

# **The Right to Implication**

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**Abstract:** Hegel's *Philosophy of Right* demonstrates how the idea of right is not present, but implied in the world. Take a clue from language, from Aesop's Greek: the meaning of being is implication. And this way of being is how right is implied in the individual and family, friends and enemies, society and the state, and their rights—because it is implied in the world as a whole. If right's way of being, however, remains subject to the demand that language and logic conform to the philosophy of presence and/or absence, then the world is inverted: wrong is right—or rather, there is neither wrong nor right. But none of this is inevitable. The response? “*The hard, infinite struggle*” to do right by right as implied.

**Keywords:** being, Hegel, implication, right, wrong.

αὐτοῦ γὰρ καὶ ῥόδος καὶ πῆδημα.<sup>1</sup>

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What is right? The question begs for an answer. And the history of the philosophy of right has obliged: right has been understood as might, will or power; or as an idea, the good or just, equal or fair; or it is rights, that is, the laws and norms which determine what may and should be done; or the process by means of which it may or should be determined; or as an ideal, whether possible or impossible, that which orients the history, development, emergence of rights, etc. Each answer claims to be true, seeks to make its argument the stronger, and all others the weaker.

But perhaps there is another way—rather than continuing this history of right—by returning to the question: What is right?

The question takes the predicative form: *What is x?* And it asks which predicate must be attached to the subject, “right.” In this sense, it is like many other questions in the history of philosophy, and in the history of the philosophy of right, such as “*What is the task of philosophy?*”, or *What is reason?*, or *What is thinking?*<sup>2</sup>

The question of right then, implies the question of predication. Or, in order to address “right,” it is first necessary to address the “is.” In other words, the question of the meaning of the meaning of being is implied by the question of right—not just “the being of right,” but “the being of the ‘is’” which relates right to its predicate, whatever that may be. Thus, the philosophy of right implies the philosophy of being; or, politics—and ethics—and ontology imply one another.

In the Preface, at the very beginning of the *Philosophy of Right*—and the beginning is the end; or “advance is actually a *retreat* into the ground, to what is *original* and *true*, on which depends and, in fact from which

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1 Aesop 1927, p. 26.

2 Hegel 2009, XIV, p. 15.

originates, that with which the beginning is made”—Hegel makes this clear: what is at stake is being, that which relates right to its essence, subject to substance, and shows itself in language as the copula.<sup>3</sup> This is the pivot on which everything turns. For it is impossible to understand what is right without understanding what is; just as it is impossible to grasp the meaning of the originally Greek principle that “*What is rational is actual; and what is actual is rational*”—whereby Plato “proved his greatness of spirit” in thinking right *qua* idea, albeit externally—without always also grasping the originally Greek principle of being.<sup>4</sup>

Hegel, therefore, provides an example, a proof by demonstration. For it is not enough to simply answer the question of *what* being is, in order to understand the meaning of right as what is rational and actual. Rather, the *Philosophy of Right* must also show *how* being is; it must demonstrate *how* being’s way of being is implied in any comprehension of *what* it is—and so, for the determination of right, ethics and politics, and all the moments of its historical development (from the rights of persons, through the responsibilities of subjects, the slavery and freedom of individuals and groups, civil society and the state, war and peace, to the destruction and preservation of the world as a whole, where “a higher right holds”).<sup>5</sup>

This is why Hegel turns to the Greeks, to Greek thought and Greek language. For they understand that the *speaking* of being, which shows itself in the grammatical structure of the predicative sentence, is the clue to understanding the *thinking* of being—for “*layed-out, consequential grammar is the work of thought, which makes its categories known therein.*”<sup>6</sup> And if the task of the *Philosophy of Right*—which is the task of philosophy itself—is to be exemplary; then it is to speak and think being, being right and the being of right, in a way that is philosophical.

Bragging will not do. Boasting will not do. Any philosopher worthy of the name—and Hegel, obviously, wants his name to be named—cannot simply put forth “an empty ideal,” cannot actually propose a merely potential idea, or promise to speak the truth about a right-to-come in a language to come.<sup>7</sup> Or, as Twain puts it: “put up, or shut up.”<sup>8</sup>

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3 Hegel 1832, p. 43.

4 Hegel 2009, XIV, p. 14, emphasis added.

5 Hegel 1994, pp. 147-8. As Derrida notes—for Hegel the man: “He did not take a merely theoretical interest in the transmission, through instruction, of a philosophy whose rationality was supposed to culminate most universally and most powerfully in the concept of the State, with all the wrinkles, stakes, and convolutions of such a ‘paradox.’ Very quickly and very ‘practically,’ he found himself *implicated*, advancing or foundering, more or less speedily, in the techno-bureaucratic space of a highly determined State” (1990, pp. 184-5; emphasis added).

6 Hegel 1994, p. 166. Or, as Parmenides says: “for thinking and being are the same [τὸ γὰρ αὐτὸ νοεῖν ἔστιν τε καὶ εἶναι]” (Diels 1960, B3).

7 Hegel 2009, XIV, p. 14.

8 Twain 1917, p. 398.

This is why Hegel cites a line from Aesop’s Ἀνὴρ κομπαστής, “The Braggart”: Ἴδου Ῥόδος, ἰδοὺ καὶ πήδημα (with Latin translation, “*Hic Rhodus, hic saltus*”).<sup>9</sup> Gibbs translates the fable:

There was a man who had been away on a journey and had then come back home. He strutted about town, talking loudly and at great length about the brave deeds he had accomplished in the various lands he had visited. In Rhodes, the man said, he had jumped such a long jump that no man alive could equal it, and he claimed that there were witnesses who could back up his story. A bystander then remarked, “All right! If you’re telling the truth, here is your Rhodes: go on and jump!” The fable shows that talking is a waste of time when you can simply provide a demonstration.<sup>10</sup>

The translation is not “wrong”; it is “right”—but being “right,” it fails, nevertheless, to maintain the Greek way of speaking and thinking. For the text does not read: “here is your Rhodes: go on and jump!” But rather: “here Rhodes, so jump here!” In other words, Aesop does not use “being.” There is no “is” *here*—although this does not mean that it is *there*, somewhere else, or nowhere. He could have used “being,” but he need not. For it is perfectly acceptable—even better—Greek to imply “being.”<sup>11</sup> And if the text implies “being,” this is not simply a rhetorical flourish, or that which “French rhymesters call *une cheville*,” that is, a meaningless word inserted in order to rhyme, to supplement poetic meter, like a Pythagorean comma.<sup>12</sup> On the contrary, truth is at stake—or more precisely, the demonstration of what is true, ἀληθές, about words and deeds, about demonstration and truth, and about being and implication. Thus, the fable demonstrates how to speak about truth (by implication), how not to waste time (with braggadocio), how to demonstrate what is true (by implying), how to think and say being (*qua* implication), or how to imply that which can neither be simply said nor thought—for what is implied needs no witness, if what is said is true; or can have no witness, if it is neither here nor there, present nor absent.

If Hegel then, places implication at the very beginning of the *Philosophy of Right*, it is not simply to clarify an ontological truth, namely,

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9 Hegel 2009, XIV, p. 15.

10 Gibbs 2002, pp. 209-10.

11 On implied being in Greek, see Kahn 2003, p. XIIn11. As Gardiner 1932, pp. 218-219, notes: “Whatever the facts as regards the Indo-European languages, I can aver with the utmost assurance that Old Egyptian dispensed with the copula... Throughout the whole of the Old and Middle Egyptian periods, sentences with a noun as predicative regularly dispensed with the copula. . . . Similar evidence could be produced from Hebrew and Arabic.” Benveniste 1966, pp. 151-152, adds: “one could more quickly enumerate the inflected languages that do not have [implied being] (like the Western European languages of today) than those [Semitic, Finno-Ugric, Bantu, Sumerian, Egyptian, Caucasian, Altaic, Dravidian, Indonesian, Siberian, Amerindian, etc. languages] in which it appears.”

12 Nabokov 2011, p. 566.

that being is implied, which is how it can come to presence and go out into absence, whether in beings or not, and how it can be understood in the history of philosophy in terms of presence and/or absence; rather, it is to demonstrate how the being of being—*qua* implication, even speculative implication, or speculation *qua* implication—is implied by the being of right.<sup>13</sup> In other words, the question that plagues the history of the philosophy of right from Plato to the present (How is right in the world?) cannot be answered by the participation, μέθεξις, μετάληψις, of the idea in things—which Aristotle claims is unexplained or inexplicable, and which Hegel argues spoils everything by resorting to a merely “particular *external* form of ethics”—but only by implication.<sup>14</sup> And it is not simply that

13 Another example of implied being from the *Philosophy of Right* (Hegel 2009, p. 56): “*etwas entweder Sache oder Nicht-Sache [sei] (wie das Entweder unendlich, Oder endlich).*” Nisbet translates: “something is *either* a thing or not a thing (just as it must be *either* infinite or finite).” Here, the editors are “correct” to correct the text by adding “*sei*” in square-brackets because they understand that Hegel is neither saying nor thinking “being”—it is only implied. For, in truth (and this is the truth of being, which is revealed by the form of the “consequential grammar”—not by the matter of “intellectual property,” which is immaterial for our concern with political ontology), the sentence reads: “something *either* a thing or not a thing (just as *either* infinite or finite).” For a consideration of implied being in the *Phenomenology*’s speculative sentence, “*God is being*, the predicate [implied “is”] being [*Gott ist das Sein, das Prädikat das Sein*],” in which the example “leads one to believe that the usual subject-predicate relation obtains, as well as the usual attitude towards knowing...be we meant something other than we meant to mean” (Hegel 2009, IX, p. 44), see Haas 2021. As Hegel notes in the *Encyclopedia* (1986, p. 178): “a speculative content cannot, therefore, be expressed in a onesided proposition. If, for example, we say that ‘the absolute is the unity of the subjective and the objective,’ that is certainly correct; but it is still one-sided, in that it expresses only the *unity* and puts the emphasis on that, whereas in fact, of course, the subjective and the objective are not only identical, but also different.” For the privileging of presence (over absence, presence/absence, and the event of presencing/absencing) as the meaning of being in the history of philosophy, see Heidegger 1977, GA2, p. 26; GA6.2, p. 403; GA24, p. 448.

14 Plato 1903, *Parm.*, 151e6-8; Aristotle 1957, 987b10-14; Hegel 2009, XIV, p. 14. Insofar as the speculation of the *Phenomenology of Spirit* is the introduction to the *Science of Logic*, everything (speculative) in the *Phenomenology* comes out formally in the *Logic*—and in the entire system of science, including the *Philosophy of Right*. As Pinkard (2017, p. 241) notes: the *Logic* “rests on the unity of subject and object...demonstrated in the *Phenomenology*.” Thus, it is perhaps unsurprising that, after Hegel’s death, “the *Phenomenology* rapidly eclipsed the *Logic* as the central Hegelian text” (Pinkard 2017, p. 227). Redding (2018) concurs: Hegel’s two stand-alone books (the *Phenomenology* and the *Logic*) are the basis for all the (speculative and non-speculative) thought in his lectures, handbooks (such as the *Encyclopedia* and the *Philosophy of Right*) and the posthumously published works (lecture notes and student summaries in texts such as the *Philosophy of Nature*, *Philosophy of Spirit*, *Philosophy of History*, *Aesthetics*, *Philosophy of Religion*, *History of Philosophy*). Indeed, “Hegel intended [the *Philosophy of Right*] to be read against the background of the developing conceptual determinations of the *Logic*” (Redding 2018). For the unity of universal and particular, which alone constitutes truth, is “speculative in nature,” and its form is handled in the *Logic* (Hegel 1994, p. 87). The beginning of the *Philosophy of Right*, for example, “corresponds to analogous starting places of the *Phenomenology* and the *Logic*” (Redding 2018). For “although the actual details of Hegel’s mapping of the categorical structures of the *Logic* onto the *Philosophy of Right* are far from clear, the general motivation is apparent” (Redding 2018). The connection between the *Phenomenology* and the *Philosophy of Right* is obvious: “We have already seen the relevance of historical issues for Hegel in the context of the *Phenomenology of Spirit*, such that a series of different forms of objective spirit can be grasped in terms of the degree to which they enable the development of a universalizable self-consciousness capable of rationality and freedom” (Redding 2018). Thus, the *Philosophy of Right* is grounded on the *Logic* which originally shows itself in the *Phenomenology*, and the speculative way of speaking and thinking of the *Phenomenology* points to how to speak and think speculatively with regards to logic and right—indeed, throughout the entire system of science.

right is not a right, but that right—insofar as it “is”—is neither present in rights (and right words and deeds) nor absent therefrom; on the contrary, it is implied thereby; and rights—insofar as they “are”—imply right. Nevertheless, with this understanding of *what* right is (an implication) because of *how* it is (implied), and although it would be easy enough to multiply the examples; it is still necessary to demonstrate both how to think a “still unthought [*noch ungedacht*]” right as implied in each moment of the *Philosophy of Right* (perhaps even in the entire Hegelian corpus, and in the history of philosophy as a whole)—and how to speak and write a “still” unspoken and unwritten right to imply and to implication.<sup>15</sup>

First, the rights of individual persons are neither simply present in the world, nor absent therefrom; they are implied thereby. But initially, the subject—assuming it is a free and independent will, present to itself, over and against “an external, immediately *present* world”—seeks to realize its particular ends by exercising its right to exercise the freedom of its mind and body, working on its works and work, that which it is and has, its property to be used or alienated.<sup>16</sup> And each subject claims that its potentially real will is justified by the *presence* of an actually ideal will, “infinite, universal and free.”<sup>17</sup> In truth, however, will demonstrates implication: my right need not, and cannot, be limited to the present, *Gegenwart*, or to my presence or absence in space and time, or to my knowledge or volition—for putting my will out in the world in a work (whether a thing or thought, word or deed, honorable or dishonorable, right or not), I show that it continues to be mine, insofar as I am implied therein, even if I am neither here nor there nor somewhere else. And it is language, coming to presence *qua* sign, *Zeichen*, of authorship and possession (whether my signature or name, named or not, or some other signifier)—and every sign has “more or less” this structure—which reveals that the referent (as well as both the sense and meaning) is neither present nor absent, but implied in signification (which explains how possession is possible when I am not there, and how I can have rights to what I do not now have here).<sup>18</sup> As Hegel’s student

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15 Hegel 2009, XIV, p. 281. Indeed, if the unthought is not simply to be translated or transformed into the thought, to be thought as unthought, but to remain unthought, then the task of thinking is to not just think. Rather, thought would have to allow the unthought to be unthought. And insofar as there is an unthought to every thought—even to the thought of the unthought—Hegel’s philosophy of right *qua* philosophy of the world, and of world-history, cannot be finished; on the contrary, thinking, philosophy, right and the world and history, remain open to the unthought. This is why, at the close of his lectures on the history of philosophy, Hegel (*W20*, p. 461) insists that, if history comes to a close; then the closure is only “for now [*für jetzt*],” only temporarily—and our stand-point of the end of history (like at the end of the series of spiritual portraits at the end of the *Phenomenology*), is “closed [*geschlossen*]” only at the “present time [*jetzigen Zeit*].”

16 Hegel 2009, pp. 55, 61; emphasis added.

17 Hegel 2009, p. 55.

18 Hegel 1974, p. 211; 1986, p. 127.

notes: although taking possession is continuous (incomplete aspect, *die Fortdauer*), “external objects extend further than I can grasp”; but grasping, having present-to-hand, is unnecessary, if not impossible—for “the relation to such an object *implies* other relations,” and relating to property is a way of implying.<sup>19</sup> And not just my relation to things—my relation to others (meditated by contract, will-to-will, freedom-to-freedom, promise-to-promise, mutual recognition of property, of other self-conscious possessors of minds and bodies), implies their relation to me, which implies the common will-of-the-community and the state and the universal will-of-the-world, which is the “proper and true ground” of all implied relations.<sup>20</sup> So, if contract is open to violation via lying, deception, domination, exploitation, violence, crime; then it is not only because individuals confuse particular rights and reasons for universals, privileging contingent-subjective interests over the objectively valid interests of all—but primarily because they forget to consider how their deeds have implications for others, because they refuse to supersede themselves in light of the world as a whole. And this is not just in public: privately, in conscience, in self-presence, in the “silent” majority of the self-determination of the subject, the identification of identity, the inner workings of self-on-self through which the will subordinates itself to law and constitutes its autonomy (as opposed to heteronomy, instinct, madness, slavery)—here too, the world as a whole is implied, which is why freedom shows itself to be “the universal actual principle of a new form of the world”; and why the good is not simply a Kantian form of duty, but “the absolute end of the world,” insofar as the world’s end is implied in ours.<sup>21</sup> So, Hegel’s student warns: “Pedagogical experiments which remove people from the ordinary life of the present and bring them up in the country (Rousseau’s *Emile*) have been futile, because one cannot successfully isolate people from the laws of the world. Even if young people have to be educated in solitude, no one should imagine that the breath of the spiritual-world will not eventually find its way into this solitude and that the power of the world-spirit is too weak for it to gain control of such remote regions.”<sup>22</sup> Thus, will implies world and world is implied in will—for the right of the will is “the right of the world” because the absolute right of the idea and the “idea of the good” are implied in the real “right of the subjective will”—or, put speculatively: will world; the right of the will, the right of the world; absolute ideal subjectively real.<sup>23</sup>

19 Hegel 1974, pp. 204-5, 212; 2009, XIV, p. 77, emphasis added.

20 Hegel 1986, VII, p. 159; 2009, XIV, p. 85.

21 Hegel 2009, XIV, pp. 110, 114.

22 Hegel 1986, VII, p. 304.

23 Hegel 2009, XIV, p. 48.

Second, personal rights are never just personal. My right is never simply mine. I am not an isolated individual, and *solus ipse* is an impoverished, unmediated abstraction; rather, I am a member *of* a family and *of* the “family of Man,” that is, always already *of* the world.<sup>24</sup> However, the “of” here, whether *genitivus subjectivus* or *objectivus*, does not mean possession, but implication, implied membership—for again, “a higher right holds.” In other words, coming-to-presence in a family unit, each member is never truly a one-sided independent person—which is a superficial and false consciousness, a myth and strategy; on the contrary, for Hegel, each belongs to a natural species and a spiritual unity. This is why, for example, “being in love”—as a way of *being* (becoming what one is through co-belonging to a co-constitutive relation), not *having* (and so, not money or power, connections or convenience, or any other sort of coercive arrangement)—is the actualization of a couple’s freedom; and why “being a family” is a matter of *being* in the world (and so, sharing resources), not *having* private property. And why (another example) children demonstrate how parents are implied, both in the reproduction of the species and in upbringing, formation, education; especially to the knowledge of their implied relation to the world as a whole, to the implications of their words and deeds, to how the freedom of one implies the freedom of all. Or, to put it speculatively: my parents me and I them; just as, I other and other me—for the higher right that holds is not to *have* freedom, but to *be* free, especially if freedom and its being are, thereby, just implied. In other words, the being of the human being is implied—which implies the right to be free, to be in love, to be a partner, a parent or child, to be together or apart, and so, “to become free personalities” and develop a worldly character in the world as a whole.<sup>25</sup> Thus, children and parents, partner and partner, friend and friend, enemy and enemy, imply one another, which is how they can be in or out of each other’s lives (so that even in death, the other continues to be implied in life as inherited, not as present or a presence, but as an historical echo or suspended implication); and there is no family which does not imply other families, whether friendly or not, no group without members or members without a group, and without community, society, and the world to which they belong, and from whence they come—for, thought speculatively, not only child parent, but family families, the familial the social the worldly, and implication is how the right of each the right of all.

Third, the right of civil rights of citizens is neither simply present in society, nor absent therefrom, but implied thereby. Indeed, for Hegel, the social is “the expansion of the family” in which each “individual becomes a *son of civil society*,” no longer simply a family member with familial

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24 Hegel 2009, XIV, p. 15.

25 Hegel 2009, XIV, pp. 144, 155, 175.

rights. Rather, right is institutionalized (in law and courts, police and corporations) because institutions are implied by civil society, without which society cannot be civil. In this way, what right implies, and how it can be implied in rights, expands again (an expansion of an expansion, or negation of negation, which will be repeated with the state and, ultimately, with the world as a whole).<sup>26</sup> Here, the right of any citizen to seek fulfillment of need and desire implies the right of everyone to do so—or, “equality” of right and rights is implied by each and all.<sup>27</sup> And if work is the way in which citizens pursue such satisfactions, it is perhaps unsurprising that they imply one another; just as society as a whole (with its systematic differentiation of skills, division of labor into groups, whether country-city, agriculture-industry, *Handwerk*-manufacturing, commerce-banking, or art-religion-philosophy) is implied by the pursuit of the satisfaction of each. But then, insofar as it is society’s right to require children to leave their parents in order to take up the role and responsibility of parents themselves, it continues to be implied in the health and wealth, liberty and life, of every citizen—for production-distribution-exchange-consumption imply one another in a system of “dependence and reciprocity” in which each is implied in the response (or not) to the needs and desires of all.<sup>28</sup> In this sense, each of us implies the “possibility of sharing” (or the refusal to do so) of the resources of the world, of the air we breathe and the water we drink—and in their equal or unequal, just or unjust, distribution.<sup>29</sup> Then, if the social is to be really right, it is because ideal right is implied thereby, that is, in the very structure and function of society, in its norms and liberties, public administration and protection (that is, the security of citizens against violence or infringement of person and property, the exercise of arbitrary power and all other forms of harm). And this is only possible because positive law—which comes to presence as right and valid, and known as such for particular cases—implies absolute law, that is, justice “as *universally valid*.”<sup>30</sup> Thus, “the business of *one*”—being “simultaneously for *all*”—implies the “common interest”; for civil society is implied in how citizens are, and citizens imply how society must be.<sup>31</sup>

Fourth, individuals recognize that the “true *ground*” of right lies neither in themselves nor in their families, neither in their friends nor in their enemies, neither in their (rural or urban) communities nor in

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26 Hegel 2009, XIV, pp. 158, 192.

27 Hegel 2009, XIV, p. 167.

28 Hegel 2009, XIV, p. 169.

29 Hegel 2009, XIV, p. 169.

30 Hegel 2009, XIV, p. 175.

31 Hegel 2009, XIV, p. 141.

civil society; but in the rational-universal-infinite state which is the true *foundation* of the actualization of freedom—for “the state is the spirit which *stands* in the world”; or, in Greisheim’s interpretation, the state is “the *march* of God in the world.”<sup>32</sup> In other words, spirit “marches” and “stands” in the world, that is, actually comes to presence, because the idea of right unfolds and presents itself as real and concrete. So, law and reason are present *qua* laws and reasons—for the state is a “hieroglyph of reason,” which is the law.<sup>33</sup> Thus, “the very idea of the state” is the “true ground” of states; it is the absolute which allows universal and particular to relate, the “third” which grounds the identity and difference of state-genus and state-species (both its general form of monarchy, aristocracy, democracy, etc.; and the particular self-organization of its *Individualität*, its institutions and interests, desires and needs, norms and freedoms, histories and myths), and founds the relations of states to one another through treaty and trade, war and peace, obligation and stipulation—and “this third is, in fact, spirit which gives itself actuality in world-history.”<sup>34</sup>

But fifth, if the “true ground” were the “absolute ground,” then the history of the philosophy of right would be over. Hegel, however, continues: the state implies the world, “whose right is highest.”<sup>35</sup> In this

32 Hegel 2009, XIV, pp. 199, 201, 213; 1974, 632; emphasis added.

33 Hegel 1974, p. 670. As Derrida remarks of Hegel: “He did not take a merely theoretical interest in the transmission, through instruction, of a philosophy whose rationality was supposed to culminate most universally and most powerfully in the concept of the State, with all the wrinkles, stakes, and convolutions of such a ‘paradox.’ Very quickly and very ‘practically,’ he found himself *implicated*, advancing or foundering, more or less speedily, in the techno-bureaucratic space of a highly determined State” (1990, pp. 184-5; emphasis added).

34 Hegel 2009, XIV, pp. 208, 218, 264, 273; 1974, 634. On Hegel’s philosophy of right *qua* philosophy of the state, see the tradition from Lenin’s *State and Revolution* (1918); through Avineri’s *Hegel’s Theory of the Modern State* (1972), who argues that the failure to grasp the persistence of ethno-nationalism and war make Hegel’s political philosophy into a “mere wishful thought” (1972, p. 241); to Ottman’s “Die Weltgeschichte” (Siep 1997, p. 267), who claims that, unlike Kant, Hegel never goes beyond (respect for) “the multiplicity of sovereign nations” and their eternal “struggle for recognition” (p. 284), to a demand for universal rights and the perpetual peace of a *Staatbund*—although he notes this remains “fundamentally debated to this day,” and that the architectonic of the entire *Philosophy of Right* (and the philosophy of history, 1997, p. 275) implies a step-by-step progressive development which culminates, beyond the rights of states, in world-history (and affirms, in a *direkte Fortsetzung* of the Enlightenment, reason over power, right over might).

35 Hegel 2009, XIV, p. 49. As Redding (2018) notes: the final 5 paragraphs of the objective spirit section of the *Encyclopedia* (like the final 20 paragraphs of the *Philosophy of Right*) “are devoted to *world history* (*die Weltgeschichte*), and they also coincide with the point of transition from objective to *absolute spirit*”; which is, obviously, “just the same dialectic that we have first seen operative among shapes of consciousness in the *Phenomenology* and among categories or thought-determinations in the *Logic* can be observed here [in the *Philosophy of Right*]”—so, as it typical of a systematic thinker such as Hegel, the *Philosophy of Right* “is meant to draw upon the conceptual resources” of the *Phenomenology* and the *Logic* (or phenomenologic). Nuzzo (2012, p. 2) agrees: “the move from the idea of history based on memory [in the *Phenomenology*] to the notion that history is guided by the principle of justice [in the *Encyclopedia* and *Philosophy of Right*] is made possible by the logical foundation [in the *Logic*] of the philosophy of spirit”—although the logic (and the principle of justice) was always already present in the *Phenomenology*, even if it was not yet articulated as such; and even if, unfortunately or not, the way in which the logic comes to presence in history (as implied) remains unthought.

way, the *Philosophy of Right* shows itself to be a philosophy of the world—not a philosophy of the state. This is why the finite spirits of individual states in their particular “destinies and deeds” do not just imply the spirit of the state—but “the *spirit of the world*.”<sup>36</sup> And this is why the states’ courts do not just imply the state’s court—but the world court of judgment which “is highest of all.”<sup>37</sup> So, the final sections of the *Philosophy of Right*, therefore, would have to be rearticulated speculatively—if not retranslated and rethought—especially if the speaking of being, the being of right and being right, is just implied: (1) not “the *element of universal spirit’s* existence...in *world-history* is spiritual actuality”—but rather, “the element of universal spirit’s existence in world-history spiritual activity”; (2) not “world-history is...the necessary development, from the *concept* of the freedom of spirit alone”—rather, “world-history the necessary development, from the *concept* of the freedom of spirit alone”; (3) not “the history of spirit is its *deed*; for it is only what it does, and its deed is—as spirit—to make itself the object of its own consciousness, to comprehend itself in its interpretation of itself to itself”—but rather, “the history of spirit its *deed*; for it only what it does, and its deed—as spirit—to make itself the object of its own consciousness, to comprehend itself in its interpretation of itself to itself.”<sup>38</sup> May sound strange, but so is implication (perhaps even speculative philosophy in general, at least if it is philosophical, that is, a philosophy of implication).

And this strange way of speaking would imply an equally strange way of thinking—for right is not present in the world (like fish in the sea, or a member of a set), nor absent therefrom (like some kind of *deus absconditus*); it is neither revealed nor concealed, nor some combination or permutation thereof. On the contrary, it is implied; and its way of being in the world or being-worldly, of being in history or being-historical, being in the history of right or being right historically, is *by implication*. (1) The spirit of right is implied in the world, and only exists insofar as it implies itself *qua* worldly; and for its part, the world implies right, that is, the spirit of right demonstrates that it is implied by the particular moments of the movements of the history of the world, of the states, societies, families, persons. (2) The spirit of right is implied in the historical development of right (and freedom) in the world, and in the history of the philosophy of right, from the superstitious rituals of the caste system, that is, “the accidents of personal power and arbitrary rule”; to the fate and fame of the Greeks, albeit at the expense of a legitimated and

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36 Hegel 2009, XIV, p. 273.

37 Hegel 2009, XIV, p. 273.

38 Hegel 2009, XIV, p. 274. Unfortunately or not, Heidegger’s critique (*GA2*, p. 565) of Hegel’s concept of time as that into which spirit falls (1994, p. 153-4), forgets, covers over, conceals how so: world-history *is* the development of spirit—which is how it can “fall into history”—but being is implied; so spirit does not fall into history, although it is implied thereby, just as history implies spirit.

institutionalized slavery; through the violence of the aristocratic Romans over-and-against the so-called corrupt rabble, “held together only by an abstract and arbitrary-will of increasingly monstrous proportions”; to the rationality of right as it struggles to mediate and reconcile infinite-divine freedom and finite-human freedom (which the Jews, insisting upon the “absolute *negativity*” of the otherness of the other, allegedly could not or would not accept), which “brings the existence of its heaven down to earth” in this world, in order to show itself (in the “Germanic,” or rather European or Western world) in actually free individuals, who know truth as “one and the same [*einer und derselben*]”—whether Hegel is willing and able, thereby, to vindicate the rights of women and the non-Western world, or not—so that spirit is implied by how the world comes to self-consciousness of its historical freedom, and the history of the actualization of freedom in the world implies the freedom of spirit.<sup>39</sup>

(3) Spirit is implied in its deeds, in its acts, in historical activity. For spirit is implied in every action—whether demonstration, exposition, actualization, or interpretation, comprehension, completion, as well as in negations such as alienation and transition; so, any act in the world, every world-historical action—whether by spirit or the state, civil society or some other group, a family or an individual person—implies the activity of spirit. Thus, the ground of the ground of the right and freedom of the state is the world as a whole—and, to paraphrase Kant, right without world would be empty, world without right would be blind—for it is here that the idea of right, which Plato only grasps as an external abstraction, shows itself to be a concrete “*unity of form and content*,” that is, a properly actually-rationally “philosophical idea.”<sup>40</sup>

Hegel demonstrates, therefore, *that* and *how* it is superficial and insufficient to address the question, “What is right?”, or in speculative language, “What right?”, without considering “How right is?”, or “How right?”—especially if right, the being of right and being right, are just implied. And the *Philosophy of Right* shows *how* the idea of right—if it is to be actual—implies the world and its spirit. Thus, if right comes to presence as rights, as done or being done—or remains in absence, not-yet-done, never-done, undone—whereby it can present itself in persons and individuals and citizens, families and friends, groups and communities, societies and nations, and the world; then it is thanks to an implied right, one that is neither present nor absent.

And if the philosophy of right fails to think and speak of right as implied? If philosophy refuses to consider implication? Demands the presence of right in thought and word and deed?

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39 Hegel 2009, pp. 279-282; 1986, pp. 420-22; 9.316.

40 Hegel 2009, XIV, p. 16.

Then, not only does wrong dominate right, inverting the world—but obviously, there would be neither wrong nor right. The cost of neglecting implication, of its translation into the language of presence and/or absence, its transformation into the logic of what can or cannot be present and/or absent, should be clear. The price of maintaining the privilege of those privileged enough to insist that it is and/or is not—and there is no third, *tertium non datur*—should be a warning. And if the history of the philosophy of right, like the history of philosophy as a whole, asserts the power to only permit a right that is present and/or absent, then it should be unsurprising that right cannot be right—at least insofar as the thinking of *what is right* remains unthought, and the explanation of *how it is right* remains inexplicable—rather, wrong reigns, *Unrecht*, and evil prevails, *Böse*.

So, on the one hand, the privileging of presence, and of the power of privilege to presence, to be present and present itself, whether as present or non-present, shows itself as violence in the external world. The right of implication—and the right to implication, the right to imply—falls victim to the “arbitrariness and contingency” of particular will and conforms to the desire of certain somehow motivated individual subjects.<sup>41</sup> They claim that implying is not really implying, but a mere semblance and untruth, *Unwahre*: it is either impossible to imply, insofar as every implication is a performative contradiction, an explicit implication; or a ploy, the preferred tool of power employed to exclude those who do not or cannot have access to what is being implied; or a strategy used to appear right, while being wrong.<sup>42</sup>

First, if the plea that all implication must immediately to be translated into the language and logic of presence comes out of genuine ignorance or naiveté, a desire to understand what is meant by what is implied, to grasp what the other is or is not implying, to include implication, and show that right and wrong cannot be simply limited to the present will (motive) of present parties (opportunity)—the problem of implication is at least acknowledged, and the question of the meaning of implication is at least asked, which leaves room for conflict, collisions, contingencies—even if implication’s way of being remains unthought. In other words, implication as neither present nor absent—that is, as suspension, as the suspension of the meaning of being right (and the being of right) *qua* presence and/or absence—is recognized. And the history of the philosophy of right that has violently, that is, arbitrarily and contingently, refused implication has been revealed. But now, confronted with what is merely implied, with what can only come to presence in word and deed, thought and thing, with a right to implication, all parties must “renounce their particular points of view and interests.”<sup>43</sup>

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41 Hegel 2009, XIV, p. 84.

42 Hegel 1986, p. 173.

43 Hegel 2009, XIV, p. 86.

Second, if conformity to the requirement for presence, for parties to say what they mean and mean what they say, to reduce things to how they appear and what they present, to close down sense and limit meaning to their actually or potentially present worth and value, to excise all implication from language and logic, comes out of cunning, the intention to deceive, whether for profit or pleasure, to maintain power or privilege—the threat of implication is recognized. In this way, the usefulness of implying for deception, *Betrug* (as in, for example, the correlative or parallel action of “implied conspiracy”), saying what should not be said, and doing what should not be done, is acknowledged, as is the right of the deceived. Simultaneously, however, the will to exclude implication shows itself as futile, just as the very threat of deception suspends the determination of presence and absence, and the respect or infringement of right—even as it “should be superseded” by trust.<sup>44</sup> Thus, implication is suspension, which is why it is so suspenseful; and its supersession required for the coming-to-presence of “right *in itself*.”<sup>45</sup>

Third, if the demand for presence is fulfilled concretely, whether in an external thing or internal will, it shows itself as violence or force, *Gewalt*, and is experienced as coercion, *Zwang*. Here, the power of others to refuse implication is domination and command: thou shalt present thyself as thou art, or being and appearance, presentation and representation, must correlate and correspond—which is how presence becomes the very meaning of truth, being true, truth-telling; as well as how falsity and lying come to be understood as the absence thereof. And it is the privilege of the dominant to coerce the dominated, to insist upon conformity to their preference for the explicit, and their right to ground the force of law on presence and/or absence. But ironically, just as “only he who *wills* to be *coerced* can be coerced into anything,” so too only that which is implied can be present or absent in anything.<sup>46</sup> In other words, just as coercion reveals the actuality of freedom, so presence and/or absence reveal that which is actually neither present nor absent, that is, implication. And yet, this is not to say that the power to exclude what is implied is illegitimate or “wrong”; rather, it is to demonstrate how it implies the supersession of suspension, and so, of both being and right’s way of being. For the legitimacy of the power to demand the supersession of implication is a coercion of coercion, that is, right *qua* negation of negation, violence *contra* violence, force as protection against force. Initially, implication is not tolerated; but then, intolerance is not tolerated—it is superseded. So, implication must be tolerated, or tolerated as intolerable and intolerable as tolerated, a

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44 Hegel 2009, XIV, p. 87; Kittelle and Lamb 1950, p. 227.

45 Hegel 2009, XIV, p. 86.

46 Hegel 2009, XIV, p. 88.

tolerable intolerance or intolerable tolerance. In other words, infringing upon the right to implication (and the individual freedom to imply) is a kind of crime—not simply because it hinders a particular word or deed or thought, but because it negates any right to implication whatsoever, because it universalizes the merely subjective right of the refusal of what is implied. And a world in which every implication should immediately be translated into the language and logic of the explicit, in which the right to imply should be stolen or robbed from individuals, would be an inverted world, a criminal world, as well as one with neither self nor other, neither science nor art. But again, it is precisely in such crimes that implying has its right, and presence shows its vulnerability. The privileging of the explicit seeks to supersede implication’s “right as right”—but the very attempt to supersede implication is its proof of concept, its demonstration of *that* and *how it is*, and *is right*.<sup>47</sup> The “restoration of right,” therefore—which is itself right, neither wrong nor an evil—would mean the restoration of implication, its right to be and its being right, along with the right to imply; that is, neither revenge nor retribution, but justice, *Gerechtigkeit*.<sup>48</sup>

On the other hand, the privileging of presence, and the correlative refusal of implication, shows itself as arbitrary violence in the internal world; it creeps into consciousness and self-consciousness, buries its preference in the depths of the soul, exerts its power over desire and feeling, imagination and thought, whether actual or potential. Here, the particular will is determined by the will to reduce what is implied to the language and logic of presence and/or absence. But then the subjectivity of the subject evaporates, *verflüchtigt*, along with the otherness of the other, and the objectivity of the object and the conceptuality of the concept—which is “the *origin of evil*.”<sup>49</sup>

First, however, the individual subject claims absolute responsibility for its will, for its thoughts and feelings, desires and actions, that is, for its immediate rejection of implication and anything implied. Here, like “the child, and the uneducated person,” the will prefers and privileges the explicit, and it posits this subjective judgment as natural and necessary, innocent and good, free and right.<sup>50</sup> But the negative is “itself rooted in the positive,” and the positive in the negative; just as presence implies absence and absence presence; just as “good and evil are inseparable [*untrennbar*].”<sup>51</sup> So, rejection of implication is only possible if there is

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47 Hegel 2009, XIV, p. 90.

48 Hegel 2009, XIV, p. 91.

49 Hegel 2009, XIV, p. 120.

50 Hegel 1986, p. 264.

51 Hegel 1986, pp. 263-4.

somehow something to reject, namely, that which is implied—although its way of being is not simply that of something somehow present and/or absent, and although their inseparability, *Untrennbarkeit*, has not yet been illuminated. Thus, the will-to-presence, the decision to negate implication, to insist upon being present and/or absent, to right being present-here or not, to the presence of self to itself in self-consciousness and/or its absence *qua* childishness, ignorance or madness—and the freedom on which its choice is grounded—means that the subject posits itself as responsible for itself; and so, for its judgments and actions, feelings and thoughts.

Second, the subject asserts that its refusal of implication is not only subjective, not just good *for itself*, but also good “*for others*.”<sup>52</sup> Here, it regards its negation of implying as positive, as “*a duty and admirable intention*,” a will to explicate and clarify rights and what is right, show and tell that which presents itself as clear and distinct, to make meaning open and available to others, while acting for itself and for others, and speaking in such a way that it and others can be heard and understood—for the subject is not simply responsible for itself, but also for others; not merely for its rights, but just as much for the rights of others, especially if they do not or cannot assert their own rights.<sup>53</sup> However, as Hegel insists: “to assert that this action is good for *others* is *hypocrisy*; and to assert that it is good for itself is to go to the even greater extreme at which *subjectivity declares itself absolute*...[And] this last and most abstruse form of evil, whereby evil is perverted into good and good into evil...is the form to which evil has advanced in our time.”<sup>54</sup> And if this way of thinking and acting, feeling and being, comes to dominate the present age, then it is because a certain kind of so-called “philosophy” or “pseudo-philosophy”—which valorizes the vanity of the subject and “a shallowness of thought”—twists implication into presence, and right into wrong, as it calls evil good and good evil, and names the subjective objective and the objective subjective.<sup>55</sup> In this way, the hypocritical exclusion of implication is the height of “*bad conscience*”—for those who claim to restrict themselves to presentation or re-presentation, to what is or can, was or will be present, or absent (and therefore, the right to restrict others, even the duty to do so), know full-well that this is impossible; that self-consciousness is never simply present “entirely for itself,” but far more implies the other; that although right and wrong, like presence and absence, may be presented or “represented as *separable*, and *indifferent* and *contingent* over and against one another,” but they are actually *inseparable*; that the privileging of presence cannot be limited

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52 Hegel 2009, XIV, p. 122.

53 Hegel 2009, XIV, p. 122.

54 Hegel 2009, XIV, pp. 122-3.

55 Hegel 2009, XIV, p. 123.

to the privileged, just as the pleasure of implication cannot be the sole prerogative of the powerful, insofar as others are implied thereby; that absolute responsibility, like will and freedom, agency and intention (whether resulting in good or evil, whether “*the end justifies the means*” or not), assuming presence-to-self, fails to account for how the subject is absence-from-self—and even more radically, neither present-to nor absent-from, but implied by itself, which implies others, which is how it is, and how it can be responsible.<sup>56</sup> But this is not enough—so what is done and known is supplemented with a truth-claim, albeit one that is, in truth, a “formal determination of untruth”: the refusal of implication is represented as good for others by hypocrites who represent themselves as good, which is merely a trick to deceive, but is justified by a good will or intention, reasons or outcomes (which may or may not have anything to do with the repudiation of implication).<sup>57</sup> Thus, truth becomes merely probable, if not relative or subjective: any reason given by any authority—whether codified in law or not, whether historical norm or individual feeling—is sufficient to proscribe what is just implied, “whereby preference and arbitrariness are made the arbiters of good and evil.”<sup>58</sup>

But none of this is inevitable. For right’s way of being, of being implied—and the being of right, and of being, as well as that of the subject and other, of individuals and families, friends and enemies, societies and states and the world as a whole—remains unthought. In the end—and at the end of Hegel’s *Philosophy of Right*—there is only one way to right the wrongs that have been, are being, and will be done to right, namely, struggle, *Kampf*.<sup>59</sup> For those who seek to exclude implication, to assert their privilege and power and preference in order to demand that the world conform to the philosophy of presence and/or absent, to force right into the Procrustean bed of translation, and the language and logic of the present and/or absent—they cannot be expected to right themselves. In other words, the negation of the negation, the exclusion of the exclusion of implication, the disempowering of the powerful, the refusal to translate, the resistance to the preferences of the preferred, the removal of privilege and its privileges—this is “*the hard, infinite struggle*” to do justice to what is just implied. And this is how the unthought truth of right—its way of being, of being implied, and being’s—would be neither simply thought nor unthought; but the suspension of both, which is the right of implication, and the right to implication.<sup>60</sup>

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56 Hegel 2009, XIV, pp. 124, 127.

57 Hegel 2009, XIV, p. 125.

58 Hegel 2009, XIV, p. 125.

59 Hegel 2009, XIV, p. 281; 1994, p. 83. Again, as Hegel 1994, p. 100, insists: this is not a matter of chance or luck, *Glück*, but of effort, work, struggle, *Kampf*.

60 Hegel 1994, p. 83; Heidegger 1977, GA2, p. 573.

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