

But the truth of the particular satisfactions is the universal, which under the name of *happiness* the thinking will makes its aim.

(γ) *Happiness*¹

§ 479

In this idea, which reflection and comparison have educed, of a universal satisfaction, the impulses, so far as their particularity goes, are reduced to a mere negative; and it is held that partly they are to be sacrificed to each other for the behoof of that aim, partly sacrificed to that aim directly, either altogether or in part. Their mutual limitation, on one hand, proceeds from a mixture of qualitative and quantitative considerations: on the other hand, as happiness has its sole *affirmative* contents in the springs of action, it is on them that the decision turns, and it is the subjective feeling and good pleasure which must have the casting vote as to where happiness is to be placed.

§ 480

Happiness is the mere abstract and merely imagined universality of things desired—a universality which only ought to be. But the particularity of the satisfaction which just as much *is* as it is abolished, and the abstract singleness, the option which gives or does not give itself (as it pleases) an aim in happiness, find their truth in the intrinsic *universality* of the will, i.e. its very autonomy or freedom. In this way choice is will only as pure subjectivity, which is pure and concrete at once, by having for its contents and aim only that infinite mode of being—freedom itself. In this truth of its autonomy where concept and object are one, the will is an *actually free will*.

*Free Mind*²

§ 481

Actual free will is the unity of theoretical and practical mind: a free will, which realizes its own freedom of will, now that the

¹ Die Glückseligkeit.

² Der freie Geist.

formalism, fortuitousness, and contractedness of the practical content up to this point have been superseded. By superseding the adjustments of means therein contained, the will is the *immediate individuality* self-instituted—an individuality, however, also purified of all that interferes with its universalism, i.e. with freedom itself. This universalism the will has as its object and aim, only so far as it thinks itself, knows this its concept, and is *will* as free *intelligence*.

§ 482

The mind which knows itself as free and wills itself as this its object, i.e. which has its true being for characteristic and aim, is in the first instance the rational will in general, or *implicit* Idea, and because implicit only the *notion* of absolute mind. As *abstract* Idea again, it is existent only in the *immediate* will—it is the *existential* side of reason—the *single* will as aware of this its universality constituting its contents and aim, and of which it is only the formal activity. If the will, therefore, in which the Idea thus appears is only finite, that will is also the act of developing the Idea, and of investing its self-unfolding content with an existence which, as realizing the idea, is *actuality*. It is thus 'Objective' Mind.

No Idea is so generally recognized as indefinite, ambiguous, and open to the greatest misconceptions (to which therefore it actually falls a victim) as the idea of Liberty: none in common currency with so little appreciation of its meaning. Remembering that free mind is *actual* mind, we can see how misconceptions about it are of tremendous consequence in practice. When individuals and nations have once got in their heads the abstract concept of full-blown liberty, there is nothing like it in its uncontrollable strength, just because it is the very essence of mind, and that as its very actuality. Whole continents, Africa and the East, have never had this Idea, and are without it still. The Greeks and Romans, Plato and Aristotle, even the Stoics, did not have it. On the contrary, they saw that it is only by birth (as, for example, an Athenian or Spartan citizen), or by strength of character, education, or philosophy (—the sage is free even as a slave and in chains) that the human being is actually free. It was through Christianity that this Idea came into the world. According to

Christianity, the individual *as such* has an infinite value as the object and aim of divine love, destined as mind to live in absolute relationship with God himself, and have God's mind dwelling in him: i.e. man is implicitly destined to supreme freedom. If, in religion as such, man is aware of this relationship to the absolute mind as his true being, he has also, even when he steps into the sphere of secular existence, the divine mind present with him, as the substance of the state, of the family, etc. These institutions are due to the guidance of that spirit, and are constituted after its measure; whilst by their existence the moral temper comes to be indwelling in the individual, so that in this sphere of particular existence, of present sensation and volition, he is *actually* free.

If to be aware of the Idea—to be aware, that is, that men are aware of freedom as their essence, aim, and object—is matter of *speculation*, still this very Idea itself is the actuality of men—not something which they *have*, as men, but which they *are*. Christianity in its adherents has realized an ever-present sense that they are not and cannot be slaves; if they are made slaves, if the decision as regards their property rests with an arbitrary will, not with laws or courts of justice, they would find the very substance of their life outraged. This will to liberty is no longer an *impulse* which demands its satisfaction, but the permanent character—the spiritual consciousness grown into a non-impulsive nature. But this freedom, which the content and aim of freedom has, is itself only a notion—a principle of the mind and heart, intended to develop into an objective phase, into legal, moral, religious, and not less into scientific actuality.

SECTION TWO → MIND OBJECTIVE

§ 483

The objective Mind is the absolute Idea, but only existing *in posse*: and as it is thus on the territory of finitude, its actual rationality retains the aspect of external apparenity. The free will finds itself immediately confronted by differences which arise from the circumstance that freedom is its *inward* function and aim, and is in relation to an external and already subsisting objectivity, which splits up into different heads: viz. anthropological data (i.e. private and personal needs), external things of nature which exist for consciousness, and the ties of relation between individual wills which are conscious of their own diversity and particularity. These aspects constitute the external material for the embodiment of the will.

§ 484

But the purposive action of this will is to realize its concept, Liberty, in these externally objective aspects, making the latter a world moulded by the former, which in it is thus at home with itself, locked together with it: the concept accordingly perfected to the Idea. Liberty, shaped into the actuality of a world, receives the *form of Necessity*, the deeper substantial nexus of which is the system or organization of the principles of liberty, whilst its phenomenal nexus is power or authority, and the sentiment of obedience awakened in consciousness.

§ 485

This unity of the rational will with the single will (this being the peculiar and immediate medium in which the former is actualized) constitutes the simple actuality of liberty. As it (and its content) belongs to thought, and is the virtual *universal*, the content has its right and true character only in the form of universality. When invested with this character for the intelligent consciousness, or instituted as an authoritative power, it is a *Law*.¹ When, on the

¹ Gesetz

other hand, the content is freed from the mixedness and fortuitousness, attaching to it in the practical feeling and in impulse, and is set and grafted in the individual will, not in the form of impulse, but in its universality, so as to become its habit, temper, and character, it exists as manner and custom, or *Usage*.¹

§ 486

This 'reality', in general, where free will has *existence*, is the *Law* (Right)—the term being taken in a comprehensive sense not merely as the limited juristic law, but as the actual body of all the conditions of freedom. These conditions, in relation to the *subjective* will, where they, being universal, ought to have and can only have their existence, are its *Duties*; whereas as its temper and habit they are *Manners*. What is a right is also a duty, and what is a duty, is also a right. For a mode of existence is a right, only as a consequence of the free substantial will: and the same content of fact, when referred to the will distinguished as subjective and individual, is a duty. It is the same content which the subjective consciousness recognizes as a duty, and brings into existence in these several wills. The finitude of the objective will thus creates the semblance of a distinction between rights and duties.

In the phenomenal range right and duty are *correlata*, at least in the sense that to a right on my part corresponds a duty in some one else. But, in the light of the concept, my right to a thing is not merely possession, but as possession by a *person* it is *property*, or legal possession, and it is a *duty* to possess things as *property*, i.e. to be as a person. Translated into the phenomenal relationship, viz. relation to another person—this grows into the duty of some one *else* to respect *my* right. In the morality of the conscience, duty in general is in me—a free subject—at the same time a right of my subjective will or disposition. But in this individualist moral sphere, there arises the division between what is only inward purpose (disposition or intention), which only has its being in me and is merely subjective duty, and the actualization of that purpose: and with this division a contingency and imperfection which makes the inadequacy of mere individualistic morality. In social ethics these two parts have reached their truth, their absolute unity; although

¹ Sitte

even right and duty return to one another and combine by means of certain adjustments and under the guise of necessity. The rights of the father of the family over its members are equally duties towards them; just as the children's duty of obedience is their right to be educated to the liberty of manhood. The penal judicature of a government, its rights of administration, etc., are no less its duties to punish, to administer, etc.; as the services of the members of the State in dues, military service, etc., are duties and yet their right to the protection of their private property and of the general substantial life in which they have their root. All the aims of society and the State are the private aims of the individuals. But the set of adjustments, by which their duties come back to them as the exercise and enjoyment of right, produces an appearance of diversity: and this diversity is increased by the variety of shapes which value assumes in the course of exchange, though it remains intrinsically the same. Still it holds fundamentally good that he who has no rights has no duties and vice versa.

Subdivision

§ 487

The free will is:

(A) Itself at first immediate, and hence as a single being—the *person*: the existence which the person gives to its liberty is *property*. The *Right as Right* (law) is *formal, abstract right*.

(B) When the will is reflected into self, so as to have its existence inside it, and to be thus at the same time characterized as a *particular*, it is the right of the *subjective* will, *morality* of the individual conscience.

(C) When the free will is the substantial will, made actual in the subject and conformable to its concept and rendered a totality of necessity—it is the ethics of actual life in family, civil society, and State.

A. LAW¹

(a) PROPERTY

§ 488

Mind, in the immediacy of its self-secured liberty, is an individual, but one that knows its individuality as an absolutely free will: it is a *person*, in whom the inward sense of this freedom, as in itself still abstract and empty, has its particularity and fulfilment not yet on its own part, but on an external *thing*. This thing, as something devoid of will, has no rights against the subjectivity of intelligence and volition, and is by that subjectivity made adjectival to it, the external sphere of its liberty—*possession*.

§ 489

By the judgement of possession, at first in the outward appropriation, the thing acquires the predicate of 'mine'. But this predicate, on its own account merely 'practical', has here the signification that I import my personal will into the thing. As so characterized, possession is *property*, which as possession is a *means*, but as existence of the personality is an *end*.

§ 490

In his property the person is brought into union with himself. But the thing is an abstractly external thing, and the I in it is abstractly external. The concrete return of me into me in the externality is that I, the infinite self-relation, am as a person the repulsion of me from myself, and have the existence of my personality in the *being of other persons*, in my relation to them and in my recognition by them, which is thus mutual.

§ 491

The thing is the *mean* by which the extremes meet in one. These extremes are the persons who, in the knowledge of their identity as free, are simultaneously mutually independent. For them my will has its *definite recognizable existence* in the thing by the immediate bodily act of taking possession, or by the formation of the thing or, it may be, by mere designation of it.

¹ Das Recht.

§ 492

The casual aspect of property is that I place my will in *this* thing: so far my will is *arbitrary*, I can just as well put it in it as not—just as well withdraw it as not. But so far as my will lies in a thing, it is only I who can withdraw it: it is only with my will that the thing can pass to another, whose property it similarly becomes only with his will:—*Contract*.

(b) CONTRACT

§ 493

The two wills and their agreement in the contract are as an *internal* state of mind different from its realization in the *performance*. The comparatively 'ideal' utterance (of contract) in the *stipulation* contains the actual surrender of a property by the one, its changing hands, and its acceptance by the other will. The contract is thus thoroughly binding: it does not need the performance of the one or the other to become so—otherwise we should have an infinite regress or infinite division of thing, labour, and time. The utterance in the stipulation is complete and exhaustive. The inwardness of the will which surrenders and the will which accepts the property is in the realm of ideation, and in that realm the word is deed and thing (§ 462)—the full and complete deed, since here the conscientiousness of the will does not come under consideration (as to whether the thing is meant in earnest or is a deception), and the will refers only to the external thing.

§ 494

Thus in the stipulation we have the *substantial* being of the contract standing out in distinction from its real utterance in the performance, which is brought down to a mere sequel. In this way there is put into the thing or performance a distinction between its immediate specific *quality* and its substantial being or *value*, meaning by value the quantitative terms into which that qualitative feature has been translated. One piece of property is thus made comparable with another, and may be made equivalent to a thing which is (in quality) wholly heterogeneous. It is thus treated in general as an abstract, universal thing or commodity.

§ 495

The contract, as an agreement which has a voluntary origin and deals with a casual commodity, involves at the same time the giving to this 'accidental' will a positive fixity. This will may just as well not be conformable to law (right), and, in that case, produces a *wrong*: by which, however, the absolute law (right) is not superseded, but only a relationship originated of right to wrong.

(c) RIGHT *versus* WRONG

§ 496

Law (right) considered as the realization of liberty in externals, breaks up into a multiplicity of relations to this external sphere and to other persons (§§ 491, 493 seqq.). In this way there are (1) several titles or grounds at law, of which (seeing that property both on the personal and the real side is exclusively individual) only one is the right, but which, because they face each other, each and all are invested with a *show* of right, against which the former is defined as the intrinsically right.

§ 497

Now so long as (compared against this show) the one intrinsically right, still presumed identical with the several titles, is affirmed, willed, and recognized, the only diversity lies in this, that the special thing is subsumed under the one law or right by the *particular* will of *these* several persons. This is naïve, non-malicious wrong. Such wrong in the several claimants is a simple *negative judgement*, expressing the *civil suit*. To settle it there is required a third judgement, which, as the judgement of the intrinsically right, is disinterested, and a power of giving the one right existence as against that semblance.

§ 498

But (2) if the semblance of right as such is willed *against* the right intrinsically by the particular will, which thus becomes *wicked*, then the external *recognition* of right is separated from the right's true value; and while the former only is respected, the latter is violated. This gives the wrong of *fraud*—the infinite judgement as identical

(§ 173)—where the nominal relation is retained, but the sterling value is let slip.

§ 499

(3) Finally, the particular will sets itself in opposition to the intrinsic right by negating that right itself as well as its recognition or semblance. (Here there is a negatively infinite judgement (§ 173) in which there is denied the class as a whole, and not merely the particular mode—in this case the apparent recognition.) Thus the will is violently wicked, and commits a *crime*.

§ 500

As an outrage on right, such an action is essentially and actually null. In it the agent, as a volitional and intelligent being, sets up a law—a law, however, which is nominal and recognized by him only—a universal which holds good *for him*, and under which he has at the same time subsumed himself by his action. To display the nullity of such an act, to carry out simultaneously this nominal law and the intrinsic right, in the first instance by means of a subjective individual will, is the work of *Revenge*. But revenge, starting from the interest of an immediate particular personality, is at the same time only a new outrage; and so on without end. This progression, like the last, abolishes itself in a third judgement, which is disinterested—*punishment*.

§ 501

The instrumentality by which authority is given to intrinsic right is (α) that a particular will, that of the judge, being conformable to the right, has an interest to turn against the crime (which in the first instance, in revenge, is a matter of chance), and (β) that an executive power (also in the first instance casual) negates the negation of right that was created by the criminal. This negation of right has its existence in the will of the criminal; and consequently revenge or punishment directs itself against the person or property of the criminal and exercises *coercion* upon him. It is in this legal sphere that coercion in general has possible scope—compulsion against the thing, in seizing and maintaining it against another's seizure: for in this sphere the will has its existence immediately in

externals as such, or in corporeity, and can be seized only in this quarter. But more than *possible* compulsion is not, so long as I can withdraw myself as free from every mode of existence, even from the range of all existence, i.e. from life. It is legal only as abolishing a first and original compulsion.

§ 502

A distinction has thus emerged between the law (right) and the subjective will. The 'reality' of right, which the personal will in the first instance gives itself in immediate wise, is seen to be due to the instrumentality of the subjective will—whose influence as on one hand it gives existence to the essential right, so may on the other cut itself off from and oppose itself to it. Conversely, the claim of the subjective will to be in this abstraction a power over the law of right is null and empty of itself: it gets truth and reality essentially only so far as that will in itself realises the reasonable will. As such it is *morality*¹ proper.

The phrase 'Law of Nature', or Natural Right,² in use for the philosophy of law involves the ambiguity that it may mean either right as something existing ready-formed in nature, or right as governed by the nature of things, i.e. by the notion. The former used to be the common meaning, accompanied with the fiction of a *state of nature*, in which the law of nature should hold sway; whereas the social and political state rather required and implied a restriction of liberty and a sacrifice of natural rights. The real fact is that the whole law and its every article are based on free personality alone—on self-determination or autonomy, which is the very contrary of determination by nature. The law of nature—strictly so called—is for that reason the predominance of the strong and the reign of force, and a state of nature a state of violence and wrong, of which nothing truer can be said than that one ought to depart from it. The social state, on the other hand, is the condition in which alone right has its actuality: what is to be restricted and sacrificed is just the wilfulness and violence of the state of nature.

¹ Moralität.² Naturrecht.B. THE MORALITY OF CONSCIENCE¹

§ 503

The free individual, who, in mere law, counts only as a *person*, is now characterized as a *subject*—a will reflected into itself so that, be its affection what it may, it is distinguished (as existing in it) as *its own* from the existence of freedom in an external thing. Because the affection of the will is thus inwardized, the will is at the same time made a particular, and there arise further particularizations of it and relations of these to one another. This affection is partly the essential and implicit will, the reason of the will, the essential basis of law and moral life: partly it is the existent volition, which is before us and throws itself into actual deeds, and thus comes into relationship with the former. The subjective will is *morally* free, so far as these features are its inward institution, its own, and willed by it. Its utterance in deed with this freedom is an *action*, in the externality of which it only admits as its own, and allows to be imputed to it, so much as it has consciously willed.

This subjective or 'moral' freedom is what a European especially calls freedom. In virtue of the right thereto a man must possess a personal knowledge of the distinction between good and evil in general: ethical and religious principles shall not merely lay their claim on him as external laws and precepts of authority to be obeyed, but have their assent, recognition, or even justification in his heart, sentiment, conscience, intelligence, etc. The subjectivity of the will in itself is its supreme aim and absolutely essential to it.

The 'moral' must be taken in the wider sense in which it does not signify the morally good merely. In French *le moral* is opposed to *le physique*, and means the mental or intellectual in general. But here the moral signifies volitional mode, so far as it is in the interior of the will in general; it thus includes purpose and intention—and also moral wickedness.

(a) PURPOSE²

§ 504

So far as the action comes into immediate touch with *existence*, *my part* in it is to this extent formal, that external existence is also

¹ Moralität.² Der Vorsatz.

independent of the agent. This externally can pervert his action and bring to light something else than lay in it. Now, though any alteration as such, which is set on foot by the subjects' action, is its *deed*,¹ still the subject does not for that reason recognize it as its *action*,² but only admits as its own that existence in the deed which lay in its knowledge and will, which was its *purpose*. Only for that does it hold itself *responsible*.

(b) INTENTION AND WELFARE³

§ 505

As regards its empirically concrete *content* (1) the action has a variety of particular aspects and connections. In point of *form*, the agent must have known and willed the action in its essential feature, embracing these individual points. This is the right of *intention*. While *purpose* affects only the immediate fact of existence, *intention* regards the underlying essence and aim thereof. (2) The agent has no less the right to see that the particularity of content in the action, in point of its matter, is not something external to him, but is a particularity of his own—that it contains his needs, interests, and aims. These aims, when similarly comprehended in a single aim, as in happiness (§ 479), constitute his *well-being*. This is the right to well-being. Happiness (good fortune) is distinguished from well-being only in this, that happiness implies no more than some sort of immediate existence, whereas well-being is regarded as having a moral justification.

§ 506

But the essentiality of the intention is in the first instance the abstract form of generality. Reflection can put in this form this and that particular aspect in the empirically concrete action, thus making it essential to the intention or restricting the intention to it. In this way the supposed essentiality of the intention and the real essentiality of the action may be brought into the greatest contradiction—e.g. a good intention in case of a crime. Similarly well-being is abstract and may be placed in this or that: as appertaining to this single agent, it is always something particular.

¹ That.

² Handlung.

³ Die Absicht und das Wohl.

(c) GOODNESS AND WICKEDNESS¹

§ 507

The truth of these particularities and the concrete unity of their formalism is the content of the universal, essential and actual, will—the law and underlying essence of every phase of volition, the essential and actual good. It is thus the absolute final aim of the world, and *duty* for the agent who *ought* to have *insight* into the good, make it his *intention* and bring it about by his activity.

§ 508

But though the good is the universal of will—a universal determined in itself—and thus including in it particularity—still so far as this particularity is in the first instance still abstract, there is no principle at hand to determine it. Such determination therefore starts up also outside that universal; and as heteronomy or determination of a will which is free and has rights of its own, there awakes here the deepest contradiction. (a) In consequence of the indeterminate determinism of the good, there are always *several sorts* of good and *many kinds of duties*, the variety of which is a dialectic of one against another and brings them into *collision*. At the same time because good is one, they *ought* to stand in harmony; and yet each of them, though it is a particular duty, is as good and as duty absolute. It falls upon the agent to be the dialectic which, superseding this absolute claim of each, concludes such a combination of them as excludes the rest.

§ 509

(β) To the agent, who in his existent sphere of liberty is essentially as a *particular*, his *interest* and *welfare* must, on account of that existent sphere of liberty, be essentially an aim and therefore a duty. But at the same time in aiming at the good, which is the not-particular but only universal of the will, the particular interest *ought not* to be a constituent motive. On account of this independent-ency of the two principles of action, it is likewise an accident whether they harmonize. And yet they *ought* to harmonize, because the agent, as individual and universal, is always fundamentally one identity.

¹ Das Gute und das Böse.

(γ) But the agent is not only a mere particular in his existence; it is also a form of his existence to be an abstract self-certainty, an abstract reflection of freedom into himself. He is thus distinct from the reason in the will, and capable of making the universal itself a particular and in that way a semblance. The good is thus reduced to the level of a mere 'may happen' for the agent, who can therefore decide on something opposite to the good, can be wicked.

§ 510

(δ) The external objectivity, following the distinction which has arisen in the subjective will (§ 503), constitutes a peculiar world of its own—another extreme which stands in no rapport with the internal will-determination. It is thus a matter of chance whether it harmonizes with the subjective aims, whether the good is realized, and the wicked, an aim essentially and actually null, nullified in it: it is no less matter of chance whether the agent finds in it his well-being, and more precisely whether in the world the good agent is happy and the wicked unhappy. But at the same time the world *ought* to allow the good action, the essential thing, to be carried out in it; it *ought* to grant the good agent the satisfaction of his particular interest, and refuse it to the wicked; just as it *ought* also to make the wicked itself null and void.

§ 511

The all-round contradiction, expressed by this repeated *ought*, with its absoluteness which yet at the same time is *not*—contains the most abstract 'analysis' of the mind in itself, its deepest descent into itself. The only relation the self-contradictory principles have to one another is in the abstract certainty of self; and for this infinitude of subjectivity the universal will, good, right, and duty, no more exist than not. The subjectivity alone is aware of itself as choosing and deciding. This pure self-certitude, rising to its pitch, appears in the two directly inter-changing forms—of *Conscience* and *Wickedness*. The former is the will of goodness; but a goodness which to this pure subjectivity is the *non-objective*, non-universal, the unutterable; and over which the agent is conscious that *he* in his *individuality* has the decision. Wickedness is the same awareness

that the single self possesses the decision, so far as the single self does not merely remain in this abstraction, but takes up the content of a subjective interest contrary to the good.

§ 512

This supreme pitch of the '*phenomenon*' of will—sublimating itself to this absolute vanity—to a goodness, which has no objectivity, but is only sure of itself, and a self-assurance which involves the nullification of the universal—collapses by its own force. Wickedness, as the most intimate reflection of subjectivity itself, in opposition to the objective and universal (which it treats as mere sham) is the same as the good sentiment of abstract goodness, which reserves to the subjectivity the determination thereof:—the utterly abstract semblance, the bare perversion and annihilation of itself. The result, the truth of this semblance, is, on its negative side, the absolute nullity of this volition which would fain hold its own against the good, and of the good, which would only be abstract. On the affirmative side, in the notion, this semblance thus collapsing is the same simple universality of the will, which is the good. The subjectivity, in this its *identity* with the good, is only the infinite form, which actualizes and develops it. In this way the standpoint of bare reciprocity between two independent sides—the standpoint of the *ought*, is abandoned, and we have passed into the field of ethical life.

C. THE MORAL LIFE, OR SOCIAL ETHICS¹

§ 513

The moral life is the perfection of spirit objective—the truth of the subjective and objective spirit itself. The failure of the latter consists—partly in having its freedom *immediately* in reality, in something external therefore, in a thing—partly in the abstract universality of its goodness. The failure of spirit subjective similarly consists in this, that it is, as against the universal, abstractly self-determinant in its inward individuality. When these two imperfections are suppressed, subjective *freedom* exists as the covertly and

¹ Die Sittlichkeit.

overtly *universal* rational will, which is sensible of itself and actively disposed in the consciousness of the individual subject, whilst its practical operation and immediate universal *actuality* at the same time exist as moral usage, manner and custom—where self-conscious *liberty* has become *nature*.

§ 514

The consciously free substance, in which the absolute 'ought' is no less an 'is', has actuality as the spirit of a nation. The abstract disruption of this spirit singles it out into *persons*, whose independence it, however, controls and entirely dominates from within. But the person, as an intelligent being, feels that underlying essence to be his own very being—ceases when so minded to be a mere accident of it—looks upon it as his absolute final aim. In its actuality he sees not less an achieved present, than somewhat he brings about by his action—yet somewhat which without all question *is*. Thus, without any selective reflection, the person performs his duty as *his own* and as something which *is*; and in this necessity *he* has himself and his actual freedom.

§ 515

Because the substance is the absolute unity of individuality and universality of freedom, it follows that the actuality and action of each individual to keep and to take care of his own being, while it is on one hand conditioned by the pre-supposed total in whose complex alone he exists, is on the other a transition into a universal product.—The social disposition of the individuals is their sense of the substance, and of the identity of all their interests with the total; and that the other individuals mutually know each other and are actual only in this identity, is confidence (trust)—the genuine ethical temper.

§ 516

The relations between individuals in the several situations to which the substance is particularized form their *ethical duties*. The ethical personality, i.e. the subjectivity which is permeated by the substantial life, is *virtue*. In relation to the bare facts of external being, to *destiny*, virtue does not treat them as a mere negation, and is thus a

quiet repose in itself: in relation to substantial objectivity, to the total of ethical actuality, it exists as confidence, as deliberate work for the community, and the capacity of sacrificing self thereto; whilst in relation to the incidental relations of social circumstance, it is in the first instance justice and then benevolence. In the latter sphere, and in its attitude to its own visible being and corporeity, the individuality expresses its special character, temperament, etc. as personal *virtues*.

§ 517

The ethical substance is:

(a) as 'immediate' or *natural* mind—the *Family*.

(b) The 'relative' totality of the 'relative' relations of the individuals as independent persons to one another in a formal universality—*Civil Society*.

(c) The self-conscious substance, as the mind developed to an organic actuality—the *Political Constitution*.

(a). THE FAMILY

§ 518

The ethical spirit, in its *immediacy*, contains the *natural* factor that the individual has its substantial existence in its natural universal, i.e. in its kind. This is the sexual tie, elevated, however, to a spiritual significance,—the unanimity of love and the temper of trust. In the shape of the family, mind appears as feeling.

§ 519

(1) The physical difference of sex thus appears at the same time as a difference of intellectual and moral type. With their exclusive individualities these personalities combine to form a *single person*: the subjective union of hearts, becoming a 'substantial' unity, makes this union an ethical tie—*Marriage*. The 'substantial' union of hearts makes marriage an indivisible personal bond—monogamic marriage: the bodily conjunction is a sequel to the moral attachment. A further sequel is community of personal and private interests.

See
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m 354

§ 520

(2) By the community in which the various members constituting the family stand in reference to property, that property of the one person (representing the family) acquires an ethical interest, as do also its industry, labour, and care for the future.

§ 521

The ethical principle which is conjoined with the natural generation of the children, and which was assumed to have primary importance in first forming the marriage union, is actually realized in the second or spiritual birth of the children—in educating them to independent personality.

§ 522

(3) The children, thus invested with independence, leave the concrete life and action of the family to which they primarily belong, acquire an existence of their own, destined, however, to found anew such an actual family. Marriage is of course broken up by the *natural* element contained in it, the death of husband and wife: but even their union of hearts, as it is a mere 'substantiality' of feeling, contains the germ of liability to chance and decay. In virtue of such fortuitousness, the members of the family take up to each other the status of persons; and it is thus that the family finds introduced into it for the first time the element, originally foreign to it, of *legal* regulation.

(b) CIVIL SOCIETY¹

§ 523

As the substance, being an intelligent substance, particularizes itself abstractly into many persons (the family is only a single person), into families or individuals, who exist independent and free, as private persons, it loses its ethical character: for these persons as such have in their consciousness and as their aim not the absolute unity, but their own petty selves and particular interests. Thus

¹ Die bürgerliche Gesellschaft.

arises the system of *atomistic*: by which the substance is reduced to a general system of adjustments to connect self-subsisting extremes and their particular interests. The developed totality of this connective system is the state as civil society, or *state external*.

(α) The System of Wants¹

§ 524

(α) The particularity of the persons includes in the first instance their wants. The possibility of satisfying these wants is here laid on the social fabric, the general stock from which all derive their satisfaction. In the condition of things in which this method of satisfaction by indirect adjustment is realized, immediate seizure (§ 488) of external objects as means thereto exists barely or not at all: the objects are already property. To acquire them is only possible by the intervention, on one hand, of the possessor's will, which as particular has in view the satisfaction of their variously defined interests; while, on the other hand, it is conditioned by the ever-continued production of fresh means of exchange by the exchangers' *own labour*. This instrument, by which the labour of all facilitates satisfaction of wants, constitutes the general stock.

§ 525

(β) The glimmer of universal principle in this particularity of wants is found in the way intellect creates differences in them, and thus causes an indefinite multiplication both of wants and of means for their different phases. Both are thus rendered more and more abstract. This 'morcellement' of their content by abstraction gives rise to the *division of labour*. The habit of this abstraction in enjoyment, information, learning, and demeanour constitutes training in this sphere, or nominal culture in general.

§ 526

The labour which thus becomes more abstract tends on one hand by its uniformity to make labour easier and to increase production—on another to limit each person to a single kind of technical skill,

¹ Das System der Bedürfnisse.

and thus produce more unconditional dependence on the social system. The skill itself becomes in this way mechanical, and gets the capability of letting the machine take the place of human labour.

§ 527

(γ) But the concrete division of the general stock—which is also a general business (of the whole society)—into particular masses determined by the factors of the notion—masses each of which possesses its own basis of subsistence, and a corresponding mode of labour, of needs, and of means for satisfying them, also of aims and interests, as well as of mental culture and habit—constitutes the difference of Estates (orders or ranks). Individuals apportion themselves to these according to natural talent, skill, option, and accident. As belonging to such a definite and stable sphere, they have their actual existence, which as existence is essentially a particular; and in it they have their social morality, which is *honesty*, their recognition and their *honour*.

Where civil society, and with it the State, exists, there arise the several estates in their difference: for the universal substance, as vital, *exists* only so far as it organically *particularizes* itself. The history of constitutions is the history of the growth of these estates, of the legal relationships of individuals to them, and of these estates to one another and to their centre.

§ 528

To the 'substantial', natural estate the fruitful soil and ground supply a natural and stable capital; its action gets direction and content through natural features, and its moral life is founded on faith and trust. The second, the 'reflected' estate has as its allotment the social capital, the medium created by the action of middlemen, of mere agents, and an ensemble of contingencies, where the individual has to depend on his subjective skill, talent, intelligence, and industry. The third, 'thinking' estate has for its business the general interests; like the second it has a subsistence procured by means of its own skill, and like the first a certain subsistence, certain, however, because guaranteed through the whole society.

(β) *Administration of Justice*¹

§ 529

When matured through the operation of natural need and free option into a system of universal relationships and a regular course of external necessity, the principle of casual particularity gets that stable articulation which liberty requires in the shape of *formal right*. (1) The actualization which right gets in this sphere of mere practical intelligence is that it be brought to consciousness as the stable universal, that it be known and stated in its specificity with the voice of authority—the *Law*.²

The *positive* element in laws concerns only their form of *publicity* and *authority*—which makes it possible for them to be known by all in a customary and external way. Their content *per se* may be reasonable—or it may be unreasonable and so wrong. But when right, in the course of definite manifestation, is developed in detail, and its content analyses itself to gain definiteness, this analysis, because of the finitude of its materials, falls into the falsely infinite progress: the *final* definiteness, which is absolutely essential and causes a break in this progress of unreality, can in this sphere of finitude be attained only in a way that savours of contingency and arbitrariness. Thus whether three years, ten thalers, or only $2\frac{1}{2}$, $2\frac{3}{4}$, 2½ years, and so on *ad infinitum*, be the right and just thing, can by no means be decided on intelligible principles—and yet it should be decided. Hence, though of course only at the final points of deciding, on the side of external existence, the 'positive' principle naturally enters law as contingency and arbitrariness. This happens and has from of old happened in all legislations: the only thing wanted is clearly to be aware of it, and not be misled by the talk and the pretence as if the ideal of law were, or could be, to be, at *every* point, determined through reason or legal intelligence, on purely reasonable and intelligent grounds. It is a futile perfectionism to have such expectations and to make such requirements in the sphere of the finite.

There are some who look upon laws as an evil and a profanity, and who regard governing and being governed from natural love, hereditary divinity or nobility, by faith and trust, as the genuine

¹ Die Rechtspflege.

² Gesetz.

order of life, while the reign of law is held an order of corruption and injustice. These people forget that the stars—and the cattle too—are governed and well governed too by laws;—laws, however, which are only internally in these objects, not *for them*, not as laws *set to them*:—whereas it is man's privilege to *know* his law. They forget therefore that he can truly obey only such known law—even as his law can only be a just law, as it is a *known* law;—though in other respects it must be in its essential content contingency and caprice, or at least be mixed and polluted with such elements.

The same empty requirement of perfection is employed for an opposite thesis—viz. to support the opinion that a code is impossible or impracticable. In this case there comes in the additional absurdity of putting essential and universal provisions in one class with the particular detail. The finite material is definable on and on to the false infinite: but this advance is not, as in the mental images of space, a generation of new spatial characteristics of the same quality as those preceding them, but an advance into greater and ever greater speciality by the acumen of the analytic intellect, which discovers new distinctions, which again make new decisions necessary. To provisions of this sort one may give the name of *new* decisions or *new* laws; but in proportion to the gradual advance in specialization the interest and value of these provisions declines. They fall within the already subsisting 'substantial', general laws, like improvements on a floor or a door, within the house—which though something *new*, are not a new *house*. But there is a contrary case. If the legislation of a rude age began with single provisos, which go on by their very nature always increasing their number, there arises, with the advance in multitude, the need of a simpler code—the need, i.e. of embracing that lot of singulars in their general features. To find and be able to express these principles well becoms an intelligent and civilized nation. Such a gathering up of single rules into general forms, first really deserving the name of laws, has lately been begun in some directions by the English Minister Peel, who has by so doing gained the gratitude, even the admiration, of his countrymen.

§ 530

(2) The positive form of Laws—to be *promulgated and made known* as laws—is a condition of the *external obligation* to obey them;

inasmuch as, being laws of strict right, they touch only the abstract will—itsself at bottom external—not the moral or ethical will. The subjectivity to which the will has in this direction a right is here only that the laws be known. This subjective existence, as an existence of the absolute truth in this sphere of Right, at the same time an externally *objective* existence, as universal authority and necessity.

The legality of property and of private transactions concerned therewith—in consideration of the principle that all law must be promulgated, recognized, and thus become authoritative—gets its universal guarantee through *formalities*.

§ 531

(3) Legal forms get the necessity, to which objective existence determines itself, in the *judicial system*. Abstract right has to exhibit itself to the *court*—to the individualized right—as *proven*:—a process in which there may be a difference between what is abstractly right and what is provably right. The court takes cognisance and action in the interest of right as such, deprives the existence of right of its contingency, and in particular transforms this existence—as this exists as revenge—into *punishment* (§ 500).

The comparison of the two species, or rather two elements in the judicial conviction, bearing on the actual state of the case in relation to the accused—(1) according as that conviction is based on mere circumstances and other people's witness alone—or (2) in addition requires the confession of the accused, constitutes the main point in the question of the so-called jury-courts. It is an essential point that the two ingredients of a judicial cognisance, the judgement as to the state of the fact, and the judgement as application of the law to it, should, as at bottom different sides, be exercised as *different functions*. By the said institution they are allotted even to bodies differently qualified—from the one of which individuals belonging to the official judiciary are expressly excluded. To carry this separation of functional up to this separation in the courts rests rather on extra-essential considerations: the main point remains only the separate performance of these essentially different functions.—It is a more important point whether the confession of the accused is or is not to be made a condition of penal judgement. The institution

of the jury-court loses sight of this condition. The point is that on this ground certainty is completely inseparable from truth: but the confession is to be regarded as the very acme of certainty-giving which in its nature is subjective. The final decision therefore lies with the confession. To this therefore the accused has an absolute right, if the proof is to be made final and the judges to be convinced. No doubt this factor is incomplete, because it is only one factor; but still more incomplete is the other when no less abstractly taken—viz. mere circumstantial evidence. The jurors are essentially judges and pronounce a judgement. In so far, then, as all they have to go on are such objective proofs, whilst at the same time their defect of certainty (incomplete in so far as it is only *in them*) is admitted, the jury-court shows traces of its barbaric origin in a confusion and admixture between objective proofs and subjective or so-called 'moral' conviction.—It is easy to call *extraordinary* punishments an absurdity; but the fault lies rather with the shallowness which takes offence at a mere name. Materially the principle involves the difference of objective probation according as it goes with or without the factor of absolute certification which lies in confession.

§ 532

The function of judicial administration is only to actualize to necessity the abstract side of personal liberty in civil society. But this actualization rests at first on the particular subjectivity of the judge, since here as yet there is not found the necessary unity of it with right in the abstract. Conversely, the blind necessity of the system of wants is not lifted up into the consciousness of the universal, and worked from that point of view.

(γ) *Police and Corporation*¹

§ 533

Judicial administration naturally has no concern with such part of actions and interests as belongs only to particularity, and leaves to chance not only the occurrence of crimes but also the care for public weal. In civil society the sole end is to satisfy want—and

¹ Die Polizei und die Corporation.

that, because it is man's want, in a uniform general way, so as to *secure* this satisfaction. But the machinery of social necessity leaves in many ways a casualness about this satisfaction. This is due to the variability of the wants themselves, in which opinion and subjective good-pleasure play a great part. It results also from circumstances of locality, from the connections between nation and nation, from errors and deceptions which can be foisted upon single members of the social circulation and are capable of creating disorder in it—as also and especially from the unequal capacity of individuals to take advantage of that general stock. The onward march of this necessity also sacrifices the very particularities by which it is brought about, and does not itself contain the affirmative aim of securing the satisfaction of individuals. So far as concerns them, it *may* be far from beneficial: yet here the individuals are the morally justifiable end.

§ 534

To keep in view this general end, to ascertain the way in which the powers composing that social necessity act, and their variable ingredients, and to maintain that end in them and against them, is the work of an institution which assumes on *one* hand, to the concrete of civil society, the position of an external universality. Such an order acts with the power of an external state, which, in so far as it is rooted in the higher or substantial state, appears as state-'police'. On the *other* hand, in this sphere of particularity the only recognition of the aim of substantial universality and the only carrying of it out is restricted to the business of particular branches and interests. Thus we have the *corporation*, in which the particular citizen in his private capacity finds the securing of his stock, whilst at the same time he in it emerges from his single private interest, and has a conscious activity for a comparatively universal end, just as in his legal and professional duties he has his social morality.

(c) THE STATE

§ 535

The State is the *self-conscious* ethical substance, the unification of the family principle with that of civil society. The same unity, which is in the family as a feeling of love, is its essence, receiving,

however, at the same time through the second principle of conscious and spontaneously active volition the *form* of conscious universality. This universal principle, with all its evolution in detail, is the absolute aim and content of the knowing subject, which thus identifies itself in its volition with the system of reasonableness.

§ 536

The state is (α) its inward structure as a self-relating development—constitutional (inner-state) law: (β) a particular individual, and therefore in connection with other particular individuals—international (outer-state) law; (γ) but these particular minds are only stages in the general development of mind in its actuality: universal history.

(α) *Constitutional Law*¹

§ 537

The essence of the state is the universal, self-originated, and self-developed—the reasonable spirit of will; but, as self-knowing and self-actualizing, sheer subjectivity, and—as an actuality—one individual. Its *work* generally—in relation to the extreme of individuality as the multitude of individuals—consists in a double function. First it maintains them as persons, thus making right a necessary actuality, then it promotes their welfare, which each originally takes care of for himself, but which has a thoroughly general side; it protects the family and guides civil society. Secondly, it carries back both, and the whole disposition and action of the individual—whose tendency is to become a centre of his own—into the life of the universal substance; and, in this direction, as a free power it interferes with those subordinate spheres and maintains them in substantial immanence.

§ 538

The laws express the special provisions for objective freedom. First, to the immediate agent, his independent self-will and particular interest, they are restrictions. But, secondly, they are an absolute final end and the universal work: hence they are a product

¹ Inneres Staatsrecht.

of the 'functions' of the various orders which parcel themselves more and more out of the general particularizing, and are a fruit of all the acts and private concerns of individuals. Thirdly, they are the substance of the volition of individuals—which volition is thereby free—and of their disposition: being as such exhibited as current usage.

§ 539

As a living mind, the state only is as an organized whole, differentiated into particular agencies, which, proceeding from the one notion (though not known as notion) of the reasonable will, continually produce it as their result. The *constitution* is this articulation or organization of state-power. It provides for the reasonable will—in so far as it is in the individuals only *implicitly* the universal will—coming to a consciousness and an understanding of itself and being *found*; also for that will being put in actuality, through the action of the government and its several branches, and not left to perish, but protected both against *their* casual subjectivity and against that of the individuals. The constitution is existent *justice*—the actuality of liberty in the development of all its reasonable provisions.

Liberty and Equality are the simple rubrics into which is frequently concentrated what should form the fundamental principle, the final aim and result of the constitution. However true this is, the defect of these terms is their utter abstractness: if stuck to in this abstract form, they are principles which either prevent the rise of the concreteness of the state, i.e. its articulation into a constitution and a government in general, or destroy them. With the state there arises inequality, the difference of governing powers and of governed, magistracies, authorities, directories, etc. The principle of equality, logically carried out, rejects all differences, and thus allows no sort of political condition to exist. Liberty and equality are indeed the foundation of the state, but as the most abstract also the most superficial, and for that very reason naturally the most familiar. It is important therefore to study them closer.

As regards, first, Equality, the familiar proposition, All men are by nature equal, blunders by confusing the 'natural' with the 'notion'. It ought rather to read: *By nature* men are only unequal. But the *notion* of liberty, as it exists as such, without further

specification and development, is abstract subjectivity, as a person capable of property (§ 488). This single abstract feature of personality constitutes the actual *equality* of human beings. But that this freedom should exist, that it should be *man* (and not as in Greece, Rome, etc. *some men*) that is recognized and legally regarded as a person, is so little *by nature*, that it is rather only a result and product of the consciousness of the deepest principle of mind, and of the universality and expansion of this consciousness. That the citizens are equal before the law contains a great truth, but which so expressed is a tautology: it only states that the legal status in general exists, that the laws rule. But, as regards the concrete, the citizens—besides their personality—are equal before the law only in these points when they are otherwise equal *outside the law*. Only that equality which (in whatever way it be) they, as it happens, otherwise have in property, age, physical strength, talent, skill, etc.—or even in crime, can and ought to make them deserve equal treatment before the law:—only it can make them—as regards taxation, military service, eligibility to office, etc.—punishment, etc.—equal in the concrete. The laws themselves, except in so far as they concern that narrow circle of personality, presuppose unequal conditions, and provide for the unequal legal duties and appurtenances resulting therefrom.

As regards Liberty, it is originally taken partly in a negative sense against arbitrary intolerance and lawless treatment, partly in the affirmative sense of subjective freedom; but this freedom is allowed great latitude both as regards the agent's self-will and action for his particular ends, and as regards his claim to have a personal intelligence and a personal share in general affairs. Formerly the legally defined rights, private as well as public rights of a nation, town, etc. were called its 'liberties'. Really, every genuine law is a liberty: it contains a reasonable principle of objective mind; in other words, it embodies a liberty. Nothing has become, on the contrary, more familiar than the idea that each must *restrict* his liberty in relation to the liberty of others: that the state is a condition of such reciprocal restriction, and that the laws are restrictions. To such habits of mind liberty is viewed as only casual good-pleasure and self-will. Hence it has also been said that 'modern' nations are only susceptible of equality, or of equality more than

liberty: and that for no other reason than that, with an assumed definition of liberty (chiefly the participation of all in political affairs and actions), it was impossible to make ends meet in actuality—which is at once more reasonable and more powerful than abstract presuppositions. On the contrary, it should be said that it is just the great development and maturity of form in modern states which produces the supreme concrete inequality of individuals in actuality: while, through the deeper reasonableness of laws and the greater stability of the legal state, it gives rise to greater and more stable liberty, which it can without incompatibility allow. Even the superficial distinction of the words liberty and equality points to the fact that the former tends to inequality: whereas, on the contrary, the current notions of liberty only carry us back to equality. But the more we fortify liberty,—as security of property, as possibility for each to develop and make the best of his talents and good qualities, the more it gets taken for granted: and then the sense and appreciation of liberty especially turns in a *subjective* direction. By this is meant the liberty to attempt action on every side, and to throw oneself at pleasure in action for particular and for general intellectual interests, the removal of all checks on the individual particularity, as well as the inward liberty in which the subject has principles, has an insight and conviction of his own, and thus gains moral independence. But this liberty itself on one hand implies that supreme differentiation in which men are unequal and make themselves more unequal by education; and on another it only grows up under conditions of that objective liberty, and is and could grow to such height only in modern states. If, with this development of particularity, there be simultaneous and endless increase of the number of wants, and of the difficulty of satisfying them, of the lust of argument and the fancy of detecting faults, with its insatiate vanity, it is all but part of that indiscriminating relaxation of individuality in this sphere which generates all possible complications, and must deal with them as it can. Such a sphere is of course also the field of restrictions, because liberty is there under the taint of natural self-will and self-pleasing, and has therefore to restrict itself: and that, not merely with regard to the naturalness, self-will and self-conceit, of others, but especially and essentially with regard to reasonable liberty.

The term political liberty, however, is often used to mean formal participation in the public affairs of state by the will and action even of those individuals who otherwise find their chief function in the particular aims and business of civil society. And it has in part become usual to give the title constitution only to the side of the state which concerns such participation of these individuals in general affairs, and to regard a state, in which this is not formally done, as a state without a constitution. On this use of the term the only thing to remark is that by constitution must be understood the determination of rights, i.e. of liberties in general, and the organization of the actualization of them; and that political freedom in the above sense can in any case only constitute a part of it. Of it the following paragraphs will speak.

§ 540

The guarantee of a constitution (i.e. the necessity that the laws be reasonable, and their actualization secured) lies in the collective spirit of the nation—especially in the specific way in which it is itself conscious of its reason. (Religion is that consciousness in its absolute substantiality.) But the guarantee lies also at the same time in the actual organization or development of that principle in suitable institutions. The constitution presupposes that consciousness of the collective spirit, and conversely that spirit presupposes the constitution: for the actual spirit only has a definite consciousness of its principles, in so far as it has them actually existent before it.

The question—To whom (to what authority and how organized) belongs the power to make a constitution? is the same as the question, Who has to make the spirit of a nation? Separate our idea of a constitution from that of the collective spirit, as if the latter exists or has existed without a constitution, and your fancy only proves how superficially you have apprehended the nexus between the spirit in its self-consciousness and in its actuality. What is thus called 'making' a 'constitution', is—just because of this inseparability—a thing that has never happened in history, just as little as the making of a code of laws. A constitution only develops from the national spirit identically with that spirit's own development, and runs through at the same time with it the grades of formation and the alterations required by its concept. It is the indwelling spirit and

the history of the nation (and, be it added, the history is only that spirit's history) by which constitutions have been and are made.

§ 541

The really living totality—that which preserves, in other words continually produces the state in general and its constitution, is the *government*. The organization which natural necessity gives is seen in the rise of the family and of the 'estates' of civil society. The government is the *universal* part of the constitution, i.e. the part which intentionally aims at preserving those parts, but at the same time gets hold of and carries out those general aims of the whole which rise above the function of the family and of civil society. The organization of the government is likewise its differentiation into powers, as their peculiarities have a basis in principle; yet without that difference losing touch with the *actual unity* they have in the notion's subjectivity.

As the most obvious categories of the notion are those of *universality* and *individuality*, and their relationship that of *subsumption* of individual under universal, it has come about that in the state the legislative and executive power have been so distinguished as to make the former *exist* apart as the absolute superior, and to subdivide the latter again into administrative (government) power and judicial power, according as the laws are applied to public or private affairs. The *division* of these powers has been treated as *the* condition of political equilibrium, meaning by division their *independence* one of another in existence—subject always, however, to the abovementioned subsumption of the powers of the individual under the power of the general. The theory of such 'division' unmistakably implies the elements of the notion, but so combined by 'understanding' as to result in an absurd collocation, instead of the self-redintegration of the living spirit. The one essential canon to make liberty deep and real is to give every business belonging to the general interests of the state a separate organization wherever they are essentially distinct. Such real division must be: for liberty is only deep when it is differentiated in all its fullness and these differences manifested in existence. But to make the business of legislation an independent power—to make it the first power, with the further proviso that all

citizens shall have part therein, and the government be merely executive and dependent, presupposes ignorance that the true idea, and therefore the living and spiritual actuality, is the self-redintegrating notion, in other words, the subjectivity which contains in it universality as only one of its moments. (A mistake still greater, if it goes with the fancy that the constitution and the fundamental laws were still one day to make—in a state of society, which includes an already existing development of differences.) Individuality is the first and supreme principle which makes itself felt through the state's organization. Only through the government, and by its embracing in itself the particular businesses (including the abstract legislative business, which taken apart is also particular), is the state *one*. These, as always, are the terms on which the different elements essentially and alone truly stand towards each other in the logic of 'reason', as opposed to the external footing they stand on in 'understanding', which never gets beyond subsuming the individual and particular under the universal. What disorganizes the unity of logical reason, equally disorganizes actuality.

§ 542

In the government—regarded as organic totality—the sovereign power (principle) is (*a*) *subjectivity* as the *infinite* self-unity of the notion in its development;—the all-sustaining, all-decreeing will of the state, its highest peak and all-pervasive unity. In the perfect form of the state, in which each and every element of the notion has reached free existence, this subjectivity is not a so-called 'moral person', or a decree issuing from a majority (forms in which the unity of the decreeing will has not an *actual* existence), but an actual individual—the will of a decreeing individual,—*monarchy*. The monarchical constitution is therefore the constitution of developed reason: all other constitutions belong to lower grades of the development and realization of reason.

The unification of all concrete state-powers into one existence, as in the patriarchal society—or, as in a democratic constitution, the participation of all in all affairs—impugns the principle of the division of powers, i.e. the developed liberty of the constituent factors of the Idea. But no whit less must the division (the working out of these factors each to a free totality) be reduced to 'ideal'

unity, i.e. to *subjectivity*. The mature differentiation or realization of the Idea means, essentially, that this subjectivity should grow to be a *real* 'moment', an *actual* existence; and this actuality is not otherwise than as the individuality of the monarch—the subjectivity of abstract and final decision existent in *one* person. All those forms of collective decreeing and willing—a common will which shall be the sum and the resultant (on aristocratic or democratic principles) of the atomistic of single wills, have on them the mark of the unreality of an abstraction. Two points only are all-important, first to see the necessity of each of the notional factors, and secondly the form in which it is actualized. It is only the nature of the speculative notion which can really give light on the matter. That subjectivity—being the 'moment' which emphasizes the need of abstract deciding in general—partly leads on to the proviso that the name of the monarch appear as the bond and sanction under which everything is done in the government;—partly, being simple self-relation, has attached to it the characteristic of *immediacy*, and then of *nature*—whereby the destination of individuals for the dignity of the princely power is fixed by inheritance.

§ 543

(*b*) In the *particular* government-power there emerges, first, the division of state-business into its branches (otherwise defined), legislative power, administration of justice or judicial power, administration and police, and its consequent distribution between particular boards or offices, which having their business appointed by law, to that end and for that reason, possess independence of action, without at the same time ceasing to stand under higher supervision. Secondly, too, there arises the participation of *several* in state-business, who together constitute the 'general order' (§ 528) in so far as they take on themselves the charge of universal ends as the essential function of their particular life;—the further condition for being able to take individually part in this business being a certain training, aptitude, and skill for such ends.

§ 544

The estates-collegium or provincial council is an institution by which all such as belong to civil society in general, and are to that

degree private persons, participate in the governmental power, especially in legislation—viz. such legislation as concerns the universal scope of those interests which do not, like peace and war, involve the, as it were, personal interference and action of the State as one man, and therefore do not belong specially to the province of the sovereign power. By virtue of this participation subjective liberty and conceit, with their general opinion, can show themselves palpably efficacious and enjoy the satisfaction of feeling themselves to count for something.

The division of constitutions into democracy, aristocracy and monarchy, is still the most definite statement of their difference in relation to sovereignty. They must at the same time be regarded as necessary structures in the path of development—in short, in the history of the State. Hence it is superficial and absurd to represent them as an object of *choice*. The pure forms—necessary to the process of evolution—are, in so far as they are finite and in course of change, conjoined both with forms of their degeneration—such as ochlocracy, etc., and with earlier transition-forms. These two forms are not to be confused with those legitimate structures. Thus, it may be—if we look only to the fact that the will of one individual stands at the head of the state—oriental despotism is included under the vague name monarchy—as also feudal monarchy, to which indeed even the favourite name of ‘constitutional monarchy’ cannot be refused. The true difference of these forms from genuine monarchy depends on the true value of those principles of right which are in vogue and have their actuality and guarantee in the state-power. These principles are those expounded earlier, liberty of property, and above all personal liberty, civil society, with its industry and its communities, and the regulated efficiency of the particular bureaux in subordination to the laws.

The question which is most discussed is in what sense we are to understand the participation of private persons in state affairs. For it is as private persons that the members of bodies of estates are primarily to be taken, be they treated as mere individuals, or as representatives of a number of people or of the nation. The aggregate of private persons is often spoken of as the *nation*: but as such an aggregate it is *vulgus*, not *populus*: and in this direction it is the one sole aim of the state that a nation should *not* come to existence,

to power and action, *as such an aggregate*. Such a condition of a nation is a condition of lawlessness, demoralization, brutishness: in it the nation would only be a shapeless, wild, blind force, like that of the stormy, elemental sea, which, however, is not self-destructive, as the nation—a spiritual element—would be. Yet such a condition may be often heard described as that of true freedom. If there is to be any sense in embarking upon the question of the participation of private persons in public affairs, it is not a brutish mass, but an already organized nation—one in which a governmental power exists—which should be presupposed. The desirability of such participation, however, is not to be put in the superiority of particular intelligence, which private persons are supposed to have over state officials—the contrary must be the case—nor in the superiority of their goodwill for the general best. The members of civil society as such are rather people who find their nearest duty in their private interest and (as especially in the feudal society) in the interest of their privileged corporation. Take the case of *England* which, because private persons have a predominant share in public affairs, has been regarded as having the freest of all constitutions. Experience shows that that country—as compared with the other civilized states of Europe—is the most backward in civil and criminal legislation, in the law and liberty of property, in arrangements for art and science, and that objective freedom or rational right is rather *sacrificed* to formal right and particular private interest; and that this happens even in the institutions and possessions supposed to be dedicated to religion. The desirability of private persons taking part in public affairs is partly to be put in their concrete, and therefore more urgent, sense of general wants. But the true motive is the right of the collective spirit to appear as an *externally universal* will, acting with orderly and express efficacy for the public concerns. By this satisfaction of this right it gets its own life quickened, and at the same time breathes fresh life in the administrative officials; who thus have it brought home to them that not merely have they to enforce duties but also to have regard to rights. Private citizens are in the state the incomparably greater number, and form the multitude of such as are recognized as persons. Hence the will-reason exhibits its existence in them as a preponderating majority of freemen, or in its ‘reflectional’ universality,

overtly *universal* rational will, which is sensible of itself and actively disposed in the consciousness of the individual subject, whilst its practical operation and immediate universal *actuality* at the same time exist as moral usage, manner and custom—where self-conscious *liberty* has become *nature*.

§ 514

The consciously free substance, in which the absolute 'ought' is no less an 'is', has actuality as the spirit of a nation. The abstract disruption of this spirit singles it out into *persons*, whose independence it, however, controls and entirely dominates from within. But the person, as an intelligent being, feels that underlying essence to be his own very being—ceases when so minded to be a mere accident of it—looks upon it as his absolute final aim. In its actuality he sees not less an achieved present, than somewhat he brings about by his action—yet somewhat which without all question *is*. Thus, without any selective reflection, the person performs his duty as *his own* and as something which *is*; and in this necessity *he* has himself and his actual freedom.

§ 515

Because the substance is the absolute unity of individuality and universality of freedom, it follows that the actuality and action of each individual to keep and to take care of his own being, while it is on one hand conditioned by the pre-supposed total in whose complex alone he exists, is on the other a transition into a universal product.—The social disposition of the individuals is their sense of the substance, and of the identity of all their interests with the total; and that the other individuals mutually know each other and are actual only in this identity, is confidence (trust)—the genuine ethical temper.

§ 516

The relations between individuals in the several situations to which the substance is particularized form their *ethical duties*. The ethical personality, i.e. the subjectivity which is permeated by the substantial life, is *virtue*. In relation to the bare facts of external being, to *destiny*, virtue does not treat them as a mere negation, and is thus a

quiet repose in itself: in relation to substantial objectivity, to the total of ethical actuality, it exists as confidence, as deliberate work for the community, and the capacity of sacrificing self thereto; whilst in relation to the incidental relations of social circumstance, it is in the first instance justice and then benevolence. In the latter sphere, and in its attitude to its own visible being and corporeity, the individuality expresses its special character, temperament, etc. as personal *virtues*.

§ 517

The ethical substance is:

(a) as 'immediate' or *natural* mind—the *Family*.

(b) The 'relative' totality of the 'relative' relations of the individuals as independent persons to one another in a formal universality—*Civil Society*.

(c) The self-conscious substance, as the mind developed to an organic actuality—the *Political Constitution*.

(a). THE FAMILY

§ 518

The ethical spirit, in its *immediacy*, contains the *natural* factor that the individual has its substantial existence in its natural universal, i.e. in its kind. This is the sexual tie, elevated, however, to a spiritual significance,—the unanimity of love and the temper of trust. In the shape of the family, mind appears as feeling.

§ 519

(1) The physical difference of sex thus appears at the same time as a difference of intellectual and moral type. With their exclusive individualities these personalities combine to form a *single person*: the subjective union of hearts, becoming a 'substantial' unity, makes this union an ethical tie—*Marriage*. The 'substantial' union of hearts makes marriage an indivisible personal bond—monogamic marriage: the bodily conjunction is a sequel to the moral attachment. A further sequel is community of personal and private interests.

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relations, waywardness and chance have a place; for each person in the aggregate is autonomous: the universal of law is only postulated between them, and not actually existent. This independence of a central authority reduces disputes between them to terms of mutual violence, a *state of war*, to meet which the general estate in the community assumes the particular function of maintaining the state's independence against other states, and becomes the estate of bravery.

§ 546

This state of war shows the omnipotence of the state in its individuality—an individuality that goes even to abstract negativity. Country and fatherland then appear as the power by which the particular independence of individuals and their absorption in the external existence of possession and in natural life is convicted of its own nullity—as the power which procures the maintenance of the general substance by the patriotic sacrifice on the part of these individuals of this natural and particular existence—so making nugatory the nugatoriness that confronts it.

(β) *External Public Law*¹

§ 547

In the state of war the independence of States is at stake. In one case the result may be the mutual recognition of free national individualities (§ 430): and by peace-conventions supposed to be for ever, both this general recognition, and the special claims of nations on one another, are settled and fixed. External state-rights rest partly on these positive treaties, but to that extent contain only rights falling short of true actuality (§ 545): partly so-called *international law*, the general principle of which is its presupposed recognition by the several States. It thus restricts their otherwise unchecked action against one another in such a way that the possibility of peace is left; and distinguishes individuals as private persons (non-belligerents) from the state. In general, international law rests on social usage.

¹ Das äussere Staatsrecht.

(γ) *Universal History*¹

§ 548

As the mind of a special nation is actual and its liberty is under natural conditions, it admits on this nature-side the influence of geographical and climatic qualities. It is in time; and as regards its range and scope, has essentially a *particular* principle on the lines of which it must run through a development of its consciousness and its actuality. It has, in short, a history of its own. But as a restricted mind its independence is something secondary; it passes into universal world-history, the events of which exhibit the dialectic of the several national minds—the judgement of the world.

§ 549

This movement is the path of liberation for the spiritual substance, the deed by which the absolute final aim of the world is realized in it, and the merely implicit mind achieves consciousness and self-consciousness. It is thus the revelation and actuality of its essential and completed essence, whereby it becomes to the outward eye a universal spirit—a world-mind. As this development is in time and in real existence, as it is a history, its several stages and steps are the national minds, each of which, as single and endued by nature with a specific character, is appointed to occupy only one grade, and accomplish one task in the whole deed.

The presupposition that history has an essential and actual end, from the principles of which certain characteristic results logically flow, is called an *a priori* view of it, and philosophy is reproached with *a priori* history-writing. On this point, and on history-writing in general, this note must go into further detail. That history, and above all universal history, is founded on an essential and actual aim, which actually is and will be realized in it—the plan of Providence; that, in short, there is Reason in history, must be decided on strictly philosophical ground, and thus shown to be essentially and in fact necessary. To presuppose such aim is blameworthy only when the assumed conceptions or thoughts are arbitrarily adopted, and when a determined attempt is made to force events and actions into conformity with such conceptions. For such *a priori* methods

¹ Die Weltgeschichte.

of treatment at the present day, however, those are chiefly to blame who profess to be purely historical, and who at the same time take opportunity expressly to raise their voice against the habit of philosophizing, first in general, and then in history. Philosophy is to them a troublesome neighbour: for it is an enemy of all arbitrariness and hasty suggestions. Such *a priori* history-writing has sometimes burst out in quarters where one would least have expected it, especially on the philological side, and in Germany more than in France and England, where the art of historical writing has gone through a process of purification to a firmer and maturer character. Fictions, like that of a primitive age and its primitive people, possessed from the first of the true knowledge of God and all the sciences—of sacerdotal races—and, when we come to minutiae, of a Roman epic, supposed to be the source of the legends which pass current for the history of ancient Rome, etc., have taken the place of the pragmatizing which detected psychological motives and associations. There is a wide circle of persons who seem to consider it incumbent on a *learned* and *ingenious* historian drawing from the original sources to concoct such baseless fancies, and form bold combinations of them from a learned rubbish-heap of out-of-the-way and trivial facts, in defiance of the best-accredited history.

Setting aside this subjective treatment of history, we find what is properly the opposite view forbidding us to import into history an *objective purpose*. This is after all synonymous with what *seems* to be the still more legitimate demand that the historian should proceed with *impartiality*. This is a requirement often and especially made on the *history of philosophy*: where it is insisted there should be no prepossession in favour of an idea or opinion, just as a judge should have no special sympathy for one of the contending parties. In the case of the judge it is at the same time assumed that he would administer his office ill and foolishly, if he had not an interest, and an exclusive interest in justice, if he had not that for his aim and one sole aim, or if he declined to judge at all. This requirement which we may make upon the judge may be called *partiality* for justice; and there is no difficulty here in distinguishing it from *subjective partiality*. But in speaking of the impartiality required from the historian, this self-satisfied insipid chatter lets the distinction disappear, and rejects both kinds of interest. It demands that

the historian shall bring with him no definite aim and view by which he may sort out, state, and criticize events, but shall narrate them exactly in the casual mode he finds them, in their incoherent and unintelligent particularity. Now it is at least admitted that a history must have an object, e.g. Rome and its fortunes, or the Decline of the grandeur of the Roman empire. But little reflection is needed to discover that this is the presupposed end which lies at the basis of the events themselves, as of the critical examination into their comparative importance, i.e. their nearer or more remote relation to it. A history without such aim and such criticism would be only an imbecile mental divagation, not as good as a fairy tale, for even children expect a *motif* in their stories, a purpose at least dimly surmiseable with which events and actions are put in relation.

In the existence of a *nation* the substantial aim is to be a state and preserve itself as such. A nation with no state formation (a *mere nation*), has, strictly speaking, no history—like the nations which existed before the rise of states and others which still exist in a condition of savagery. What happens to a nation, and takes place within it, has its essential significance in relation to the state: whereas the mere particularities of individuals are at the greatest distance from the true object of history. It is true that the general spirit of an age leaves its imprint in the character of its celebrated individuals, and even their particularities are but the very distant and the dim media through which the collective light still plays in fainter colours. Ay, even such singularities as a petty occurrence, a word, express not a subjective particularity, but an age, a nation, a civilization, in striking portraiture and brevity; and to select such trifles shows the hand of a historian of genius. But, on the other hand, the main mass of singularities is a futile and useless mass, by the painstaking accumulation of which the objects of real historical value are overwhelmed and obscured. The essential characteristic of the spirit and its age is always contained in the great events. It was a correct instinct which sought to banish such portraiture of the particular and the gleaning of insignificant traits, into the *Novel* (as in the celebrated romances of Walter Scott, etc.). Where the picture presents an unessential aspect of life it is certainly in good taste to conjoin it with an unessential material, such as

Nation → History

the romance tales from private events and subjective passions. But to take the individual pettinesses of an age and of the persons in it, and, in the interest of so-called truth, weave them into the picture of general interests, is not only against taste and judgement, but violates the principles of objective truth. The only truth for mind is the substantial and underlying essence, and not the trivialities of external existence and contingency. It is therefore completely indifferent whether such insignificances are duly vouched for by documents, or, as in the romance, invented to suit the character and ascribed to this or that name and circumstances.

The point of interest of *Biography*—to say a word on that here—appears to run directly counter to any universal scope and aim. But biography too has for its background the historical world, with which the individual is intimately bound up: even purely personal originality, the freak of humour, etc. suggests by allusion that central reality and has its interest heightened by the suggestion. The mere play of sentiment, on the contrary, has another ground and interest than history.

The requirement of impartiality addressed to the history of philosophy (and also, we may add, to the history of religion, first in general, and secondly, to church history) generally implies an even more decided bar against presupposition of any objective aim. As the State was already called the point to which in political history criticism had to refer all events, so here the 'Truth' must be the object to which the several deeds and events of the spirit would have to be referred. What is actually done is rather to make the contrary presupposition. Histories with such an object as religion or philosophy are understood to have only subjective aims for their theme, i.e. only opinions and mere ideas, not an essential and realized object like the truth. And that with the mere excuse that there is no truth. On this assumption the sympathy with truth appears as only a partiality of the usual sort, a partiality for opinion and mere ideas, which all alike have no stuff in them, and are all treated as indifferent. In that way historical truth means but correctness—an accurate report of externals, without critical treatment save as regards this correctness—admitting, in this case, only qualitative and quantitative judgements, no judgements of necessity or notion (cf. notes to §§ 172 and 175). But, really, if Rome or

the German empire, etc. are an actual and genuine object of political history, and the aim to which the phenomena are to be related and by which they are to be judged; then in universal history the genuine spirit, the consciousness of it, and of its essence, is even in a higher degree a true and actual object and theme, and an aim to which all other phenomena are essentially and actually subservient. Only therefore through their relationship to it, i.e. through the judgement in which they are subsumed under it, while it inheres in them, have they their value and even their existence. It is the spirit which not merely broods *over* history as over the waters but lives in it and is alone its principle of movement: and in the path of that spirit, liberty, i.e. a development determined by the notion of spirit, is the guiding principle and only its notion its final aim, i.e. truth. For Spirit is consciousness. Such a doctrine—or in other words that Reason is in history—will be partly at least a plausible faith, partly it is a cognition of philosophy.

§ 550

This liberation of mind, in which it proceeds to come to itself and to realize its truth, and the business of so doing, is the supreme right, the absolute Law. The self-consciousness of a particular nation is a vehicle for the contemporary development of the collective spirit in its actual existence: it is the objective actuality in which that spirit for the time invests its will. Against this absolute will the other particular natural minds have no rights: *that* nation dominates the world: but yet the universal will steps onward over its property for the time being, as over a special grade, and then delivers it over to its chance and doom.

§ 551

To such extent as this business of actuality appears as an action, and therefore as a work of *individuals*, these individuals, as regards the substantial issue of their labour, are *instruments*, and their subjectivity, which is what is peculiar to them, is the empty form of activity. What they personally have gained therefore through the individual share they took in the substantial business (prepared and appointed independently of them) is a formal universality or subjective mental idea—*Fame*, which is their reward.

§ 552

The national spirit contains nature-necessity, and stands in external existence (§ 483): the ethical substance, potentially infinite, is actually a particular and limited substance (§§ 549, 550); on its subjective side it labours under contingency, in the shape of its unreflective natural usages, and its content is presented to it as something *existing* in time and tied to an external nature and external world. The spirit, however (which *thinks* in this moral organism) overrides and absorbs within itself the finitude attaching to it as national spirit in its state and the state's temporal interests, in the system of laws and usages. It rises to apprehend itself in its essentiality. Such apprehension, however, still has the immanent limitedness of the national spirit. But the spirit which thinks in universal history, stripping off at the same time those limitations of the several national minds and its own temporal restrictions, lays hold of its concrete universality, and rises to apprehend the absolute mind, as the eternally actual truth in which the contemplative reason enjoys freedom, while the necessity of nature and the necessity of history are only ministrant to its revelation and the vessels of its honour.

The strictly technical aspects of the Mind's elevation to God have been spoken of in the Introduction to the Logic (cf. especially § 51, note). As regards the starting-point of that elevation, Kant has on the whole adopted the most correct, when he treats belief in God as proceeding from the practical Reason. For that starting-point contains the material or content which constitutes the content of the notion of God. But the true concrete material is neither Being (as in the cosmological) nor mere action by design (as in the physico-theological proof) but the Mind, the absolute characteristic and function of which is effective reason, i.e. the self-determining and self-realizing notion itself—Liberty. That the elevation of subjective mind to God which these considerations give is by Kant again deposed to a *postulate*—a mere 'ought'—is the peculiar peculiarity, formerly noticed, of calmly and simply reinstating as true and valid that very antithesis of finitude, the supersession of which into truth is the essence of that elevation.

As regards the 'mediation' which, as it has been already shown (§ 192, cf. § 204 note), that elevation to God really involves, the

point specially calling for note is the 'moment' of negation through which the essential content of the starting-point is purged of its finitude so as to come forth free. This factor, abstract in the formal treatment of logic, now gets its most concrete interpretation. The finite, from which the start is now made, is the real ethical self-consciousness. The negation through which that consciousness raises its spirit to its truth, is the purification, *actually* accomplished in the ethical world, whereby its conscience is purged of subjective opinion and its will freed from the selfishness of desire. Genuine religion and genuine religiosity only issue from the moral life: religion is that life rising to think, i.e. becoming aware of the free universality of its concrete essence. Only from the moral life and by the moral life is the Idea of God seen to be free spirit: outside the ethical spirit therefore it is vain to seek for true religion and religiosity.

But—as is the case with all speculative process—this development of one thing out of another means that what appears as sequel and derivative is rather the absolute *prius* of what it appears to be mediated by, and here in mind is also known as its truth.

Here then is the place to go more deeply into the reciprocal relations between the state and religion, and in doing so to elucidate the terminology which is familiar and current on the topic. It is evident and apparent from what has preceded that moral life is the state retracted into its inner heart and substance, while the state is the organization and actualization of moral life; and that religion is the very substance of the moral life itself and of the state. At this rate, the state rests on the ethical sentiment, and that on the religious. If religion then is the consciousness of '*absolute*' truth, then whatever is to rank as right and justice, as law and duty, i.e. as *true* in the world of free will, can be so esteemed only as it is participant in that truth, as it is subsumed under it and is its sequel. But if the truly moral life is to be a sequel of religion, then perforce religion must have the *genuine* content; i.e. the idea of God it knows must be the true and real. The ethical life is the divine spirit as indwelling in self-consciousness, as it is actually present in a nation and its individual members. This self-consciousness retiring upon itself out of its empirical actuality and bringing its truth to consciousness has, in its *faith* and in its *conscience*, only

what it has consciously secured in its spiritual actuality. The two are inseparable: there cannot be two kinds of conscience, one religious and another ethical, differing from the former in body and value of truth. But in point of form, i.e. for thought and knowledge—and religion and ethical life belong to intelligence and are a thinking (and knowing)—the body of religious truth, as the pure self-subsisting and therefore supreme truth, exercises a sanction over the moral life which lies in empirical actuality. Thus for self-consciousness religion is the 'basis' of moral life and of the state. It has been the monstrous blunder of our times to try to look upon these inseparables as separable from one another, and even as mutually indifferent. The view taken of the relationship of religion and the state has been that, whereas the state had an independent existence of its own, springing from some force and power, religion was a later addition, something desirable perhaps for strengthening the political bulwarks, but purely subjective in individuals:—or it may be, religion is treated as something without effect on the moral life of the state, i.e. its reasonable law and constitution which are based on a ground of their own.

As the inseparability of the two sides has been indicated, it may be worth while to note the separation as it appears on the side of religion. It is primarily a point of form: the attitude which self-consciousness takes to the body of truth. So long as this body of truth is the very substance or indwelling spirit of self-consciousness in its actuality, then self-consciousness in this content has the certainty of itself and is free. But if this present self-consciousness is lacking, then there may be created, in point of form, a condition of spiritual slavery, even though the *implicit* content of religion is absolute spirit. This great difference (to cite a specific case) comes out within the Christian religion itself, even though here it is not the nature-element in which the idea of God is embodied, and though nothing of the sort even enters as a factor into its central dogma and sole theme of a God who is known in spirit and in truth. And yet in Catholicism this spirit of all truth is in actuality set in rigid opposition to the self-conscious spirit. And, first of all, God is in the 'host' presented to religious adoration as an *external thing*. (In the Lutheran Church, on the contrary, the host as such is not at first consecrated, but in the moment of enjoyment, i.e. in the

annihilation of its externality, and in the act of faith, i.e. in the free self-certain spirit: only then is it consecrated and exalted to be present God.) From that first and supreme status of externalization flows every other phase of externality—of bondage, non-spirituality, and superstition. It leads to a laity, receiving its knowledge of divine truth, as well as the direction of its will and conscience from without and from another order—which order again does not get possession of that knowledge in a spiritual way only, but to that end essentially requires an external consecration. It leads to the non-spiritual style of praying—partly as mere moving of the lips, partly in the way that the subject foregoes his right of directly addressing God, and prays others to pray—addressing his devotion to miracle-working images, even to bones, and expecting miracles from them. It leads, generally, to justification by external works, a merit which is supposed to be gained by acts, and even to be capable of being transferred to others. All this binds the spirit under an externalism by which the very meaning of spirit is perverted and misconceived at its source, and law and justice, morality and conscience, responsibility and duty are corrupted at their root.

Along with this principle of spiritual bondage, and these applications of it in the religious life, there can only go in the legislative and constitutional system a legal and moral bondage, and a state of lawlessness and immorality in political life. Catholicism has been loudly praised and is still often praised—logically enough—as the one religion which secures the stability of governments. But in reality this applies only to governments which are bound up with institutions founded on the bondage of the spirit (of that spirit which should have legal and moral liberty), i.e. with institutions that embody injustice and with a morally corrupt and barbaric state of society. But these governments are not aware that in fanaticism they have a terrible power, which does not rise in hostility against them, only so long as and only on condition that they remain sunk in the thralldom of injustice and immorality. But in mind there is a very different power available against that externalism and dismemberment induced by a false religion. Mind collects itself into its inward free actuality. Philosophy awakes in the spirit of governments and nations the wisdom to discern what is essentially and actually right and reasonable in the real world. It

was well to call these products of thought, and in a special sense Philosophy, the wisdom of the world:¹ for thought makes the spirit's truth an actual present, leads it into the real world, and thus liberates it in its actuality and in its own self.

Thus set free, the content of religion assumes quite another shape. So long as the form, i.e. our consciousness and subjectivity, lacked liberty, it followed necessarily that self-consciousness was conceived as not immanent in the ethical principles which religion embodies, and these principles were set at such a distance as to seem to have true being only as negative to actual self-consciousness. In this unreality ethical content gets the name of *Holiness*. But once the divine spirit introduces itself into actuality, and actuality emancipates itself to spirit, then what in the world was a postulate of holiness is supplanted by the actuality of *marq*l life. Instead of the vow of chastity, *marriage* now ranks as the ethical relation; and, therefore, as the highest on this side of humanity stands the family. Instead of the vow of poverty (muddled up into a contradiction of assigning merit to whosoever gives away goods to the poor, i.e. whosoever enriches them) is the precept of action to acquire goods through one's own intelligence and industry,—of honesty in commercial dealing, and in the use of property—in short moral life in the socio-economic sphere. And instead of the vow of obedience, true religion sanctions obedience to the law and the legal arrangements of the state—an obedience which is itself the true freedom, because the state is a self-possessed, self-realizing reason—in short, moral life in the state. Thus, and thus only, can law and morality exist. The precept of religion, 'Give to Caesar what is Caesar's and to God what is God's' is not enough: the question is to settle what is Caesar's, what belongs to the secular authority: and it is sufficiently notorious that the secular no less than the ecclesiastical authority have claimed almost everything as their own. The divine spirit must interpenetrate the entire secular life: whereby wisdom is concrete within it, and it carries the terms of its own justification. But that concrete indwelling is only the aforesaid ethical organizations. It is the morality of marriage as against the sanctity of a celibate order;—the morality of economic and industrial action against the sanctity of poverty and its indol-

¹ Weltweisheit.

ence;—the morality of an obedience dedicated to the law of the state as against the sanctity of an obedience from which law and duty are absent and where conscience is enslaved. With the growing need for law and morality and the sense of the spirit's essential liberty, there sets in a conflict of spirit with the religion of unfreedom. It is no use to organize political laws and arrangements on principles of equity and reason, so long as in religion the principle of unfreedom is not abandoned. A free state and a slavish religion are incompatible. It is silly to suppose that we may try to allot them separate spheres, under the impression that their diverse natures will maintain an attitude of tranquillity one to another and not break out in contradiction and battle. Principles of civil freedom can be but abstract and superficial, and political institutions deduced from them must be, if taken alone, untenable, so long as those principles in their wisdom mistake religion so much as not to know that the maxims of the reason in actuality have their last and supreme sanction in the religious conscience in subsumption under the consciousness of 'absolute' truth. Let us suppose even that, no matter how, a code of law should arise, so to speak *a priori*, founded on principles of reason, but in contradiction with an established religion based on principles of spiritual unfreedom; still, as the duty of carrying out the laws lies in the hands of individual members of the government, and of the various classes of the administrative *personnel*, it is vain to delude ourselves with the abstract and empty assumption that the individuals will act only according to the letter or meaning of the law, and not in the spirit of their religion where their inmost conscience and supreme obligation lies. Opposed to what religion pronounces holy, the laws appear something made by human hands: even though backed by penalties and externally introduced, they could offer no lasting resistance to the contradictions and attacks of the religious spirit. Such laws, however sound their provisions may be, thus founder on the conscience, whose spirit is different from the spirit of the laws and refuses to sanction them. It is nothing but a modern folly to try to alter a corrupt moral organization by altering its political constitution and code of laws without changing the religion,—to make a revolution without having made a reformation, to suppose that a political constitution opposed to the old religion could live in peace and

harmony with it and its sanctities, and that stability could be procured for the laws by external guarantees, e.g., so-called 'chambers', and the power given them to fix the budget, etc. (cf. § 544 note). At best it is only a temporary expedient—when it is obviously too great a task to descend into the depths of the religious spirit and to raise that same spirit to its truth—to seek to separate law and justice from religion. Those guarantees are but rotten bulwarks against the consciences of the persons charged with administering the laws—among which laws these guarantees are included. It is indeed the height and profanity of contradiction to seek to bind and subject to the secular code the religious conscience to which mere human law is a thing profane.

The perception had dawned upon Plato with great clearness of the gulf which in his day had commenced to divide the established religion and the political constitution, on one hand, from those deeper requirements which, on the other hand, were made upon religion and politics by liberty which had learnt to recognize its inner life. Plato gets hold of the thought that a genuine constitution and a sound political life have their deeper foundation on the Idea—on the essentially and actually universal and genuine principles of eternal righteousness. Now to see and ascertain what these are is certainly the function and the business of *philosophy*. It is from this point of view that Plato breaks out into the celebrated or notorious passage where he makes Socrates emphatically state that philosophy and political power must coincide, that the Idea must be regent, if the distress of nations is to see its end. What Plato thus definitely set before his mind was that the Idea—which implicitly indeed is the free self-determining thought—could not get into consciousness save only in the form of a thought; that the substance of the thought could only be true when set forth as a universal, and as such brought to consciousness under its most abstract form.

To compare the Platonic standpoint in all its definiteness with the point of view from which the relationship of state and religion is here regarded, the notional differences on which everything turns must be recalled to mind. The first of these is that in natural things their substance or genus is different from their existence in which that substance is as subject: further that this subjective existence of the genus is distinct from that which it gets, when specially set in

relief as genus, or, to put it simply, as the universal in a mental concept or idea. This additional 'individuality'—the soil on which the universal and underlying principle *freely* and expressly exists—is the intellectual and thinking *self*. In the case of *natural* things their truth and reality does not get the form of universality and essentiality through themselves, and their 'individuality' is not itself the form: the form is only found in subjective thinking, which in philosophy gives that universal truth and reality an existence of its own. In man's case it is otherwise: his truth and reality is the free mind itself, and it comes to existence in his self-consciousness. This absolute nucleus of man—mind intrinsically concrete—is just this—to have the form (to have thinking) itself for a content. To the height of the thinking consciousness of this principle Aristotle ascended in his notion of the entelechy of thought (which is *νοητός τῆς νοήσεως*), thus surmounting the Platonic Idea (the genus, or essential being). But thought always—and that on account of this very principle—contains the immediate self-subistence of subjectivity no less than it contains universality; the genuine Idea of the intrinsically concrete mind is just as essentially under the one of its terms (subjective consciousness) as under the other (universality): and in the one as in the other it is the same substantial content. Under the subjective form, however, fall feeling, intuition, pictorial representation; and it is in fact necessary that in point of time the consciousness of the absolute Idea should be first reached and apprehended in this form: in other words, it must exist in its immediate reality as religion, earlier than it does as philosophy. Philosophy is a later development from this basis (just as Greek philosophy itself is later than Greek religion), and in fact reaches its completion by catching and comprehending in all its definite essentiality that principle of spirit which first manifests itself in religion. But Greek philosophy could set itself up only in opposition to Greek religion: the unity of thought and the substantiality of the Idea could take up none but a hostile attitude to an imaginative polytheism, and to the gladsome and frivolous humours of its poetic creations. The *form* in its infinite truth, the *subjectivity* of mind, broke forth at first only as a subjective free *thinking*, which was not yet identical with the *substantiality* itself—and thus this underlying principle was not yet apprehended as *absolute mind*.