

The Right of the Body: Hegel on Corporeity and Law

Stefania Achella

Abstract: Recent reinterpretations of Hegel's relationship to the philosophy of nature and a new assessment of Hegel's interest for concrete and material issues have shed new light on the function of corporeity in the process of subjectification in Hegel's system. This essay aims to analyze the role of the body in the constitution of the juridical sphere in Hegel's *Outlines of Philosophy of Right*. In particular, this paper will first investigate the relationship between will and body, secondly, based on this relationship, it will explore the possibility to provide new foundations to inalienable rights; finally, it will outline a more respectful approach to the body.

Keywords: *Outlines, corporeity, will, freedom, auto-affection, embodiment, Hegel, inalienable rights.*

"An ontology which leaves nature in silence shuts itself in the incorporeal and for this very reason gives a fantastic image of man, spirit and history."¹ Although Maurice Merleau-Ponty's polemical target was above all the Cartesian tradition, this sentence, pronounced in one of his lectures at the Collège de France between 1956–57,² seems to suitably sum up the prejudice that the second half of the 20th century projected onto Hegel's philosophy.³ The disregard of nature would have led Hegel to a metaphysical and disembodied vision of the subject, of human beings, and history.

Recent attention to the role of nature in Hegel's system is revealing that this reading is to say the least partial. The recovery of the concept of life as key element in Hegel's inquiry has made it possible to retrieve the role of the natural, material, and empirical component. This allows us to reassess also the dimension of corporeity.

While transitioning from logic to the philosophy of nature, in the *Encyclopaedia* Hegel shows how, at the end of logic, the idea dies off and lets itself go into the world, finding itself in the body as a simple living being. From this point onwards it overcomes the condition "in which it is only Life, and [...] gives itself an existence as Spirit, which is the truth and the final goal of Nature and the genuine actuality of the Idea."⁴

The meaning of this passage can hardly be misunderstood: life does not have a metaphysical character, it does not remain "only life," *pure*

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1 Merleau-Ponty 1970, p. 62.

2 Cf. Deranty 2021.

3 Malabou and Butler also emphasize the explicit absence of any reference to the body in the lordship-bondage dialectic, which is also centered on the body as it is a struggle for life and death. Cf. Malabou/Butler 2011.

4 Hegel 2004, § 251.

being, but it becomes body, individualized life, and only in it can the spirit express itself.⁵ From this viewpoint, Hegelian philosophy can be taken as an ontology that, far from being detached from the natural world and from the body, rather qualifies as a *living ontology*. This amounts to saying not only that Hegel's ontology features the need for the idea to be embodied in the living, but that it is also constantly open to contingency in order to be able to understand this latter as a living organism.⁶ What is at stake is neither a fundamental ontology nor a form of naturalism, but rather a philosophy in which the subject is not an abstract and transcendent thought, but human beings who find themselves in an original correlation with other bodies, the world, Nature.

Consequently, the reflexive consciousness irrevocably loses its metaphysical primacy over corporeality, and the process of knowledge is presented as originally intertwined with the empirical and finite. There is not only a reflection on experience, but also a form of experience that the subject carries out as an embodied individual.

In such a reinterpretation, the body no longer acts merely as a neutral threshold, or as a ballast from which the subject must free itself on the path that leads to the spirit, but it rather represents the subject's possibility of knowing itself and others, of acting in the world and of creating social, political and cultural structures. As we read in the *Encyclopaedia*: "The body is the middle term by which I come together with the external world in general. So, if I want to actualise my aims, then I must make my physical body capable of carrying out this subjectivity into external objectivity."⁷ In other words, the body is the place of communication between the elements which act on me and those on which I act. This communication is possible because of a living connection defining the reciprocal interweaving. No distinction is here posited between nature and spirit; no form of primordial dualism is outlined. The background to this common framework that binds us to the world is, in fact, an ontology of constraints, bonds, and no longer of constitutive properties.

In the following pages, I will try to investigate to what extent Hegel's philosophy of right, namely the relationship between will and corporeity

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5 As Angelica Nuzzo points out, in Hegelian philosophy the body must be understood as incorporated or objective thought, because only in these terms can it oppose the dead fixation of the intellect: a soul without a body would not make sense for Hegel. Starting from the analysis of Kant's third Critique, Nuzzo shows how this requirement is already present in Kant, but Hegel makes it more inclusive, extending the dimension of thought to all living things and including mechanism and chemism as dialectical moments. See Nuzzo 2007, pp. 97–101. On the link between realization of thought and incorporation, see also Halbig 2002, pp. 126 ff.

6 I have discussed Hegel's living ontology in: Achella 2020.

7 Hegel 2007, § 408Z. For a recent and comprehensive study on this aspect, see Mowad 2019.

it features, reflects the previously outlined standpoint;⁸ in what sense re-establishing the primacy of the body can provide foundation to certain inalienable rights; and finally, how the dialectical relationship between will and body can serve to imagine a more respectful relationship with corporeity.

1. Interest in the body pervades the literary, philosophical, and scientific inquiries of the *Goethe Zeit*.⁹ As intensively as Lavater's research into physiognomy and Gall's phrenology, several figures of the *Populaerphilosophie*, polyhedral personalities such as Alexander von Humboldt, dealt with the subject of the body. What was at stake was not only retrieving the function of the body as a key element of anthropology. Previously, as is well known, a prevailing understanding of the body saw it as a passive substrate under the action of consciousness on the one hand and of the external world on the other. More importantly, the body as a living being was now credited with its own "agency"; it represented a space of action that operates both in the shaping of ideas and in the relationship with the outside world. Immanuel Kant, in fact, considers the body essential in the structuring of thoughts or in the constitution of consciousness, under the premise that thought cannot be separated from corporeality. In order to come through in its truth, the idea must shape itself into a body, that is to say, into a concrete existence. In several passages of Kant's anthropology, it is clear that every time sensations and corporeality are deprived of their power – drunkenness, dreams, fainting – consciousness is suspended or diminished. It is always the senses which awaken it, bringing subjectivity back into contact with the world and enabling thoughts to be re-established. With an anti-Cartesian move, in one of the passages of *Dreams of a Spirit-Seer*, Kant even seems to attribute to the body the power to recognize the reality of the external world: "if he [the subject, SA] falls asleep, then the sensed representation of his body is extinguished, and only the self-created representations remain against which the other chimeras were thought of as in an external relationship. Also as long as one sleeps, they must deceive the dreamer, for there is no sensation that in comparison lets him distinguish the original image from the phantom, namely, the outer from the inner."¹⁰

What is at stake is not primarily recognizing the role of sensation as a source of knowledge, but rather considering bodily sensations as an essential and active element not only in distinguishing reality from

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8 On the role of the body in Hegel's *Philosophy of Right*, cf. Nuzzo 2000; Siep 1990.

9 As is very precisely shown in the volume by Henn/Pausch 2003, the problem of the body becomes central in the literature of the 18th century. Body and soul, nature and intellect become part of a context previously dominated by metaphysics alone, and this encounter opens the space for a particular theory of human beings. On Hegel's anthropology: see Anzalone 2012, in partic. pp. 15–43.

10 Kant 2002, p. 70.

imagination (or dream), but also in building it. If the body did not come along to give consistency to sensation, experience would be deprived of its necessary solidity, and it would be lost in the flow of the internal sense. It is arguably in this sense that Kant, in his *Anthropology*, says that the body not only gives us back our thoughts, but also our whole life: “The void of sensations we perceive in ourselves arouses a horror (*horror vacui*) and, as it were, the presentiment of a slow death which is regarded as more painful than when fate suddenly cuts the thread of life.”¹¹

But whereas Kant limits his analysis to the perspective of the subject, Fichte and Hegel also recognize the body’s key contribution in the construction of intersubjective relations and in the political and juridical field.¹² Fichte was the first to make headway on this path. Within Fichte’s system, the body becomes indeed the concrete expression of formal freedom: “The person cannot be an absolutely free cause (i.e., a cause that has efficacy immediately through the will) except in the body.”¹³ It is thanks to the flesh-and-blood body that free rational subjects can achieve some given goals, transforming, for instance, a given reflexive intention into concrete action with respect to physical movement. By anchoring freedom in the body, Fichte goes further than Kant regarding the opposition between freedom and nature: a disembodied I would in practice be ineffectual, a body without an I would be in the grip of causal determinism.¹⁴

Hegel shares Fichte’s position on this point, and at the same time sees a limitation in it: Fichte’s system preserves in fact elements of Kant’s approach to the body as self-alienation. It thereby establishes a relationship of internal domination over the body where this latter remains in some way something “other.”¹⁵ This is in direct contrast to what, at least from Hegel’s point of view, should be the logical conclusion of Fichte’s starting point: a materialist and more specifically physiological understanding of freedom, namely “a holistic conception of an internally concretely free subject ‘at home’ in its various psychic and somatic

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11 Kant 2006, § 61, p. 129. However, Kant’s framework remains dualistic, whereby, while he recognizes empirical and psychophysical determinations as essential to our very being as living and embodied subjects, at the same time he seems to take them as a resistance, an obstacle, to the attainment of freedom.

12 Rush writes: “although there are faint antecedents in Kant for mutual recognition (*Anerkennung*) as an important ethical concept (e.g. the idea of a ‘Kingdom of Ends’), nowhere does Kant allow that mutual recognition between ethical agents is constitutive of ethical agency, as do Fichte and Hegel”, Rush 2007, p. 99.

13 Fichte 2000, p. 56.

14 As Bernstein states: “That Fichte, who is often regarded as the arch subjective idealist without concern for the human body, should be forwarding a radically social and material conception of human experience should, at the very least, suggest that our conception of his philosophy wildly betrays its actuality”, Bernstein 2007, p. 184.

15 Gleeson 2020, in part. pp. 41–55.

determinants or 'inner nature'.¹⁶ Fichte seems in this respect to have stopped a few steps earlier.

Moving from a radically anti-dualist perspective, Hegel identifies instead the unified bodily organism as a pre-reflective, non-propositional space. The body becomes the starting point in the construction of all forms of practical relations. It provides the way out of a philosophy otherwise condemned to solipsism and abstraction. As he makes clear in his *Anthropology*, according to Hegel, not only does the body represent the first organ of sense that helps us structure the internal dimension and provide it with content, but above all our relationship with our body constitutes the first juridical form of relationship with something external. The body is thus part of the constitution of the human capacities and functions which are necessary to experience the world and to live in it.

2. As previously mentioned, Hegel's interest in the body has a different orientation compared to what discussed by the anthropology of his time. Rejecting any form of dualism, he does not seek to understand how two supposedly different substances, one thinking substance and one extended body, can act on each other (see the experiments in physiognomy and phrenology). Hegel's premise is instead the co-extensiveness of body and soul. They are not two separate elements but constitutively intertwined and indistinguishable from each other.

This form of connection can also be found in the pages devoted to abstract right in the *Outlines*, where it is clear that corporeality is not only a key factor in the shaping of the subjective dimension, but also in the ethical and political sphere. Hegel sees law in its generality as a plane of abstraction, as abstract right. And, just as ideas and thoughts need an individual in order to be thought, likewise law needs the body, that is to say, the individual in its concreteness, to become effective. The dynamics is the same as that which binds the soul to the body in the *Anthropology*. While introducing the first section of the *Outlines*, Hegel feels, in fact, the need to introduce a digression on the core of the relationship between abstract right and its concretization, in the following terms: "The concept and its existence are two sides of the same thing, distinct and united, like soul and body. The body is the same life as the soul and yet both may be spoken of as lying outside one another. A soul without a body would not be a living thing, nor would a body without a soul. Hence the determinate existence [*Dasein*] of the concept is its body, while its body obeys the soul which brought it into being. [...] If the body does not match the soul, it is a poor sort of thing. The unity of determinate existence and the concept, of body and soul, is the Idea. The unity is not a mere harmony, but rather a complete interpenetration. Nothing is alive which is not in some way or other Idea. The Idea of right is freedom, and if it is to be truly understood, it

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16 Ibid., p. 54.

must be known both in its concept and in the determinate existence of that concept.”¹⁷

The fulfillment of freedom through right requires, therefore, the moment of embodiment. This is also the sign of its individuation and the only way to think of the realized idea, even in the juridical sphere. To achieve the ethical world and freedom, these need to be anchored in something concrete. Consequently freedom finds its centre of gravity in the natural existence of the subject, namely in the body.

Hegel’s account in these pages, it goes without saying, has clearly its roots in the anthropological premises, according to which Hegel radically rejects the soul–body dualism, stressing that no distinction can be made between these two features. The body is inseparable from the external world as well as from the internal one, it is part of the triad soul–body–objectivity and therefore it is a complex whole, which Hegel calls “organism” (both at individual and at political level). Furthermore, it is not by chance that for Hegel, at variance with Schelling, there is no *Welt-Seele*, for the soul must always be embodied. In order for a living being to exist, there must be a life principle (i.e., the soul), a body animated by this principle, and an external objectivity. The body represents then the pivot for the constitution not only of subjectivity but also of the spiritual world.

3. In the light of the so defined role of the body and of its nature intertwined with the external as well as with the internal world, one might still wonder what limits and possibilities does the will have to act on it?

In the *Outlines* Hegel argues that “I am alive in this organic body which is my external existence, universal in content and undivided, the real possibility of all further determined existence,”¹⁸ but, he continues, “as person, I possess my life and my body, like other things, only insofar as my will is in them.”¹⁹ Unlike animals that possess their bodies, but “they have no right to their life, because they do not will it,” human beings can even destroy themselves. This possibility is connected to the will’s act of appropriation of one’s own body. This means understanding one’s own body (existing in its immediacy) under the concept of *corpus proprium*. In this case, however, we are not dealing with the own body as presented by Husserl’s phenomenology. In the *proprium*, here, there is reference to the property, and this is the first sign of a legally regulated relationship. In appropriating its own body, the will becomes the master of its own life. As Vieillard-Baron notes, “the syllogism of the body in the philosophy of right is thus the following: will, body, life”.²⁰

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17 OPR, § 1, add.

18 OPR, § 47.

19 OPR, § 47.

20 Vieillard-Baron 2001, p. 116 (my transl.).

As a result, while in the field of right, in order to acquire juridical personality, the will performs an act of abstraction from what is historically and empirically determined (“the person, as something abstract, has not yet been particularized or posited as distinct in some specific way”²¹), it also must appropriate its own body. A dual process of abstraction and appropriation is therefore at stake. But in this apparently contradictory process, the body, far from assuming a negative function, plays an essential role in the realization of freedom, just as it does on the organic level in the realization of subjectivity.

This is why, as he needs to account for legal coexistence, Hegel assigns to the body a function that is not accidental but constitutive:²² the juridical appropriation of the body in the sphere of right is the first moment that makes it possible for freedom to be realized.

As Hegel makes clear in the *Outlines*, on the juridical level the human being is defined as a person capable of possessing. This definition clearly echoes the liberal mindset of Hegel’s time. But it also makes clear that the body is “the *constitutive conceptual element* of the juridical category of the person, and is by no means, for Hegel, the simple external, empirical and extrinsic correlate of an already given personal unity.”²³ Obviously, property is only the first step of right, which will find its achievement, as we know, only in the transition to the intersubjective and institutional dimension, that is, in civil society and the State.

But granted that the property is a *definiens* of human beings, a more precise analysis of it is due. First, one needs to distinguish between property and possession.

Property, Hegel explains, consists in extending my will over the thing. Therefore “my inward idea and will that something is to be mine are not enough to make it my property; to secure this end I must take possession of it. The existence which my willing thereby attains entails its capacity to be recognized by others.”²⁴ The process of property requires an act of the will on the thing. In the case of one’s own body, this can be done, for example, through training: “The training of my body in dexterity, like the education of my spirit, is likewise a more or

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21 OPR, § 49.

22 Nuzzo 2000, p. 126.

23 Ibid., p. 133 (my transl.). Angelica Nuzzo also emphasises how the model of appropriation of the subject becomes that of the relationship of appropriation of one’s own body, “the relationship to one’s own body constitutes the model of every subsequent relationship of appropriation, and, from a logical point of view, establishes the rational basis—the *Grundlage*—of every further relationship (to things and persons)” (ibid., my transl.). Appropriating an object means therefore placing one’s own soul in it (§ 44 Z). As a result, Nuzzo adds, the statement that my body is my property becomes the foundation of the statement according to which everything that is my property becomes my body, whereby property becomes “the expansion of the corporeality or physical presence of the subject into the objective world”, ibid., p. 134 (my transl.).

24 OPR, § 51.

less complete occupancy and penetration of it. It is my spirit which of all things I can make most completely my own.”²⁵ However, “actually taking possession is different from property as such because property is completed by the free will. In face of the free will, the thing retains nothing proper to itself even though in possession, as an external relation to an object, there still remains something external. The empty abstraction of a matter without properties which, when a thing is my property, is supposed to remain outside me and the property of the thing, is something which thought must overcome.”²⁶ The kind of property that can be exercised over the body, even if it is also something external, has a different nature compared to the rest of the external world, of the things that we face in the world. The body is in fact given as an immediate and natural existence, in relation to which one does not entertain the same relationship as with the world of things.

The conclusions that Hegel draws from this statement are very interesting and allow us to transition to the second question of this paper, namely how this new relationship between body and will can help us establish inalienable rights.

Granted that I cannot see myself as the “owner” of my body, I cannot alienate it; I cannot make one of my talents something external to me. This also has implications with regard to “work.” I can give away the product of my body momentarily, but if I were to give it up forever, I would lose my actual reality and the possibility to realize myself as a human being. This is why Hegel’s text allows to claim that slavery has no legal (and we might add, ontological) justification. We don’t have the right not only to own someone as a slave, but we don’t even have the right to freely make ourselves slaves: “those goods, or rather substantial characteristics, which constitute my very own person and the universal essence of my self-consciousness are inalienable and my right to them is imprescriptible.”²⁷ As an I living in a body, namely as a free being, I cannot “become stupid,” I cannot “become a pack animal.” “Slavery, serfdom, disqualification from holding property, encumbrances on property, and so forth [...] ceding to someone else full power and authority to fix and prescribe what actions are to be done,” are therefore not in the power of

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25 OPR, § 52.

26 OPR, § 52.

27 OPR, § 66. Vieillard-Baron writes in this regard: “On voit ainsi se préciser la différence entre un idéalisme constructiviste comme celui de Fichte et un idéalisme qui intègre l’empiricité dans la spéculation comme celui de Hegel, pour lequel l’Esprit objectif n’existe que dans l’habitude de la réalité morale, c’est-à-dire comme une seconde nature (§ 151), ce qui signifie qu’il n’est pas absolu. Ce n’est pas dans le champ politique que l’Esprit peut se réaliser absolument, mais dans l’art, dans la religion et dans la philosophie où il est absolument libre”, Vieillard-Baron 2001, p. 110. For Hegel it is also not possible for a father to consider his children as his property (§ 43 R). The recognition by Roman law of this faculty (for which children are slaves § 175) shows, in Hegel’s eyes, its incompleteness.

a human being. As the body is something natural that I have immediately, but which does not have the same nature as external things, I cannot exercise the same property rights over it. In the light of this account of the body as “an object of exception,” some inalienable rights, as inscribed in the will-body structure, are established with no corresponding duty.

Since the body stands for what allows me to realize my essence, that is to say, freedom, this “makes clear the contradiction in supposing that I have given into another’s possession my capacity for rights, my ethical life and religious feeling; for either I have given up what I myself did not possess, or I am giving up what, so soon as I possess it, exists in essence as mine alone and not as something external.”²⁸

The body is therefore not a thing whose property can be claimed, even if the will can exercise a right over it. This is a key element in the relation between will and body. Although I can exercise a property right on the body, this happens by virtue of a will that as such makes of this object (i.e., the body) not an object among others in the external world, but an organic instrument of a person’s will. As we read at § 48, the body becomes a *williges Organ* or a *besselltes Mittel*. I cannot do with the body what I do with other objects of which I am the owner. Since “the freedom of the subject is inseparable from his being a living organism that experiences sensations and desires through his own body [...] the person’s right to his own freedom must therefore necessarily extend also to the vital and physical aspect of the subject.”²⁹ In other words, since my body constitutes the possibility of my freedom, it is under the same type of protection which applies to the person, and therefore I may not abuse it, mutilate it, take my life or enslave myself.³⁰

The inseparability of soul and body means that any violence done to my body is considered an attack on my whole person. And therefore the power exercised by others over my body is a power exercised over me: “If another does violence to my body, he does violence to me. If my body is touched or suffers violence, then, because I feel, I am touched myself actually, here and now. This creates the distinction between personal injury and damage to my external property, for in such property my will is not actually present in this direct fashion.”³¹

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28 OPR, § 66.

29 Nuzzo 2000, p. 142.

30 Unlike Kant (*Doctrine of Law*, §§ 24–27), for whom marriage is a contract in which the contracting parties mutually authorize the use of their bodies, Hegel argues that to regard marriage as a contract is to make the body a thing, a property, a good that the other can enjoy. But if body and soul are not distinct then I cannot separate them in my legal constitution. Kant writes: “Marriage is founded upon the natural Reciprocity or intercommunity (*commercium*) of the Sexes [...] For, this natural *Commercium*—as a *usus membrorum et facultatum sexualium alteri*—is an enjoyment for which the one Person is given up to the other”, Kant 1887, §§ 24–25.

31 OPR, § 48.

But what happens when these fundamental rights are ignored? The path, Hegel writes, is not sealed. Inasmuch as it is a free will, my will cannot be constrained. In extreme cases, it can indeed pull back from the body: "As a living thing a human being may be coerced, i.e. his body or anything else external about him may be brought under the power of others; but the free will cannot be coerced at all (see § 5), except in so far as it fails to withdraw itself out of the external object in which it is held fast, or rather out of its idea of that object (see § 7). Only the will which allows itself to be coerced can in any way be coerced."³² This amounts to saying that human beings are free to prefer death to constraint. But this final act of affirmation of freedom, by which the subject of the legal sphere, the living individual, renounces their own life, shows how the presumed superiority of the will is illusory. And it is no coincidence that, in the *Phenomenology*, the process that passes through the denial of material conditions, in the figure of the Stoic, arrives at an unhappy conscience, that is, a dim, unfinished consciousness.

Such a close relationship between will and corporeality leads to a reassessment of the foundation of right. Far from hinging upon an abstraction from all determinations, the notion of juridical person cannot but include the own body. The same applies, at a more advanced stage of the philosophy of right, to the political body. Also in this case Hegel highlights the influence of a pre-rational or feeling-based dimension.³³ Here the reference is not only and not so much to theories of sympathy, such as Adam Smith's, or other feelings which ultimately, like imagination, fall under the middle-ground control of reason. What is here at stake is more importantly the acknowledgment of the key role of the feeling of self (*Selbstgefühl*)³⁴ and *Gesinnung*.³⁵ This understanding of feeling is typical of the era encompassing Shaftesbury and Hemsterhuis, whose works Hegel read and appreciated since his youth. The ethical feeling of belonging to a state and a community is built then on a feeling that is not only a faculty of reason, but is a physical sensation, which also

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32 OPR, § 91.

33 Siep 1990, p. 203.

34 Cf. *ibid.*, p. 204. The domain of the pre-reflective dimension for Hegel, as Siep makes clear, does not end quickly but develops into the *Gesinnungen*, the modes of feeling of ethics.

35 Italo Testa analyzes the shift of the founding moment of recognition from the ethical level to the natural one linked to sexual and reproductive relations. Testa's intention is not, however, to arrive at a naturalization of the ethical relationship. "The question, rather, is whether or not—to conceive Nature in its organization adequately, and thus also Spirit as Nature that returns to itself—every form of description, and every categorial apparatus, has to be reduced to the one we utilize to describe the material properties of bodies—a first-natural naturalism, for example under a physicalist description. Hegel's answer is, in that case, 'no,' since his analysis is, at bottom, dictated by the need to arrive at a broader concept of Nature, capable of embracing the totality of living realities—a broad or liberal naturalism capable of embracing the various levels of organization of living beings, including those phenomena of their social organization that we can also consider as spiritual second nature", Testa 2012, p. 25.

passes through the body. This feeling structures our being on the basis of its repetition. This is also the origin of Jensen's idea of corporations – on the model of Renaissance guilds – as a link between the individual and the state. Corporations are supposed to translate their relationship with the institution neither in the form of moral imperatives nor in that of legal obligations, but rather as *Stimmung*, or the feeling each corporation has concerning the State. As it is the case for the structuring of subjectivity in the realm of anthropology, the *Stimmung* stands for a first step toward a process of subjectification, albeit still at an unconscious level, but which will not be lost in the conceptual reworking. The *Stimmung* remains one of the first elements of predisposition to openness to otherness which can and must certainly be formed, educated, but not cancelled.

4. What is the gain of this new reading of Hegel's account? What is the potential contribution to today's debates of Hegel's outline of the will-body-freedom relationship and of his dialectical retrieval of the function of the body? First, it is worth stating that, for Hegel, the body is not simply an element to be subjugated, but the notions of body and person are closely intertwined, and with respect to other external objects the body is to be granted a certain ontological privilege.

The relationship between person and body brings us back to what Catherine Malabou and Judith Butler define as hetero-affection or auto-affection. Is the body something alien to the subject or something that is an essential part of it?

According to Malabou, the body is “the outside of the subject,” and the structure of the body-will relationship is therefore one of *hetero-affection*.³⁶ There would therefore be no auto-affection, no ipseity that pre-exists subjectivity³⁷: “Iipseity or auto-affection is not given as a necessary pre-existing structure of subjectivity. The transcendental and empirical forms of the ‘I’ are alien to each other, and the body appears as an other self within the self. No ‘I’ can ever affect or touch itself. Consciousness is an originary hetero-affected structure, always ‘out of itself.’”³⁸ This hetero-affected structure is what Malabou calls “the subject's plasticity.” The subject's structure is to be made; it is never given *a priori*. The Hegelian subject is not existing outside its own self-production. If we were to assume a radical disjunction between subjectivity and corporeality, the final moment of understanding of the absolute spirit

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36 Malabou/Butler 2011. Analysing the figure of the lordship-servitude in relation to that of the unhappy conscience, Malabou identifies two models of relationship with the body: one of attachment to the self (in which the servant forms the world through his body and recognizes himself), the other of detachment from the self (the subjugation of the body in the unhappy conscience) in function of the prevalence of a fully spiritual dimension.

37 Cf. Malabou 2013.

38 C. Malabou, *Unbind Me*, in Malabou/Butler 2011, p. 624. See also: Malabou 2005, in part. pp. 55–75.

would be the affirmation of an *impersonal instance*. This would lead to a constitution entrusted, not to the inseparable link with the self and consequently with other selves, but rather to a radical freedom from all pre-constituted forms.

This suggestive and in some passages stimulating interpretation of Hegel's text, contradicts, in my opinion, the starting premise of Hegel's account, namely that every individual life exists only insofar as it has a body, which is destined (*bestimmt*) to become its own in a process of formation and is therefore not an extraneous accident.³⁹ To this it should be added that dialectical overcoming does not imply the extraneousness of the body to the process of subjectification. As Pirmin Stekel-Wiethofer states: "while Kant evidently still thinks within the perimeter of Platonic dualism and therefore also Cartesianism, Hegel indicates that in the end 'the body' always wins. In the end, that is, it is 'my body' that decides what really gets done. Therefore it makes absolutely no sense for me to try to separate my body from me, to put it in front of me, or for me to put myself in front of it."⁴⁰

The account provided so far allows us to get to the last point of this paper, namely the possibility of a different relationship with one's own body. The possibility to act through our will on the body, but the impossibility to have full property over it, leaves a margin of openness between will and corporeality, a margin in which freedom and choice can find their space for achievement. Thanks to this non-coincidence between will and body, which would otherwise result in a form of deterministic causalism, it is also possible to imagine the possibility of action in the realm of *Bildung* and politics. Conversely, this also means that the body cannot be reduced to a thing and therefore must be protected from a disrespectful and violent use of it. As a result, Hegel's dialectical perspective helps us recover a relationship with the body, which is based on safeguard and respect for it. This latter aspect reminds us of the "law of night" to which *Antigone* appealed, demanding respect above all for her brother's body, in the name not only of the dignity of the individual, but also of that of an entire community*.

39 As Butler writes in reaction to Malabou's position: "Of course, in Hegel, the 'body' does not appear as such, which could mean that Hegel, at least in this context, seeks to elaborate a conception of desire, life, shape, without explicit recourse to the body. We can read this as a suppression, a structural somatophobia, but it might be more productive to ask how the body is always leaving its trace, even when it operates without being named explicitly. Maybe there is something about the body that cannot be named as such, or that is always conceptualized exclusively as a determinate shape, and so mis-recognized, when it becomes 'the body'", J. Butler, *What Kind of Shape Is Hegel's Body in?* in Malabou/Butler 2011, p. 632.

40 Stekel-Wiethofer 2008, pp. 186–187.

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