

Given the Right—Of Giving (in Hegel’s *Grundlinien der Philosophie des Rechts*)

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ABSTRACT: This essay approaches the Hegelian problem of giving and givenness through the marginal figures of the animal, the child, and “superstitious humanity,” representing, in one way or another, the unperturbed relationship with immediacy. I argue that, for Hegel, the process of subjectivization supersedes these figures by learning to reject the immediately given and to accept only what is self-given. Yet, interspersed throughout this process are various imbalances and asymmetries, whereby the subject gives itself more than it takes, undialectically suppressing the particular and displacing the marginal.

RIGHT ON THE LINE

By dint of a silent consensus, contemporary continental philosophy has relegated *Grundlinien der Philosophie des Rechts* to the backwater of hopelessly outdated ideological apologetics veiling the bourgeois superstructure. There is a sense that before and beyond the need for enunciation we are so intimately familiar with the content and the form of Hegelian right, that nothing “new” can be said about it. The veil has been long stripped, first by Marx, and after him by countless others, exposing the superstructure in its denuded form, or so the argument goes. This second-nature-like sense of familiarity coupled with a lack of interest is not surprising given the sharp contrast between the barren categories of *Grundlinien* and the seductions of desire undergirding *Phenomenology* that have heavily influenced the French reception of Hegel (*pace* Butler). What is surprising, however, is the general lack of attention paid to the finer details of the former work, from its exact title in German to the role “giving” (and, especially, giving oneself to oneself) plays in the establishment of right—the very details that open the space for a deeper onto-political critique.

Where, then, does the problem with the English rendition of *Grundlinien der Philosophie des Rechts* as *Hegel's Philosophy of Right*¹ lie? Quite literally, the new title conferred onto the book in translation disentitles the old one, strips it of its authority, and denies its privilege and “rightfulness”² in at least two ways. First, note that in the Knox translation—right in the translated title—the author’s proper name is conjoined with the subject matter of his work that becomes highly particularized as a result of this jointure. I do not dispute the fact that the philosophy in question is Hegel’s by right of authorship and copyright. Yet, from the standpoint of Hegelian dialectics, the titular reassertion of this fact does nothing less than insult the Idea which is supposed to give itself over to a distilled, “mere [pure, MM] looking on [*reines Zusehen*]” (§31) and which, consequently, cannot be ascribed to the resourcefulness of an individual subject. The new title mocks the dialectical pure gaze ideally free from judgment and from the gazer, a looking-on abstracted from the onlooker who will only contaminate it with the blindness of sense-certainty. It indecently suspends Hegel’s philosophical pathos by absorbing his proper name, by not allowing the name to subsist *alongside* the work. Hence a paradoxical outcome: the work on right, under the title containing the proper name of its rightful author, is dispossessed of the quasi-transcendental grounding of right. Or, as Hartman writes apropos of the Derridian interpretation of Hegel in *Glas*, “if there is a Hegelian *Sa* (“*savoir absolu*”) it may be incompatible with *Sa* (*signifiant*) we call a signature: the proper name (Hegel) affixed to a text as its authenticating seal.”³

Second, the translated title conceals a certain economy of meaning, a give-and-take, or a substitution. The addition of Hegel’s name coincides with the subtraction of what is overcoded and dismissed as a superfluous word, *Grundlinien*. And in a few instances of sparing the purloined word, it is mistranslated as “elements.”⁴ even though a more conventional reading would refer to “baselines” with the supplementary possibilities of “outlines,” “groundlines,” or “grounding lines.” So, the English title takes it upon itself to amplify the blow it has dealt to the Idea and to erase the lines of philosophy and of right in a rather crude fashion *and* by a clever omission, stealing Hegel’s base, as it were. But after this omission, what is left of right? Or, to reformulate the question, could there be a base without the line and a right without the base?

Perhaps we would not have accentuated this transposition, were it not for the surreptitious Hegelian proclivity to transgress and erase the lines demarcating that which is right, if not that which is philosophical. For example, the Preface to *Grundlinien* is devoted, almost in its entirety, to identifying the real differences between the new and the old. Neither the content, nor the form of this compendium, Hegel says, is original; the only “thing” that is new is the speculative method (p. 1) dictating how to assemble the long-familiar content and form into another configuration. A significant element of right will have been already present here in the ostensibly

external procedural remarks because the rightfulness and the legitimacy of right hinge, precisely, on a justification of the new by the means of the old; on a careful, immanent reading that eschews any subtractions from the old, or additions of the new; on placing the new between the baselines of the old and, therefore, simultaneously canceling and preserving (*Aufgehoben*) its status as new.

Like the dialectical method—and this “like” exceeds a mere analogical parallelism—right does not originate from the interiority of something surrounded or encircled by certain baselines (the matter found *in* the right), nor from the static form of the circle itself. Instead, it emanates from a methodical act of encircling and giving form that defines the trajectory of speculative thought. That is to say: in the last instance, right and speculation, speculative right and right speculation, are self-grounded in the mode of philosophy that “forms a circle” and “circles back into itself” (§2A). It would be enough to consider the exact title Hegel chooses for his book, “Baselines of the Philosophy of Right,” to start gyrating in a circle without exits. Phrased in this way, the baselines fall into the grammatical structure of the “double genitive.” They belong equally to philosophy and to right, distinguishing both from what is not philosophy and (therefore) not right (it is still premature to say “wrong” at this point), and (therefore) not the right philosophy. Distinguishing each from everything with the exception of the other. From now on philosophy will metonymically betoken right, and vice versa.

In spite of the closed hermeneutical circle, the indeterminacy of the line drawn and erased right away, in the moment of drawing, threatens to undermine the bold advances of the speculative method. Separated from the “commonplace” by an invisible, quasi-transcendental contour whose phenomenality is located beyond the messiness of content and the rigidity of form, thought may “unconscious[ly] relapse into the despised method of commonplace deduction and argumentation” (p. 2). The same baselines, the same guardrails that were intended to prevent the reversion of right and philosophy into their opposites turn into relatively porous boundaries marked by the determinate negation of right (philosophy) and regulating two-way, *fort/da* flows of content and form.

Distinctions fade. A disciple of Hegel may find some solace in a trite observation that the fluctuations and the setbacks that the Notion experiences in the process of working itself out mirror the work of real education (*Bildung*) at the levels of the phenotype/child and of the genotype/superstitious humanity immersed, in Kantian terms, in “self-incurred immaturity” and proceeding in uneven fashion from implicit to explicit rationality (§10A). Conversely, the animal remains, for all intents and purposes, ineducable: “a defective thing from our point of view” (§8A). Whilst the child and the superstitious man form the constitutive outside of right to the extent that they are *not yet* in the right, the animal is given its essentially improper place in the radical outside that will *never* be in the right. This curiously undialectical triangulation of the right, the not-yet-right, and the

never-right transforms the thinnest of lines into a much thicker frame dia-grammatically enclosing the rest of Hegel's work.

The ephemeral figure of the animal is worth keeping in sight for a little while, first of all, because from the sidelines and supplementary remarks to which it is confined, it illuminates the problematic of demarcating rights. The logic of *Grundlinien* suspends animality in a gray region between "matter in itself [that] does not belong to itself [*da die Materie für sich nicht ihr eigen ist*]" (§52) and the self-appropriating personality that rightfully and freely gives itself to itself. As a "living thing" (§44A), animal consciousness devoid of self-consciousness and self-relation deserves no right of admission into pure thinghood, or into the pure life of spirit. It is external to itself, albeit not entirely so. Indeed, this ambiguity reaches its apogee with Hegel's confirmation that "[a]nimals are in possession of themselves. . . . But they have no right to their life, because they do not will it" (§47A). To be in possession without right is to steal something from the thing's rightful owner, but the object that the animal steals is itself. Insofar as it is a living thing, it functions synthetically as the natural thief and as the stolen property. In contrast to children who are not yet able to relate to themselves and thereby to give themselves to themselves in a rightful and proper manner, the primordial animal outlaw takes possession of itself without first giving itself to itself. And by taking without giving it disrupts the otherwise "orderly" economy of the Notion.

To be sure, Hegel does not explicate the effects of this disruption but his silence permits them to percolate below the baselines of right and to activate those subterranean forces that internally undermine and delegitimize possession as such. So, the living thing we christen "animal" does not have a right to its life and, consequently, it may be appropriated by something other than itself, that is, by the abstract will seeking its first embodiment in property. What is noteworthy here is a non-contractual exchange contiguous with the act of appropriation: "When the living thing becomes my property, I give to it a soul other than the one it had before, I give to it my soul" (§44A). Once, in exchange for the right of possession—the right the animal does not have in the first place—it receives a "new" soul from its owner, the absolute idiosyncrasy of its impulses and desires is negated, if to "give to it my soul" means to repair the animal's defectiveness and to bestow a measure of universality on its impulses and desires. Thus, in the form of exchange that produces a tamed animal, the will gives itself to itself in full certainty that the external-appropriated recipient (the animal) can neither accept the gift, nor give the share of recognition demanded of it.

The ineducability of this living thing, its structural-genetic inability to work something universal out of itself, justifies the external and, by implication, violent imposition of another will couched in terms of giving it "my" structure of subjectivity. But, after all, assuming that the animal has accepted this gift, what right does the giver have to persevere in the role of the animal's owner beyond

the initial act of appropriation? Before this act the animal did not have the right to self-possession, but now, after it's been appropriated and given a new, presumably universal will, its owner cannot claim this right either. Did I put my soul on the line gratuitously, for nothing? Or, does the cunning side of Hegelian reason *a priori* repudiate this assumption, on account of the animal's negative capacity to resist the permeation of abstract will in a mode of resistance exceeding that of inanimate matter? In this case the initial appropriation will not be final; it will call for infinite re-appropriations of the stubborn remainder that does not accept the gift of the new soul.

This solution is nonetheless not entirely satisfactory because the permanent incompleteness and contestation of appropriation sets an insurmountable roadblock on the highway of right. If the will is to move beyond its first embodiment, then property must be unambiguously secured. In other words, it cannot contain fraud, coercion, and crime in itself or, rather, in the act of positing itself as the negation of the minimal resistance of matter. For Hegel, the aforementioned unpleasantnesses and wrongs arise only in the aftermath of the mutual alienation of property in the real contract or in the aftermath of its one-sided alienation in the formal contract (the gift). And yet, having conceived the appropriation of a living thing on the model of non-contractual formal exchange of "my" soul for the right to possess the animal, Hegel tacitly slips the *possibility* of coercion, fraud, etc. into the heart of appropriation. It is this possibility that testifies to the speculative identity of crime and appropriation, so that not only does crime refer to a wrongful appropriation of a thing, but criminality as such *is* appropriation, and appropriation as such *is* criminality, at least when it comes to the non-symbolic exchange with the animal.

In order to cover up his dialectical trickery, Hegel instigates what I would like to call a fraudulent or fictitious erasure of the line by means of elevating it into the *plane* of personality as the "capacity for rights" (§36). He writes: "An existent of any sort [*überhaupt*: in general, MM] embodying the free will, this is what right is [*daß ein Dasein überhaupt, Dasein des freien Willens ist, ist das Recht*]" (§29). On one hand, there is a flicker of an opening here: the existent that embodies free will is an existent in general, of any kind whatsoever, perhaps even an animal. On the other hand, ample evidence suggests that, with this definition, the stricture of right becomes ever narrower and more rigid. Hegel introduces the broad qualification "of any sort," "in general" (*überhaupt*) for no other purpose but to counterbalance the particularity, the "that-ness" of "that existent" (*daß ein Dasein*), to erase the line separating the object from the subjective will, and to synthesize a capricious self-will (*Willkür*) and abstract will (*Willen*) without the interference of Kantian universal law. The "existent in general" embodies a spiritualized body and excludes in the very gesture of welcoming others into the sphere of right. It excludes not only all that belongs to the immediately living thing incapable of

releasing itself from the confines of its particularity, but also a more promising childish, superstitious, or naively ethical “objective will . . . without the infinite form of self-consciousness” (§26). What all of these characters have in common is the fact that, thanks to their obstinate desire to hold onto the given, they are never or not yet able to transform themselves into existents “in general.”

REFUSING THE GIVEN

Right is a matter of giving and, moreover, it is a matter of giving form.

But before one can give oneself the gift of right, one must carve out (indeed, hollow out) a certain space that will contain this gift. Establishing an abstract “geometry of right,” we refuse the given not because it is given but because it is not given enough, even though to sense-certainty the immediate concrete content appears to be *over-given* or, in Hegel’s words, “appears as the *richest* kind of knowledge.”⁵ The externally posited world, the world of immediacy and sense perception, must be negated if the world of ethics is not to be “given over” (*übergeben*) to “the subjective accident of opinion and caprice” (p. 6).

For the subject of right, this preliminary negation implies a voiding of the self, the absolute self-divestment of particularity, and the dissipation of all determinate-constraining content it has sheltered (§5). In other words, we bear witness to the end of qualitative, empirical, contingent subjectivities in the immemorial (because antecedent to memory) give-and-take, where forgetting the pre-given object along with its own attributes, the subject gives itself memory, speech, and death.⁶ The indeterminacy of pure spatiality that knows no difference and affords no discontinuity⁷ is all that is left after the sweeping refusal of the immediate and the sensuous. But, as the basis of right, this macabre element is at the same time a fecund source of its negation; following in the footsteps of pure indeterminacy, right by default connotes “dead right” derived from what Comay (*pace* Benjamin) calls “the founding violence” expressed politically and historically in the epoch of revolutionary Terror.⁸

In the Hegelian universe, no special efforts are needed to effectuate the first death of the subject, since symbolic language in general and the self-appellation of the speaker in particular already function as catalysts that provide the hollowing for the discourse of rights: “When I say ‘I,’ I *eo ipso* abandon all my particular characteristics, my dispositions, natural endowments, knowledge, and age. The ego is quite empty, a mere point, simple, yet active in this simplicity” (§4A). It is not by accident that Hegel represents the empty, abstract ego as a point: as a spatial negation of space, as a disembodied embodiment of its truth, and already as a resurrection of the dead contingent subjectivity. Only after this active point has thought and spoken its solitude in opposition to the external objectivity of the world, may the baselines of right (*Grundlinien*) and the lines between subject and

object, between life and death, etc. appear. The line spatially negates and elevates the ego-point in its relation with other ego-points. Right on the line, the point is reflected back into itself and forced to confront itself in the guise of another (point), producing the infinite judgment of right. Finally, with the truth of the line passing into the plane of personality, as opposed to the point of the ego, the subject is reincarnated within the confines of right and assumes its place in the internally differentiated opening of its death.

A metatheoretical-epistemological matrix superimposed on the negation of immediacy does not require any hermeneutical intricacy. In Redding's *Hegel's Hermeneutics*, the will deliberately and still incompletely withdraws itself from the immediate and re-determines its own content as "the unity of immediacy and mediation."⁹ In other words, Redding takes the givenness of the unmediated content at face value, as something that really preexists the will's geometrical adventure traversing the space of right. But what if, as Bernstein suggests in his commentary on Adorno's reinterpretation of Hegel, the immediately given is a "myth"?¹⁰ What if, consequently, its fantastic positing and negation unwittingly reinscribe the residual elements of naïveté plaguing consciousness that mediately imagines pure immediacy and, as this imaginative source-point, undergirds the latter?

Bernstein's dialectical twist, negating the negation of im-mediacy in a way that is more Hegelian than Hegel, entails not just the ontological nullity of the given. By the same clean stroke transferred onto the epistemological domain, it enjoins us to tackle the myth of content drained of all significance and given to a passive consciousness that doesn't reorganize it in the mere act of recognition. Thus demystified, thought no longer pictures itself as reaching out to something that was already there before it¹¹ but realizes that it cannot avoid the active classification, delimitation, filtering, and interpretation of the given, mediately inflecting and re-determining its content. More importantly, in light of these questions, we will have to admit that we do not and cannot know the structure of childish "capricious" desire, which is no less opaque than that of the placeholder of right Hegel terms "person," nor that we have valid reasons to believe that the animal is a defective thing. Any mediated conception of the childish and animal immediacy, assuming that there is such a thing, tempers with and destroys the givenness of the content it illuminates. Personality encounters in these figures nothing but itself in the oppositional determination (*gegensätzliche Bestimmung*) of the not-I, to whom personhood and right are more or less alien.

GIVE AND TAKE, TAKE AND GIVE, TAKE AND TAKE

In the gifts of language, death, a new soul, and even a new title, as well as in their obverse—the divestment of immediacy and self-possession at the level of animality and the "original"—we have caught glimpses of the economic logic that both

outlines and disturbs the itinerary of the Notion. And besides, there is something casting a shadow on these exchanges, namely the will's fear of the *a priori* given, the scare the will gives itself the moment it conjures up the myth of immediacy. Why is this mythical conception so terrifying? The answer is straightforward: the given appears to presage the will and to spirit its potency away. Dreaming up its own impotence, imagining the good as unwilled and pre-given *à la* Plato's forms, the will is compelled to react against its own nightmare triggering dialectical unrest and to work the good out of itself. "It is only the raising of the given to something self-created which yields the higher orbit of the good" (§123A).

Still, a few incredible instants of respite when the given suffices abide outside of animality in the sphere of right, bringing, in a memorable Benjaminian phrase, dialectics to a standstill. In the early parts of the Introduction Hegel makes a distinction between the science of right (*Rechtswissenschaft*) and the concept of right (*Begriff des Rechts*), such that the latter "falls outside the science of right; it is to be taken up here as given [*als gegeben aufzunehmen*]" (§2). For a flash of a second, the dialectical accounts are balanced insofar as the given is taken up without the interference of critique, bypassing the work of the negative, and other dialectical apparatuses so generously processing everything else. The concept of right is, precisely, the thing that does not interest Hegel, for the official and banal reason that it refers to the limit case of right in its positive form filled with positive content. One cannot will this positivity away due to the ineradicable necessity of applying the "universal concept to particular, externally given, characteristics of objects and cases" (§3). But what strategically masks itself as the lack of interest undeniably designates, at a deeper level, an incapacity to handle the content irreversibly set adrift, the outer edge of the theoretical object that the Notion will not subsume, and—why not?—the end of dialectics.

The severance of the science of right from the concept of right portends the replacement of the will willing itself in freedom with the threat of externally imposed, traumatizing violence. The pure externality of legal procedural applications to particular cases comes to supplant, in its mediate role clearly available to mere Understanding, the synthetic instantiation of universal right in concrete actions and codes of conduct. Without a chance for interiorization, the concept of right descends into a murky zone of radical exteriority previously occupied by the animal. In fact, behind dialectical scenes, the two phenomena are homologous: the animal does not transcend the externality of sensuous intuitions, while positive legality concerned with clear-cut definitions stumbles upon the content that comes to it from the "outside" (§15). Sufficing unto itself and immune to dialectical criticism, the animality of the concept of right tacitly supported by the rightfulness of the concept of the animal has already reared its ugly head in the Preface, where Hegel recommends taking police action against those philosophers who threaten public law and order (p. 8), or policing the discourse of right *qua* right (discourse).

Significant as it is, the balancing of dialectical accounts is a limit case not only because of the empirical infrequency with which it looms in Hegel's work, but also because whenever it appears, it interrupts the dynamism of the dialectical concept, which "is more than it is."¹² The excess of the concept over its being is that part of the equation which gives the dialectic its liveliness and restlessness. And more often than not, the same part assumes the form of the cunning of reason, whereby despite frantic activity, the harmonization of the pluses and the minuses fails, paving the way for the continuation of dialectical unrest.

The synthesis of motion and immobility is itself set in motion to the extent that the subject both keeps to itself that which it has given itself (speech, death, and so on) and lets go of it. Or, rather, the subject may keep the given only on the condition that the kept is not guarded and regarded, but abandoned sometimes with and sometimes without the hope for a return. Such is the injunction of *Aufhebung* (sublation). The paradigm cases of this give-and-take are my speech addressed to another person, the unconscious where repressive forgetting facilitates an indefinite preservation of memory-traces, and capital demanding constant investment and, therefore, the estrangement of the fortune from its owner. In each of these examples, the preservation of a thing is contingent on its displacement—investment, address, repression—that is to say, on a re-externalization of the given and its reflection back into itself. The Hegelian formula for this double movement is "the *self*-determination of the ego, which means that at one and the same time the ego posits itself as its own negative [*das Negative seiner selbst*] . . . and yet remains by itself" (§7). Differently put, the negative self-determination of the ego is an act of self-binding converted into the source of freedom, which in the Althusserian schema becomes a symptom of the subject's subjection to its attributes in the midst of which it does not find itself secure and at home.¹³

Tracing the dialectical give-and-take, Hegel is careful enough to note certain instances when the subject gives itself more than it takes and, above all, when the appearance of morality remains just that—an appearance bereft of any substantive underpinnings. First, Hegel credits the deeply subjective and interior moral reflection with the kind of creativity that runs the risk of mistaking this inner reality for the objective order of things. The clash of moral obligations "must be a genuine one, because moral reflection can manufacture clashes of all sorts to suit its purpose and give itself a consciousness of being something special and having made [given, MM] sacrifices [*Opfern geben*]" (§150). In the confines of the already manufactured clash, moral reflection seems to have strictly adhered to the rules of exchange: it has offered sacrifices and, in return, has received the "consciousness of being something special." But in the process of manufacturing a clash, the process unveiled in Hegel's text, there is only giving present in two forms: the giving of fake sacrifices (giving without giving), and the giving of consciousness to oneself. This economic asymmetry is the occasion for Hegel's first admonition.

The inaccessibility of the subject's inner life to others generates fertile grounds for the scenarios in which the subjectivism of "self-consciousness gives out, to others only, that its action is good" (§140A). Hegel calls this species of subjectivism "hypocrisy" and continues: "But if it goes so far as to claim that the deed is good in its own eyes also, then we have a still higher peak of subjectivism which knows itself as absolute." For the second time self-consciousness tips the balance of giving and taking to its advantage as soon as it hypocritically gives itself as a sign of goodness to others, while storing in its innermost kernel some secret knowledge, or at least a suspicion that this appearance is deceptive. But, surely, if the signs of goodness the subject parades before the others coincide with the perception of the deed as "good in its own eyes also," this balance will be restored! As a matter of fact, Hegel asserts that the exact opposite is true. To deteriorate to the condition of absolute and—I would add—self-righteous subjectivism is to deceive oneself in addition to deceiving others. Where hypocrisy functions with a modicum of respect for and awareness of the truth it suppresses leaving a gap open for the pangs of conscience, the absolute subjectivism allows its bearer to commit atrocious acts with a sense of perfect piety and impunity.¹⁴

At this point, I would venture a hypothesis that, perhaps, far from standing for an aberrant phenomenon in the flow of dialectics, the asymmetrical give-and-take is the condition of possibility for this flow and for the subject that emerges within it. Such a view will find its strongest proponent in Slavoj Žižek, who maintains that "the Hegelian subject is *nothing but* the very movement of unilateral self-deception, of the *hubris* of positing oneself in one's exclusive particularity."¹⁵ According to the Introduction to *Grundlinien*, the subject's constitutive unilaterality is indispensable for the will that desires to put an end to the indeterminacy of conflicting desires. Yet, no will is able to resolve and actualize itself, to "give itself a form of individuality" (§7), without drastically reducing, curbing, and taking away the richness and the ambiguity of desire. Here as elsewhere in Hegelian thought, the imposition of a new form permits the subject to take possession of objective and subjective content and to give itself the right to the content so formed. And this brings us to the place of deception in the dialectical schema. For, having taken possession of itself and of the other, the subject jettisons the chaotic multiplicity of content *and* posits itself in "exclusive particularity" that claims to embody the universal and to redeem the jettisoned superfluity.

The absurdity of the subject's self-deception is nowhere as evident as in the groundwork prepared for the justification of civil society. In a wonderful turn of dialectical locution Hegel says:

The Idea in this, its stage of division, imparts to each of its moments a characteristic embodiment; to particularity it gives the right to develop and launch forth in all directions; and to universality the right to prove itself not only the

ground and necessary form of particularity, but also the authority [*die Macht*: power, MM] standing over it and its final end. (§184)

So, this is the expression of the Hegelian notion of justice: the Idea dispenses to each his own, and to some—the other and what belongs to the other (i.e., to particularity—its infinite development and particularization, and to universality—the right to encompass particularity from all sides, from the ground up to its “final end”). We may even hear the resounding echoes of the fictitious announcement that the line has been erased in the semblance of freedom granted to the particular to “launch forth in all direction” until, that is, universality impresses and transforms the final end of these endeavors into a new beginning of the authorized delineation.

Yet another resonance is even stronger—the resonance of the self-reassuring and self-deceptive hope apropos of the state. Never mind the awkwardness remaining in the relation of the universal and the particular within the state, Hegel implies as if in anticipation. Whatever the conflicts between the two, their divergence only proves that the Idea is still internally divided (“in this, its stage of division”) and that the full transition (*Übergang*) from civil society to the state is yet to be accomplished. This cleft is the sole reason for the artificial and forceful imposition of universality on the particulars. When the gap in the Idea is sutured, when in the state “self-consciousness finds . . . the actuality of its substantive knowing and willing” (§360), then, and only then, will the particular obtain its freedom in the universal, and the universal in the particular. Or, in Marx’s more cynical and revolutionary version of this coming-to-fruit, “When all the intrinsic conditions are fulfilled, the day of German resurrection will be announced by the crowing of the Gallic cock.”¹⁶

If Žižek is right and the Hegelian subject is, indeed, “*nothing but* the very movement of unilateral self-deception,” then in order to understand its onto-phenomenological predicament, we should elaborate the mechanisms that regulate this movement. Among various regulatory mechanisms, contract stands out as the most plausible alternative. In the section of the book covering abstract right, contracts fall into two categories: the formal contract, also known as the “gift,” wherein one party alienates its property while the other appropriates it, and the real contract of exchange, wherein value remains identical on both sides thanks to the mutuality of alienation-appropriation (§§76–7). What, then, are the parties to a contract that ultimately results in self-deception? And what is the property that changes hands? What is there to give? Adhering to the dialectical spirit, we will have to conclude that the parties must be internal to the Hegelian subject, or better yet, that they *are* the subject in a condition of inner splitting into the still unreconciled universal and the particular. Likewise, the property in question is not anything other than the subject itself; what one gives is oneself.

Suppose for a moment that the contractual category we have before us is a gift. In this instance, the particular subject will give itself over to the universal subject but in a manner that is at odds with the relation of empirical and transcendental subjectivities in Kant. Once a particular subject makes a gift of itself, this gift must be rejected because the contingent particularity making up its proper content is immediately given. We should keep in mind that the rejection is certainly not a sign of failure; on the contrary, the real universality of the universal subject arises on the basis of refusing the given. In other words, the universal is constituted *post factum*: not on the par with the particular, but in and through the rejection of its gift.

The particular self gives something it does not yet have (something that it is, something it may claim as its own but, in any event, without a formal right) to the promise of oneself in universality. It gives a promise, signifies its “subjective volition” to “give or do or perform something in the *future*” (§79)—the future, in which it will purge itself of its particularity. But—and this marks the transition to the real contract/exchange—the promise it gives is not addressed to another party present here and now, but to a promise of itself in future universality. The real contract therefore necessitates something other than an exchange of promises, namely an exchange, on one hand, between a concrete subject whose self-possession is still to come, and, on the other, a promise of (oneself in) future universality. Should I expect a certain return, a certain interest for so contracting my first subjectivity? Does what I receive in return include freedom from my “this-ness,” its elevation into concrete universality? But if freedom is part and parcel of the promise, was the contract not free? And is the giving of the particular subject “reversible,” in other words, is the universal obliged to give something (back) to the particular that was not, in some sense, already there?

The economy of the Notion cannot tolerate any losses, and so Hegel insists that the “will is then universal, because all restriction and all particular individuality have been absorbed (*aufgehoben*) within it” (§24). To give oneself to oneself, to die and to be resurrected *as if* death has not occurred—this is the meaning of the absorption of particular individuality in the universal. Nonetheless, the preposition “to” that separates the finite self from the infinite self and places oneself next to oneself, albeit in a different temporal modality, inscribes loss right into the act of giving. The given origin, whether mythological or not, of that which gives itself must be obliterated (not sublated) for the gift to become effective. And no resurrection will salvage the subject’s old incarnation in its external determinacy. The “wounds of the Spirit” may heal without leaving any scars behind¹⁷ but the condition of possibility for this healing is the credit and credulity given, the price paid in full by this body transformed into an open wound. Unilateral self-deception—one that the universal “fragment” of the split subject has prodded—masks the unbridgeable interval that defies the laws of absorption operating in the

universal will and that, in my death, will be crossed without me. “Death is in this sense the limit of idealism.”¹⁸

ACCEPTING THE (SELF-) GIVEN

Dialectical deceptions and machinations aside, the subject is finally in a position to accept, no longer as captive in the etymological sense of acceptance (*ac-cipere*), what it has given to itself. The sign of this acceptance is the acquired capacity to give signs, to signify, to indicate, to mark, and especially, to mark oneself as free for oneself and for others. If property is the means for giving my will an embodiment (§46A), and moreover, if designating a thing as mine is a sure method for claiming it as my property (§58), then by way of entering or infusing the marked, appropriated thing, the will itself is, for the first time, marked as proper and self-possessed. Unlike the unmarked or the not-yet-marked self of the irrational animal or of the implicitly rational child, this will, in Hegel’s view, is thoroughly sociable, since it gives itself signs for no other purpose but to give them to others, to externalize its thoughts in symbolic actions, to represent itself in signs (*Vorstellungen in Zeichen*) facilitating the contractual relation (§78). Accepting the self-given, the will gives itself to others.

Of course, the objective avatar of the will is neither sufficient, nor acceptable in and of itself. In its arduous journey, it will have to be reflected back into itself, into the subjective form of self-relation called “morality” before it achieves the full actuality of the ethical Idea in the state. Gradually unveiling, manifesting, and revealing that unity of essence and existence which Hegel terms “the actual [*wirklich*]” (p. 10), the inner workings of the Idea perform a compulsory anamorphosis “unfolded according to an immanent axis with which the I must fall into *alignment* if it is to receive an appearing.”¹⁹ “I must fall into alignment,” or into line: not any line whatsoever, but the axiomatic delineation isolated from an infinite number of lines passing through a single given ego-point. The anamorphic reception is the appearing of right, the right appearance, and the right of appearance. The animal and the child are incapable of receiving this appearance and this right because they are not in line, or rather, because for them the right line does not bear anything like determinate, apodictic character but seems to be on the same footing, on the same plane as the infinity of other lines. They are indifferent to right, even if right is not indifferent to them.

“[I]t is the concept alone [*allein*] . . . which has actuality, and further, it gives this actuality to itself [*er sich diese selbst gibt*]” (§1), Hegel writes. The exclusivity if not the solitude (alone, *allein*) of the concept in the realm of actuality is attributable to the infrequency with which what something is in its spatio-temporal existence coincides with the essence of the thing that it is. For Hegel, the indelible “defectiveness” of animality and the less discouraging problem of childhood are

signs of a temporary or a permanent divergence of existence from essence; the animal and the child exist without (yet) relating to themselves as others, without giving themselves to themselves as others. And in the absence of this giving, engrossed in a kind of primary narcissism that is opposed to the concept's solitude, they are barred from accessing the actual and from being in the right.

The acceptance of the self-given, the shift from primary narcissism to the solitude of the concept, is inconceivable without the will "giving its aims . . . immanent universality [*die immanente Allgemeinheit gibt*]" (§13). More accurately, it is inconceivable without a three-fold relation to the universality of desire: 1) giving oneself the universal desire that will sublimate its childish, capricious counterpart, 2) giving oneself the desire *for* the universal, the ethical (the state), and the good (morality), and 3) giving oneself the desire *of* the universal to subsume all otherness and, in so doing, to actualize the concept in its exemplary solitude. Short of this constellation of giving and desire, concrete universality reconciled with the empirical consciousness will not come to pass. On Cornell's reading, "for Hegel, the true unity is brought between universal and empirical consciousness only by rendering transparent the network of reciprocally interrelated selves."²⁰ Is this unity, however, not tethered, already or still, to the level of civil society with its complex networks and reciprocal obligations? Does the capriciousness of empirical consciousness dissipate simply because it discerns its own proximity to other such "selves"—the proximity that places mutual constraints on those who form a social network?

Cornell's insight obtains on a certain stage of dialectical development but, in any case, it does not measure up to "the true unity," worthy of its name, of the universal and the particular. What she leaves out of the picture is a more radical gesture on Hegel's behalf. In an attempt to recapture this gesture, I am therefore tempted to situate the interdependent, intersubjective unity Cornell has identified on the intermediary level linking the implicitly restricted capricious will with the explicitly unrestricted one. The latter is in a position to realize the former thanks to the intersubjective detour interjected between the two. In this dialectical inversion, the solitude of the concept turns, on one hand, into a more elevated and refined version of the will's primary narcissism, and on the other, into the end of abstract personality understood as "that which struggles to lift itself above this restriction [of immediate individuality, MM] and to give itself reality [*und sich Realität zu geben*], or in other words to claim that external world as its own" (§39). So long as the struggle continues, the I inherent in personality gives itself to itself through others and realizes itself (gives itself reality) within the network of reciprocally interrelated selves. But the moment it accepts the self-given on the scale of the "external world" marks a recovery of the fully realized, explicated, and unrestrictedly capricious will in the actuality of the concept: "only when the concept is determined as person is it the Idea or truth" (§279). We do

not overcome the intersubjective restriction by rendering it “transparent,” but by channeling universal desire and the desire for the universal into the desire of the universal to subsume all otherness in a hypostatized (non-animal, non-child) particularity. In this sense, “the true unity” never lives up to its name.

Our key task is to think right and line together, to put right back on the line and to draw the right line. As a result, we cannot exclude a real possibility of redrawing the lines of right, the lines capriciously claimed by right without adequately justifying this claim. There is no reason to doubt that lines and rights are indispensable to a world that is not entirely awry, undifferentiated, and chaotic. Strict ontological necessity puts their irreversible erasure out of question. This is not to say, however, that lines and rights ought to be impervious to interrogation, critique, and re-marcation. Our first, but also our last question addresses the subject of right: Who gives the right to whom? How is the subject formed in the very act of drawing the line and giving the right to itself? At the expense of which “others”? At what price for the unhypostatized part of itself? Under the guise of which erasures of lines and exchanges? I draw the line here _____

NOTES

1. G. W. F. Hegel, *Hegel's Philosophy of Right*, trans. T. M. Knox (Oxford: Oxford University Press, 1967). All further references to this text will be made parenthetically in three varieties. I will indicate a) paragraph numbers (§) when referring to the main body of the text, b) page numbers for material drawn from the Preface, and c) paragraph numbers followed by “A” for Hegel’s additions compiled at the end of the book. Cf. also another variation on the theme—G. W. F. Hegel, *Philosophy of Right*, trans. A. White (Boston: Focus Philosophical Library, 2000).
2. In thinking through the role of a title, I am guided by Derrida’s “Privilege: Justificatory Title and Introductory Remarks,” in *Who’s Afraid of Philosophy? Right to Philosophy I*, ed. W. Hamacher and D. E. Wellbery (Stanford, Calif.: Stanford University Press, 2002).
3. Geoffrey H. Hartman, *Saving the Text: Literature/Derrida/Philosophy* (Baltimore: Johns Hopkins University Press, 1981), 102.
4. Cf. G. W. F. Hegel, *Elements of the Philosophy of Right*, trans. N. B. Nisbet (Cambridge: Cambridge University Press, 1991). The “elementariness” of the philosophy of right both foreshadows and forecloses our familiarity with its content and form.
5. G. W. F. Hegel, *Phenomenology of Spirit*, trans. A. V. Miller (Oxford: Oxford University Press, 1977), 58.

6. In *The Gift of Death*, trans. D. Wills (Chicago: University of Chicago Press, 1996), Derrida defines this as “the moment when the soul is not only gathering itself in preparation for death but when it is ready to receive death, giving it to itself” (40).
7. The following self-determination of spatiality retraces the development of the Jena Logic and Derrida’s commentary on it, included in “Ousia and Gramme: Note on a Note from *Being and Time*,” in *Margins of Philosophy*, trans. A. Bass (Chicago: University of Chicago Press, 1986). See especially pp. 40–42.
8. Rebecca Comay, “Dead Right: Hegel and Terror,” *South Atlantic Quarterly* 103: 2/3 (Spring/Summer 2004): 376.
9. Paul Redding, *Hegel’s Hermeneutics* (Ithaca, N.Y.: Cornell University Press, 1996), 170.
10. Jay M. Bernstein, *Adorno: Disenchantment and Ethics* (Cambridge: Cambridge University Press, 2001), 313.
11. Louis Althusser, *The Specter of Hegel: Early Writings*, trans. G. M. Goshgarian (London: Verso, 1997), 64.
12. Theodor W. Adorno, *Hegel: Three Studies*, trans. S. Webber-Nicholsen (Cambridge, Mass.: MIT Press, 1994), 133.
13. Althusser, *The Specter of Hegel*, 90.
14. It is the strongest degree of “absolute subjectivism” (in contrast to hypocrisy) that persistently marks the policies of the Bush administration and, most conspicuously, its politico-theological slant. Above and beyond trying to convince others in the truthfulness of its self-representation as the force of and for the Good and as the embodiment of freedom and morality, the administration (or, at least some of its members including the President) sincerely believes in the accuracy of this representation and, as a result, feels justified in its own eyes. Cf. Robert Wright’s editorial, titled “Faith, Hope and Clarity,” in the October 28, 2004, issue of the *New York Times* for a curious analysis of Bush’s certainty and “optimism.”
15. Slavoj Žižek, *The Ticklish Subject: The Absent Centre of Political Ontology* (London: Verso, 1999), 76.
16. Karl Marx, *The Critique of Hegel’s Philosophy of Right*, trans. A. Jolin and J. O’Malley (Cambridge: Cambridge University Press, 1970), 42. Here, Marx undoubtedly refers to a growing revolutionary sentiment that would produce a failed experience of the Paris Commune several years after the composition of the *Critique*. For our purposes, suffice it to say that the ultimate irony of this theoretical finale is that, instead of bringing dialectical development to its logical conclusion, the fulfillment of the “intrinsic conditions” for German emancipation through the inner determinations of the Idea actualized in the German state is outweighed by the external crowing of the “Gallic cock,” calling for the emancipation of a different kind altogether.
17. Hegel, *Phenomenology of Spirit*, 407.
18. Emmanuel Levinas, *Time and the Other*, trans. R. Cohen (Pittsburgh: Duquesne University Press, 1987), 71.
19. Jean-Luc Marion, *Being Given: Toward a Phenomenology of Givenness*, trans. J. L. Kosky (Stanford, Calif.: Stanford University Press, 2002), 123, emphasis added.
20. Drucilla Cornell, *Philosophy of the Limit* (New York: Routledge, 1992), 43.