lose, as is specified in this previous footnote as well: "What disappears is Man properly so-called—that is, Action negating the given, and Error, or in general, the Subject *opposed* to the Object. In point of fact, the end of human Time or History—that is, the definitive annihilation of Man properly so-called or of the free and historical Individual—means quite simply the cessation of Action in the full sense of the term."

governance.

But if both Strauss and Kojève agree that the end of history entails the end of humanity properly so-called, is there anything else that might compensate for that (apparent) loss?

Prelude to a Juridical Philosophy of the Future

In order to begin to see in outline how and why Kojève argues that the universal and homogeneous state is the only truly just regime (as Strauss acknowledges that Kojève believes in his "Restatement" [*OT* 192ff.]), we must depart from "Tyranny and Wisdom" and supplement it with a work that preceded it, namely *Outline of a Phenomenology of Right*. Written during the war, and which weighs in at an impressive 600 pages or so, it is Kojève's most exhaustive account of justice and right (and perhaps the end state in general). Although Strauss was almost certainly unaware of this hefty manuscript—it was only transcribed and published in French in 1981—it helps us to discern more fully where Kojève's universalism and historicism were taking him.[9] After all, Hegel's historicism took him nowhere near in the same direction politically, as his final state was a particularistic regime, where stratification, hierarchy, division, and even war were present, none of which seems to be the case in Kojève's end state (in many ways, his appears more Kantian than Hegelian). Here, we can only provide the broadest synoptic summary of Kojève's overarching jurisprudence.

Kojève spends the first hundred or so pages of the *Outline* laying out a "phenomenological" definition of right. There is right, or a juridical situation, when an impartial and disinterested third person, C, intervenes in the interaction between two subjects of right, A and B, to annul an act of one that has suppressed the act of the other. We know that A had a right to do the act in question, and B had a duty to let him do that act without suppressing it, only because the intervention to annul B's act is of a specific character—it is the intervention of one who is "impartial and disinterested" (*OPR* 35–42). Now by impartial, Kojève has nothing more in mind than that the third person C would intervene regardless of whether A was the plaintiff or defendant (*OPR* 79); the real difficulty, Kojève reveals, comes in trying to find a satisfactory definition of "disinterested." The difficulty of coming up with such a definition should not come as too much of a surprise—for after all, in what sense can the third person C be genuinely disinterested given the fact that this person intervened in an interaction in the first place?

Kojève begins by saying that C will be disinterested if the intervention results from what he calls "a juridical interest." Phenomenologically, this means that if C is not affected in any material or

9. Alexandre Kojève, *Esquisse d'une phénoménologie du droit* (Paris: Gallimard, 1981); an English translation is by Bryan-Paul Frost and Robert Howse, *Outline of a Phenomenology of Right* (Lanham, MD: Rowman & Littlefield, 2000), hereafter cited as *OPR*.

practical way by the intervention, but intervenes solely "in order to cause the reign of Justice," then the intervention can be considered disinterested. The difficulty with this formulation, however, is that C's intervention is an action, and as such it will affect the state or society to which C belongs. Thus, Kojève points out that C might profit "directly or indirectly" from the intervention, if only to the extent of helping the state survive by enforcing the rule of law. Kojève then argues that C is disinterested only if he intervenes *as if* he is willing to lose everything, including his own life. But the problem with this *as if* definition is that disinterestedness comes to depend upon C's subjective intentions, and Kojève agrees with Kant that such intentions can never be known phenomenologically with certitude. Kojève's third attempt is to suggest that C will be disinterested if he could be anyone at all *and* the same intervention would occur. Because the intentions for and consequences of intervening may vary from individual to individual, if everyone would intervene in a given interaction, then it would be highly unlikely that the intervention was the result of strictly self-interested motives (*OPR* 79–82).

But no sooner does Kojève offer this definition of disinterestedness than he begins to reveal its deficiencies. Since C's intervention is influenced by the state or society to which he belongs, the juridical intervention will vary according to "epochs and peoples," and this means that C can never really be anyone at all. Furthermore, Kojève argues that C is always chosen from some exclusive or elite group within a state. This group (which Kojève identifies with those who govern a state) is defined by its ability to suppress or to exclude other competing groups who want to govern without destroying that state. Given these two mitigating conditions, Kojève is compelled to admit that C is disinterested only in the sense that he "is supposed to be able to be anyone at all within an exclusive group of a given Society at a given moment" (*OPR* 82–91).

Kojève is aware that all of the above difficulties have implications that go far beyond the viability of his own phenomenological approach: these are difficulties for anyone who does not want right and justice to be reduced to or to serve as camouflage for essentially utilitarian or mercenary motivations. For example, if C intervenes for the sake of material rewards, then C could be bribed, and this means that justice would be available to the highest bidder. Or again, if C is not willing to sacrifice everything when he intervenes—including his own life—then justice would, in the final analysis, have a price beyond which it would not be profitable to be just. Finally, if C is always chosen from within an exclusive group in society, then justice and right would more than likely serve the interests of this elite group rather than the common good of the society as a whole. The reader should no doubt be disappointed at this point in the discussion that C's disinterestedness—certainly one of the most fundamental aspects of our understanding of justice and right—is never pure in reality but is always sullied or compromised in some fashion. It is not surprising, then, that at the moment when readers believe that right and justice are forever going to fall short of their ideal of them that Kojève briefly reveals how things would be

in a universal and homogeneous state.

Kojève observes that if a society were universal and encompassed all of humanity, then the words "of a given Society" could be deleted from the above definition of C's disinterestedness; and if the state were homogeneous, with no group of persons having interests essentially hostile to any other, then the phrase "within an exclusive group" could be removed as well. And since a universal and homogeneous state would not "perish or even change"—it being threatened neither by external enemies nor undermined by internal cabals—the state would always be "in identity with itself," and this means that the phrase "at a given moment" could be erased as well. C can only be genuinely disinterested, and therefore truly just, in a universal and homogeneous state: only in such a state, Kojève reveals, will the third person C genuinely be capable of being anyone at all (*OPR* 91).

Although Kojève only briefly elaborates upon the implications of this claim, these implications are nothing less than extraordinary. If C could be anyone at all only at the end of history, then each and every individual would agree with the juridical principles which determined what specific actions were considered criminal, and the end state and the end state alone would give expression to a universally accepted and fully satisfying system of right. All previous understandings of right and justice which were relative to a particular epoch or nation would be dialectically integrated into a final and absolute system, and it could be explained why certain aspects of these understandings were rejected by or incorporated into that system. Moreover, universal agreement on the final system of right would preclude the possibility that C's intervention only served the narrow interests of an elite economic or social class. If C could be anyone at all, then no one person or group could claim to possess some unique or special knowledge of the law, or to represent some privileged interest, that conferred upon them an exclusive or exalted status in respect to judging criminal cases. Only at the end of history, then, will a fully satisfying idea of justice be articulated by a universally accepted system of right. The *telos* or end of right is the universal and homogeneous state; and the achievement of the universal and homogeneous state requires the triumph of a single concept of justice (*OPR* 91–94).

One of the most intriguing implications of this understanding of right and justice is what this all means for the state and politics, or more generally, for all things political. According to Kojève, a state possesses two characteristics: first, it is a "Society, of which all the members are 'friends,' and which treats as an 'enemy' all nonmembers, whoever they are"; and second, within this Society "a group of 'governors' must be clearly distinguished from other members, who constitute the group of the 'governed'" (*OPR* 134). Kojève appropriates the friend-enemy distinction directly from Carl Schmitt, and he assumes that his readers are familiar with and accept these two fundamental political categories. The distinction between governor and governed, by contrast, corresponds to the exclusive or elite group which Kojève spoke about

above, namely that group which can suppress other competing groups who want to govern without destroying the state. For Kojève, politics or the political is defined by the existence of these two characteristics, and should both of them disappear, then the state, politics, and even political history would cease to exist. And this is precisely what will occur in a universal and homogeneous state! Because the state is universal, there will be no nations or national borders, and therefore no national enemies: states and nations as we know them today will simply no longer exist. And because the state is homogeneous, no longer will one exclusive or select group of individuals rule or govern over others in an oppressive manner: force and fraud as a tool of government will cease to exist because no one group can claim to have any privileged status in respect to another that means that it and it alone should rule or govern. What we arrive at is the rather shocking claim that politics is not necessary for the administration of justice but an impediment to it: in order for C to be genuinely disinterested, politics or the political as we know it must fundamentally cease to exist. Kojève firmly believes that the government of men can be replaced by the administration of things, or in other words, that coercive government can be eliminated and that universal and willing obedience can be instilled in all citizens. The final system of right can stabilize a conception of justice such that what largely remains of "politics" at the end of history is a set of second-order, administrative or regulatory tasks that do not imply or entail a fundamental struggle between competing conceptions of justice or the good. These foundational ideas provide the ground of many of the arguments for global governance and justice that Kojève makes in "Tyranny and Wisdom."[10]

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10. At first blush, these asseverations seem too fanciful or even preposterous to merit serious consideration—but could one not claim that we do in fact have proof before our eyes of this very thing occurring? Despite its recent fits and starts, is not the European Union (which Kojève spent a considerable part of his life promoting) in many ways an adumbration of what he had in mind (or perhaps even the North American Free Trade Agreement [NAFTA] or the Trans-Pacific Partnership Agreement [TPP], to name just a few others)? Although the European Union began as a set of *economic* treaties between sovereign nations, as the jurisprudence of the European Community evolved, the European Court of Justice came to understand the treaties as containing legally enforceable rights and obligations against member states; in other words, the Court invalidates any purported state act that does not conform to the specifics of the EU constitutional framework. Thus, no member state is any longer completely sovereign, and European law is something more than international law. This displays exactly the logical sequence proposed by Kojève: *political* unification occurs through the creation of a *juridical* union (and vice versa), or to say the same thing, as people and states begin to agree on what right and justice properly are, these political differences and distinctions begin to evaporate. Simply put, there is no foundation in human need for opposition between or within states; the uniting of individuals against one another on the purported grounds of "race," "language," "sex," "class," "culture," and so on, is purely conventional, a function of the inability to achieve so far the universal and homogeneous state.

Perhaps the most illustrative passage describing this dynamic process comes at the end of Kojève's discussion titled "International *Droit*, Domestic *Droit*, and the Plurality of National Juridical Systems" (*OPR* 327). It is worth quoting in full (the French word *droit*, which can mean both right and law depending on the context, is left untranslated throughout):

> As a political entity, the State tends to propagate itself by conquest; it tries to absorb purely and simply

Now Kojève is aware that if the universalization of the principles of justice and right is going to lead to the overcoming of politics, then there will have to be agreement on a particular concept of justice and right—for it is through the realization of these concepts that the universal and homogeneous state will be able to provide for the spiritual satisfaction of all citizens. The concept of justice and right animating the end state is what Kojève calls the justice of equity and civic right, which themselves are a synthesis of two previous historical understandings: the justice of equality and aristocratic right, on the one hand, and the justice of equivalence and bourgeois right, on the other hand. Let us briefly describe each, and the synthesis that Kojève sees will be achieved in the end state (see *OPR* 213–14, 224–25, 237–38, 242–43).

The justice of equality and aristocratic right is more or less what prevailed in the ancient city (e.g., the Greek *polis*) between members of the citizen class, and its goal is to foster formal and substantive equality between those individuals, and/or to reestablish such equality if it has been violated or disturbed. Consequently, the justice of equality and aristocratic right is the guiding principle behind such practices as *lex talionis* (or an eye for an eye, a tooth for a tooth), the equality of everyone's vote, and equal status before the law. In other words, the justice of equality and aristocratic right is at the root of modern egalitarianism and egalitarian revolutions, or in general, any legal policy or practice that helps to correct or to eliminate unequal distributions of wealth, living conditions, and opportunities (*OPR* 233–34, 238–51, 266–67, 437–45, 456–60). By contrast, the justice of equivalence and bourgeois right has prevailed in the post-classical period. As opposed to the justice of equality, the justice of equivalence and bourgeois

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foreign States. But as a juridical entity, the State limits itself to imposing abroad its domestic *Droit*. In other words, it tends to create a *Federation* of States or a federal State by becoming itself one of the federated States, the Federation having for a base and for a result the existence of a unique *Droit*, common to all the federated States, and implying—in its "public *Droit*" aspect—an element of "federal *Droit*," regulating the relations of the federated States among themselves, [and] in particular the federal organization of justice. If the Federation is not universal, if it has enemies-States outside, it will have to organize itself into a (federal) State properly so-called. Its integral elements—the federated States—will also have enemies; they will therefore be *States*. But they will always have common enemies and will only be able to be reconciled with them in common: they will therefore not be sovereign States but federated States. However, the Federation will have a tendency to propagate itself as much as possible. At the limit, it will encompass the whole of humanity. Then it will cease being a State in the proper sense of the word, no longer having enemies outside. And the federated States as well will consequently cease to be genuine States. The Federation will then become a simple, worldwide juridical Union (at least in its juridical aspect, which is not the only one).

We thus see that one is led to the same result either by starting from (public) international *Droit* or by taking for a point of departure domestic *Droit*. By *actualizing itself* fully and completely, the two *Droits* lead to federal *Droit*—that is, to the *domestic Droit* of a federal State or a worldwide Federation. Domestic *Droit* existing in actuality implies in its "public" aspect a federal *Droit*, which is nothing other than actualized (public) "international *Droit*." Conversely, actualized international *Droit* is a federal *Droit*, which is necessarily part of a complete system of domestic *droit*. "Public international *Droit*," therefore, is not a *sui generis Droit*. There is only a single *Droit*, which is domestic *Droit*, for *Droit* only exists *in actuality* as domestic *Droit* (the Society which realizes it being, at the limit, Humanity).

right tolerates "inequalities" or "differences" between the rights and privileges of individuals—but only as long as those individuals are willing to fulfill corresponding duties. Thus, the justice of equivalence and bourgeois right justifies such practices as different salaries (those whose work is more difficult ought to earn more); progressive taxation (those who earn more ought to be taxed more); or more generally, any practice where individuals are assessed or related according to their needs or merits (*OPR* 236–37, 244–45, 251–62, 444–50, 459–70). In comparing these two principles of justice, Kojève argues that their fundamental difference is that while the justice of equivalence strives to make every right correspond to an equivalent duty, the justice of equality attributes an equal array of rights and freedoms to those who are recognized as juridical persons (*OPR* 258, 272).

Kojève maintains that the historical confrontation of these two competing conceptions of justice and right will eventually be synthesized in the justice of equity and civic right. The justice of equality and aristocratic right will seek to eliminate substantive and formal inequalities which are tolerated by the justice of equivalence and bourgeois right, while the latter will introduce the possibility of equivalent relationships which are discouraged by the former. At the end of the historical evolution of justice and right, everyone will have an equal share of rights and duties; and where irreducible differences exist between individuals, equivalent relations will be established between them. The synthesis achieved in the justice of equity and civic right is possible, therefore, through making chances or opportunities equal, such that different conditions and rewards are just in their equivalence. But absent equal entitlements to secure equality of opportunity, however, there will always remain a more or less severe tension between equality and equivalence (which is why both principles must be synthesized into an organic and rational whole).

Kojève offers the reader very few specific examples of the justice of equity and civic right: indeed, throughout the *Outline*, his overall emphasis is on describing the form or formal conditions of right and justice rather than their concrete content. Given that the justice of equity and civic right is the result of a dynamic or synthetic process, Kojève freely admits that he cannot articulate in advance what the positive legal code of the end state will look like; what he can do, however, is delineate certain logical necessities or properties inherent in the very concepts of right and justice, and their historical evolution (*OPR* 268). Consequently, Kojève does allow us to see the overarching goal at which this final and most satisfying form of justice and right aim, and that aim or goal is familiar to us all.

> Now the *Droit* of the citizen (i.e., all real *Droit* in general), being based upon the Justice of equity, which synthesizes equality and equivalence, must be by definition a synthesis of aristocratic and bourgeois *Droits*. In its pure state (not yet realized, moreover), this *Droit* must therefore combine in a perfect equilibrium the equality of *droits* and duties of all juridical persons with the equivalence of *droits* and duties in each of these persons. . . .

> [From this comes] a community of *droits* and duties, the *droits* and duties of one also being the *droits* and duties of all, and conversely, the *droits* and duties of the community also being the *droits* and duties of each of its members. . . .
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> Here as well, then, there will be a synthesis of the universalism (or collectivism) of aristocratic *Droit* and the particularism (or individualism) of bourgeois *Droit*. Just like the Master, the Citizen will have *universal droits* (and duties). The *droits* of all being equal, they will follow from the membership of each one to the whole, to Society as such or to the State. And the duties will be duties toward all—that is, toward the Society taken as a whole or toward the State. But seeing that the State is universal and Society homogenous, the *droits* and duties will belong not only to groups but to each one taken individually. It is not as a citizen of such and such a national State, or as a member of such and such a family (aristocratic, for example), or of such and such a social group (class) that a man will have *droits* and duties, but as an individual.

Kojève continues by claiming that:

> Juridical *liberty*, therefore, will consist in the possibility of each one doing everything that he wants, provided that he remains in agreement with the equality of *droits* and duties, and their respective equivalence. And juridical *equality* will be guaranteed by the fact that the juridical value of an interaction will not be altered if one changes the places of the members interacting. (*OPR* 272–73)

Kojève's end state will be nothing less than a universal society of free and equal men and women, where every citizen will recognize and be recognized by every other citizen as an autonomous and dignified individual. Only when the principle of equity has permeated every aspect of our lives will a stable and satisfying political or social order emerge and establish itself, a social order which heralds the end or culmination of our development as human beings. Thus, the free development of each will be the condition for the free development of all, and one individual's pursuit of their own goals or interests will not be in fundamental tension with another's, nor will either of their pursuits conflict with the public good as a whole. We will freely create and abide by our own set of laws, laws which confirm that the reconciliation of the public and the private has been made manifest in the here and now. We might say that at the end of history, the common good will be both genuinely good and in common because the increasing homogeneity and self-consciousness of all citizens will prevent them from having serious disagreements over the legal principles governing their conduct. The principle of equity is that principle which Kojève saw guiding all contemporary European understandings of right and justice, and it is this principle, which both includes and is respectful of difference, that will emancipate and enfranchise humanity as a whole (*OPR* 132–33, 216–17, 233–38, 263–76, 336–37, 470–71, 479).[11] So far, however, no stable synthesis has yet been achieved between equality

11. It is worth mentioning that Kojève's position does not imply that there will emerge a single positive law throughout the world: there will be differences in law that are due to different non-juridical conditions in different

and equivalence within any state; but once such a synthesis were achieved, it would represent the final form of the concept of justice. For the argument of Kojève's *Outline* to be compelling, it is not necessary to show how fast the tendency in question is spreading—it is sufficient to identify the possibility of this occurring, and why its occurrence is driven by the logic of justice itself.

In summation, the final case (or proof) for global governance for Kojève reduces to question of authority—or more specifically and emphatically, juridical authority. With the elimination or disintegration of the friend-enemy distinction, and the seeming difference between governors and the governed (in any strict sense), politics as we have known it seems to vanish or to evaporate (and with it the authority of the Master): all that is left is the universalistic justice of equity and civic right. For those who embrace global governance, this is the shining ideal; for those who abhor it, their worst phantasmagorical nightmare. Regardless of how one decides this issue, it is clear that global governance must demand or require global or universalistic justice and right, and Alexandre Kojève (as well as a very few of his predecessors) saw that from the very beginning.

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places (e.g., climate, geography, and so on). But it does suggest that there will emerge a single concept of justice, since the remaining differences between laws will be understood as unrelated to a differing standard of justice, and thus as having nothing to do with right in the strict sense. We might say that while the architectonic principle of justice will have been decided, there will still be a whole lot of judging going on at the end of history.