

Hegel's *Outline of the Philosophy of Law*

sans 'Remarks' and 'Additions'

translation of S. W. Dyde, 1896

revised by David Rathbone 2011

for the Melbourne School of Continental Philosophy

"Philosophy and Law" course

Introduction

§ 1. The philosophic science of law has as its object the idea of law, i.e., the concept of law plus the actualization of that concept.

§ 2. The science of law is a part of philosophy. Hence it must develop the idea, which is the reason in an object [*Gegenstand*], out of the concept. It must regard the peculiar internal development of the thing [*Sache*] itself. Since it is a part, it has a determinate starting point, which is the result and truth of what preceded it, and what preceded it constitutes the so-called proof of that result. Hence the origin of the concept of law falls outside of the science of law. The deduction of the concept is presupposed in this treatise, and is to be considered as already given.

§ 3. Law is positive in general (a) in its form, since it has validity in a state; and this established authority is the principle for the knowledge of law, i.e. the positive science of law; and (b) on the side of content, this law receives a positive element (i) through the particular character of a nation, the stage of its historical development, and the whole context of relations which are necessitated by nature: (ii) through the necessity that a system of legal right must contain the application of the universal concept to objects and cases whose qualities are given externally. Such an application is not speculative thought nor development of concepts, but a subsumption made by the understanding: (iii) through the final determination of a decision which has become a reality.

§ 4. The territory of law is in general the realm of the mind, and its specific place and origin is the will which is free. Thus freedom constitutes the substance and essential character of the will, and the system of law is the kingdom of actualized freedom. It is the world of mind, which is produced out of itself, and is a second nature.

§ 5. The will contains [a] the element of pure indeterminateness, i.e., the pure doubling back of the I in thought upon itself. In this process every limit, every content, present though it be immediately by way of nature, as in want, appetite or drive, or given in some other way, is dissolved. Thus we have the limitless infinitude of absolute abstraction, or universality, the pure thought of oneself.

§ 6. [b] In the same way the I is also the transition from blank indefiniteness to the distinct and definite establishment of a determinate content and object, whether this content be given by nature, or produced out of the concept of the mind. Through this establishment of itself as a definite thing, the I steps into existence [*Dasein*] in general. This is the absolute element of the finitude or particularization of the I.

§ 7. [c] The will is the unity of these two elements. It is particularity turned back within itself and thus led back to universality; it is individuality; it is the self-determination of the I. Thus at one and the same time it establishes itself as its own negation, that is to say, as definite and limited, and it also abides by itself, in its self-identity and universality, and in this position remains purely self-enclosed. The I determines itself in so far as it is the reference of negativity to itself; and yet in this self-reference it is indifferent to its own definite character. This it knows as its own, that is, as an ideal, a mere possibility, by which it is not bound, but rather exists in it merely because it establishes itself there. This is the freedom of the will, constituting its concept or substantive reality. It is its gravity, as it were, just as gravity is the substantive reality of a body.

§ 8. If we define this particularizing ([b] § 6) further, we reach a distinction in the forms of the will. (a) In so far as the definite character of the will consists in the formal opposition of the subjective on the one hand to the objective or external immediate existence, on the other, we have the formal will as a self-consciousness which finds an outer world before it. The process by which individuality returns in determinacy into itself, is the translation of the subjective end into objectivity, through the mediation of an activity and a means. In the mind as it is in and for itself, in which all definite characteristics are thoroughly its own and true (*Encyclopaedia*. § 363), consciousness is only one aspect, namely, the manifestation or appearance of the will, which does not require detailed consideration here.

§ 9. (b). In so far as the will's determinations are its *own* - that is, its internally reflected particularization, they are its content. This content, as content of the will, is its end by virtue of the form specified in (a) above - either its inner or subjective end as represented in the act of will, or its end as actualized and accomplished by the mediation of activity, which converts the subjective into the objective.

§ 10. This content, or moment of determination of the will, is primarily *immediate*. Thus the will is free only in itself, or *for us*, i.e., it is the will as a concept. Only when the will has itself as an object is it also *for itself* what it is *in itself*, and its implicit freedom is realized.

§ 11. The will, which is at first only implicitly free, is the immediate or natural will. The distinctive phases, which the self-determining concept sets up in the will, appear immediately in the will, as an immediately present content. They are drives, appetites and inclinations, by which the will finds itself determined by nature. Now this content, with all its attendant determinations, proceeds from the rationality of the will, and is therefore implicitly rational; but let loose in its direct immediacy, it has not as yet the form of rationality. The content is indeed *for me* and entirely my own, but the form and the content are yet different. The will is thus in itself finite.

§ 12. The system of this content, as it occurs immediately in the will, exists only as a multitude or multiplicity of drives, every one of which is mine in a general way along with others, but is at the same time universal and undetermined, having many objects and ways of satisfaction. The will resolves, by giving itself the form of individuality in this two-fold indefiniteness (§ 7). And only as resolving is it actual.

§ 13. By resolution, will fixes itself as the will of a definite individual, and thereby distinguishes itself from another. However apart from this finite character which it has as consciousness (§ 8), the immediate will is in virtue of the distinction between its form and its content purely *formal*. Hence its determination as such is abstract, and its content is not yet the content and work of its freedom.

§ 14. The finite will, merely from the standpoint of form, has doubled itself back upon itself and become the infinite I *with itself* (§ 5), standing above its content of various drives, and also above the several ways by which they are realized and satisfied. At the same time, as it is only formally infinite, it is confined to this very content as the decisive feature of its nature and its external actuality, although it is indeterminate and not confined to one content rather than another (§§ 6, 11). As to the return of the I into itself, such a will is only a possible will, which may or may not be mine, and the I is only the possibility of determining itself by this or that object. Hence the will chooses amongst these definite determinations, which in this light are external for the I.

§ 15. Freedom of the will is, according to this determination, caprice, in which are contained both a reflection, which is free and abstracted from everything, and a dependence upon a content or matter either internally or externally provided. Since the content, which is *in itself* or implicitly necessary as an end, is in opposition to this reflection a definite possibility, it follows that caprice, in its nature contingency in the form of will.

§ 16. That which is resolved upon and chosen (§ 14), the will may again give up (§ 5). Yet, even with the possibility of

transcending any other content which it may substitute for the last, and of proceeding in this way *ad infinitum*, the will does not advance beyond finitude, because every content in turn is different from the form of freedom and is thus finite. The opposite aspect, namely indeterminateness, irresolution or abstraction, is also equally one-sided.

§ 17. Since the contradiction involved in caprice (§ 15) is the dialectic of the drives and inclinations, it is manifested in their mutual antagonism. The satisfaction of one demands the subjection and sacrifice of the satisfaction of another. Since a drive is merely the simple tendency of its own essential nature and has no measure in itself, to subject or to sacrifice the satisfaction of any drive is a contingent decision of caprice. In such a case caprice may act upon the calculation as to which drive will bring the greater satisfaction, or may have some other similar purpose.

§ 18. With regard to the judgment of drives, the dialectic appears in this form: the phases of the immediate or natural will are immanent and positive, and thus good. Hence man is said to be by nature good. But natural characteristics must be eradicated, since they are opposed to freedom and the concept of the mind, and are thus negative. Thus man is said to be by nature evil. To decide for either view is a matter of subjective caprice.

§ 19. In the demand that the drives must be purified is to be found the general impression that they must be freed from the form of immediate subjection to nature, and from a content that is subjective and contingent, and must be restored to their substantive essence. The truth contained in this indefinite demand is that drives should be phases of will in a rational system. To apprehend them in this way as proceeding from the concept is the content of the science of law.

§ 20. The reflection which is brought to bear upon the drives, placing them before itself, estimating them, comparing them with one another, and contrasting them with their means and consequences, and also with a whole of satisfaction, namely happiness, confers formal universality upon this material, and in an external way purifies it of its crudity and barbarism. This cultivation of the universality of thought is the absolute worth of education [*Bildung*](§ 187).

§ 21. But the truth of this formal universality, which taken by itself is undetermined and finds definite character in externally given material, is the self-determining universality which is will or freedom. Since the will has universality itself as its object (both in the sense of content and of end) thereby assuming the form of the infinite, it is free not only *in itself* or implicitly, but *for itself* or explicitly. It is the idea in its truth.

§ 22. The will which exists *in-and-for-itself* is truly infinite, because its object is the will itself, and therefore is for it not another or a limitation. In the object the will has simply reverted into itself. Moreover, it is not mere possibility, capacity, potentiality (potential, but infinitely actual (*infinitum actu*), because the existence [*Dasein*] of the concept or its visible externality is inwardness itself.

§ 23. Only in this freedom is the will wholly *with itself*, because it refers to nothing but itself, and all dependence upon any other thing falls away. The will is true, or rather truth itself, because its character consists in its being in its manifested reality, or correlative opposite, what it is in its conception. In other words, the pure concept has the perception or intuition of itself as its end and reality.

§ 24. The will is universal, because in it all limitation and particular individuality are superseded. These one-sided phases are found only in the difference between the concept and its object or content; or, from another standpoint, in the difference between the conscious independent existence of the subject, and the will's implicit, self-involved existence; or, between its exclusive and conclusive individuality, and its universality.

§ 25. The subjective side of the will is the side of its self-consciousness and individuality (§ 7), as distinguished from its implicit concept. This subjectivity is

[a] pure form, or absolute unity of self-consciousness with itself. This unity is the equation “ $I = I$,” consciousness being

characterized by a thoroughly inward and abstract self-dependence. It is pure certitude of itself, in contrast with the truth;
[b] particularity of will, as caprice, with its accidental content of pleasurable ends;
[c] in general, a one-sided form (§ 8), in so far as that which is willed is at first an unfulfilled end, or a content which simply belongs to self-consciousness.

§ 26. [a] In so far as free will is determined by itself, and is in accord with its concept and true, it is a wholly objective will.
[b] But objective self-consciousness, which lacks the form of the infinite, is a will sunk in its object or condition, whatever the content of that may be. It is the will of the child, or the will present in slavery or superstition.
[c] Objectivity is finally a one-sided form in opposition to the subjective phase of will ; it is immediate reality, or external existence. In this sense the will becomes objective only by the execution of its ends.¹

§ 27. The absolute character or, if you like, the absolute drive of the free mind (§ 21) is, as has been observed, that its freedom shall be for it an object. It is to be objective in a two-fold sense: it is the rational system of itself, and this system is to be immediately real (§ 26). There is thus actualized as idea what the will is implicitly. Hence, the abstract concept of the idea of the will is in general the free will which wills the free will.

§ 28. The activity of the will is immediately the task of sublating the contradiction between subjectivity and objectivity, of transferring its end from subjectivity into objectivity, and yet while in objectivity of remaining with itself. This task is beyond the formal method of consciousness (§ 8), in which objectivity is only immediate actuality. This activity is the essential development of the substantive content of the idea (§ 21). In this development the concept molds the idea, which is in the first instance abstract, into the totality of a system. This totality as substantive is independent of the opposition between mere subjective end and its realization, and in both of these forms it is the same.

§ 29. That a reality is the realization of the free will, this is what is meant by law. Law, therefore, is freedom in general, as idea.

§ 30. Law in general is something holy, because it is the embodiment of the absolute concept: self-conscious freedom. But the formalism of law, and after a while of duty also, is due to distinctions arising out of the development of the concept of freedom. In contrast with the more formal, abstract and limited law, there is that sphere or stage of the mind, in which mind has brought to definite actuality the further elements contained in the idea. 'This stage is richer and more concrete; it is truly universal and has therefore a higher law.

§ 31. The scientific method by which the concept is self-evolved, and its phases self-developed and self-produced, is not first of all an assurance that certain relations are given from somewhere or other, followed by their application to this foreign material of the universal. The true process is found in logic, and here is presupposed.

§ 32. The phases of the development of the concept are themselves concepts. And yet, because the concept is essentially the idea, they have the form of manifestations. Hence the sequence of concepts, which arise in this way, is at the same time a sequence of realizations, and are to be by science so considered.

Division of the Work.

§ 33. According to the stages of the development of the idea of the absolutely free will, the will is:

A. immediate; its concept is therefore abstract, i.e., personality, and its embodied reality is an immediate external thing. This is the sphere of abstract or formal law.

1 compare the following from Hegel's lectures of 1824-25: "The ethical will is the will's most universal existence. In so far as the subjective will is sunk into custom [*Sitte*], it is ethical, but only objectively, universally. This will can be ethical, but it can have an unethical content, in so far as it is only objective in general. Subjective freedom is lacking in it, and this is cognized in our time as an essential moment."

B. reflected back from its external existence into itself, determined as subjective individuality, as contrasted with the universal. This universal is on its internal side the good, and on its external side a presented world, and these two sides are occasioned only by means of each other. In this sphere the idea is divided, and exists in separate elements. The law of the subjective will is in a relation of contrast to the law of the world, or the law of the idea. Here, however, the idea exists only implicitly. This is the sphere of morality.

C. the unity and truth of these two abstract elements. The thought idea of the good is realized both in the will turned back into itself, and also in the external world. Thus freedom exists as real substance, which is quite as much actuality and necessity as it is subjective will. The idea here is its absolutely universal existence, viz., ethical life. This ethical substance is again,

- a. Natural mind; the family,
- b. The civil society, or mind in its dual existence and mere appearance,
- c. The state, or freedom, which, while established in the free self-dependence of the particular will is also universal and objective. This actual and organic mind [a] is the mind of a people, [b] is found in the relation to one another of national minds, and [c] passing through and beyond this relation is actualized and revealed in world history as the universal world-mind, whose law is the highest.

§ 34. The absolutely free will, at the stage when its concept is abstract, has the determinate character of immediacy. Accordingly this stage is its negative actuality, an actuality contrasted with the real world, only an abstractly self-related actuality — the inherently single will of a subject. Pursuant to the moment of the particularity of the will, it has in addition a content consisting of determinate aims and, as exclusive individuality, it has this content at the same time as an external world immediately confronting it.

§ 35. The universality of this consciously free will is abstract universality, the self-conscious but otherwise contentless and simple relation of itself to itself in its individuality, and from this point of view the subject is a person. Personality implies that as **this** person: (i) I am completely determined on every side (in my inner caprice, drive, and desire, as well as by immediate external facts) and so finite, yet (ii) none the less I am simply and solely self-relation, and therefore in finitude I know myself as something infinite, — universal, and free.

§ 36. (1) Personality essentially involves the capacity for laws and constitutes the concept and the basis (itself abstract) of the system of abstract and therefore formal law. Hence the imperative of law is: 'Be a person and respect others as persons.'

§ 37. (2) The particularity of the will is a moment in the consciousness of the will as a whole (see § 34), but it is not yet contained in abstract personality as such. Therefore, it is present at this point, but as still sundered from personality, from the character of freedom, present as desire, need, drive, casual whim, and so forth. In formal law, therefore, there is no question of particular interests, of my advantage or my welfare, any more than there is of the particular motive behind my volition, of insight and intention.

§ 38. In relation to action in the concrete and to moral and ethical ties, abstract law is, in contrast with the further content which these involve, only a possibility, and to have a law is therefore to have only a permission or a warrant. The unconditional commands of abstract law are restricted, once again because of its abstractness, to the negative: 'Do not infringe personality and what personality entails.' The result is that there are only prohibitions in the sphere of law, and the positive form of any command in this sphere is based in the last resort, if we examine its ultimate content, on prohibition.

§ 39. (3) As **immediate** individuality, a person in making decisions is related to a world of nature immediately confronting him, and thus the personality of the will stands over against this world as something subjective. For personality, however, as inherently infinite and universal, the restriction of being only subjective is a contradiction and a nullity. Personality is that which struggles to lift itself above this restriction and to give itself reality, or in other words to claim that external world as its own.

§ 40. Law is in the first place the immediate existence which freedom gives itself in an immediate way, i.e. (a) possession,

which is **property** — ownership. Freedom is here the freedom of the abstract will in general or, *eo ipso*, the freedom of a single person related only to himself. (b) A person by distinguishing himself from himself relates himself to another person, and it is only as owners that these two persons really exist for each other. Their implicit identity is realised through the transference of property from one to the other in conformity with a common will and without detriment to the laws of either. This is **contract**. (c) The will which is differentiated not in the sense of (b) as being contrasted with another person, but in the sense of (a) as related to itself, is as a particular will at variance with and opposed to itself as an absolute will. This opposition is wrongdoing and **crime**.

§ 41 . A person must translate his freedom into an external sphere in order to exist as Idea. Personality is the first, still wholly abstract, determination of the absolute and infinite will, and therefore this sphere distinct from the person, the sphere capable of embodying his freedom, is likewise determined as what is immediately different and separable from him.

§ 42. What is immediately different from free mind is that which, both for mind and in itself, is the external pure and simple, a thing, something not free, not personal, without laws.

§ 43. As the concept in its immediacy, and so as in essence a unit, a person has a natural existence partly within himself and partly of such a kind that he is related to it as to an external world. It is only these things in their immediacy as things, not what they are capable of becoming through the mediation of the will, i.e. things with determinate characteristics, which are in question here where the topic under discussion is personality, itself at this point still in its most elementary immediacy.

§ 44. A person has as his substantive end the right of putting his will into any and every thing and thereby making it his, because it has no such end in itself and derives its destiny and soul from his will. This is the absolute right of appropriation which man has over all 'things' [*Sachen*].

§ 45. To have power over a thing *ab extra* constitutes possession. The particular aspect of the matter, the fact that I make something my own as a result of my natural need, drive, and caprice, is the particular interest satisfied by possession. But I as free will am an object to myself in what I possess and thereby also for the first time am an actual will, and this is the aspect which constitutes the category of **property**, the true and law factor in possession.

§ 46. Since my will, as the will of a person, and so as a single will, becomes objective to me in property, property acquires the character of private property; and common property of such a nature that it may be owned by separate persons acquires the character of an inherently dissoluble partnership in which the retention of my share is explicitly a matter of my arbitrary preference.

§ 47. As a person, I am myself an **immediate** individual; if we give further precision to this expression, it means in the first instance that I am alive in this bodily organism which is my external existence) universal in content and undivided, the real pre-condition of every further determined mode of existences But, all the same, as person, I possess my life and my body, like other things, only in so far as my will is in them.

§ 48. In so far as the body is an immediate existent, it is not in conformity with mind. If it is to be the willing organ and soul-endowed instruments of mind, it must first be taken into possession by mind (see § 57). But from the point of view of others, I am in essence a free entity in my body while my possession of it is still immediate.

§ 49. In relation to external things, the rational aspect is that I possess property, but the particular aspect comprises subjective aims, needs, arbitrariness, abilities, external circumstances, and so forth (see § 45). On these mere possession as such depends, but this particular aspect has in this sphere of abstract personality not yet been established as identical with freedom. What and how much I possess, therefore, is a matter of indifference so far as laws are concerned.

§ 50. The principle that a thing belongs to the person who happens to be the first in time to take it into his possession is immediately self-explanatory and superfluous, because a second person cannot take into his possession what is already the property of another.

§ 51. Since property is the *embodiment* of personality, my inward idea and will that something is to be mine is not enough to make it my property; to secure this end occupancy is requisite. The embodiment which my willing thereby attains involves its recognisability by others. The fact that a thing of which I can take possession is a *res nullius* is (see § 50) a self-explanatory negative condition of occupancy, or rather it has a bearing on the anticipated relation to others.

§ 52. Occupancy makes the matter of the thing my property, since matter in itself does not belong to itself.

§ 53. Property has its modifications determined in the course of the will's relation to the thing. This relation is

(A) *taking possession* of the thing immediately (here it is in the thing *qua* something positive that the will has its embodiment);

(B) *use* (the thing is negative in contrast with the will and so it is in the thing as something to be negated that the will has its embodiment);

(C) *alienation*, the reflection of the will back from the thing into itself.

These three are respectively the positive, negative, and infinite judgments of the will on the thing.

§ 54. We take possession of a thing [a] by immediately grasping it physically, [b] by forming it, and [c] by merely marking it as ours.

§ 55. [a] From the point of view of sensation, to grasp a thing physically is the most complete of these modes, because then I am immediately present in this possession, and therefore my will is recognisable in it. But at bottom this mode is only subjective, temporary, and seriously restricted in scope, as well as by the qualitative nature of the things grasped. — As a result of the connection which I may effect between something and things which have already become my property in other ways, or into which something may otherwise be accidentally brought, the scope of this method is somewhat enlarged, and the same result is produced by other means also.

§ 56. [b] When I impose a form on something, the thing's determinant character as mine acquires an independent externality and ceases to be restricted to my presence here and now and to the immediate presence of my awareness and will.

§ 57. Man, pursuant to his *immediate* existence within himself, is something natural, external to his concept. It is only through the development of his own body and mind, essentially through his self-consciousness's apprehension of itself as free, that he takes possession of himself and becomes his own property and no one else's.

§ 58. [c] The mode of taking possession which in itself is not actual but is only *representative* of my will is to mark the thing, and the meaning of the mark is supposed to be that I have put my will into the thing. In its objective scope and its meaning, this mode of taking possession is very indeterminate.

§ 59. By being taken into possession, the thing acquires the predicate 'mine' and my will is related to it positively. Within this identity, the thing is equally established as something negative, and my will in this situation is a particular will, i.e. need, inclination, and so forth. Yet my need, as the particular aspect of a single will, is the positive element which finds satisfaction, and the thing, as something negative in itself, exists only for my need and is at its service. — The use of the thing is my need being externally realised through the change, destruction, and consumption of the thing. The thing thereby stands revealed as naturally self-less and so fulfils its destiny.

§ 60. To use a thing by grasping it immediately is in itself to take possession of a *single* thing here and now. But if my use of it is grounded on a persistent need, and if I make repeated use of a product which continually renews itself, restricting my use if necessary to safeguard that renewal, then these and other circumstances transform the immediate single grasp of the thing into a mark, intended to signify that I am taking it into my possession in a universal way, and thereby taking possession of the elemental or organic basis of such products, or of anything else that conditions them.

§ 61. Since the substance of the thing which is my property is, if we take the thing by itself, its externality, i.e. its non-substantiality — in contrast with me it is not an end in itself (see § 42) and since in my use or employment of it this externality is realised, it follows that my full use or employment of a thing is the thing in its entirety, so that if I have the full use of the thing I am its owner. Over and above the entirety of its use, there is nothing left of the thing which could be the property of another.

§ 62. My merely partial or temporary use of a thing, like my partial or temporary possession of it (a possession which itself is simply the partial or temporary possibility of using it) is therefore to be distinguished from ownership of the thing itself. If the whole and entire use of a thing were mine, while the abstract ownership was supposed to be someone else's, then the thing as mine would be penetrated through and through by my will (see § 52 and 61), and at the same time there would remain in the thing something impenetrable by me, namely the will, the empty will, of another. As a positive will, I would be at one and the same time objective and not objective to myself in the thing — an absolute contradiction. Ownership therefore is in essence free and complete.

§ 63. A thing in use is a single thing determined quantitatively and qualitatively and related to a specific need. But its specific utility, being quantitatively determinate, is at the same time comparable with [the specific utility of] other things of like utility. Similarly, the specific need which it satisfies is at the same time need in general and thus is comparable on its particular side with other needs, while the thing in virtue of the same considerations is comparable with things meeting other needs. This, the thing's universality, whose simple determinate character arises from the particularity of the thing, so that it is *eo ipso* abstracted from the thing's specific quality, is the thing's value, wherein its genuine substantiality becomes determinate and an object of consciousness. As full owner of the thing, I am *eo ipso* owner of its value as well as of its use.

§ 64. The form given to a possession and its mark are themselves externalities but for the subjective presence of the will which alone constitutes the meaning and value of externalities. This presence, however, which is use, employment, or some other mode in which the will expresses itself, is an event in time, and what is objective in time is the continuance of this expression of the will. Without this the thing becomes a *res nullius*, because it has been deprived of the actuality of the will and possession. Therefore I gain or lose possession of property through prescription.

C. Alienation of Property

§ 65. The reason I can alienate my property is that it is mine only in so far as I put my will into it. Hence I may abandon (*dereelinquere*) as a *res nullius* anything that I have or yield it to the will of another and so into his possession, provided always that the thing in question is a thing external by nature.

§ 66. Therefore those goods, or rather substantive characteristics, which constitute my own private personality and the universal essence of my self-consciousness are inalienable and my right to them is imprescriptible. Such characteristics are my personality as such, my universal freedom of will, my ethical life, my religion.

§ 67. Single products of my particular physical and mental skill and of my power to act I can alienate to someone else and I can give him the use of my abilities for a restricted period, because, on the strength of this restriction, my abilities acquire an external relation to the totality and universality of my being. By alienating the whole of my time, as crystallised in my work, and everything I produced, I would be making into another's property the substance of my being, my universal activity and actuality, my personality.

§ 68. What is peculiarly mine in a product of my mind may, owing to the method whereby it is expressed, turn at once into something external like a 'thing' which *eo ipso* may then be produced by other people. The result is that by taking possession of a thing of this kind, its new owner may make his own the thoughts communicated in it or the mechanical invention which it contains, and it is ability to do this which sometimes (i.e. in the case of books) constitutes the value of these things and the only purpose of possessing them. But besides this, the new owner at the same time comes into possession of the universal methods of so expressing himself and producing numerous other things of the same sort.

§ 69. Since the owner of such a product, in owning a copy of it, is in possession of the entire use and value of that copy *qua* a single thing, he has complete and free ownership of that copy *qua* a single thing, even if the author of the book or the inventor of the machine remains the owner of the *universal* ways and means of multiplying such books and machines, &c. *Qua* universal ways and means of expression, he has not necessarily alienated them, but may reserve them to himself as means of expression which belong to him.

§ 70. The comprehensive sum of external activity, i.e. life, is not external to personality as that which itself is, immediate and a *this*. The surrender or the sacrifice of life is not the existence of *this* personality but the very opposite. There is therefore no unqualified right to sacrifice one's life. To such a sacrifice nothing is entitled except an ethical Idea as that in which this immediately single personality has vanished and to whose power it is actually subjected. Just as life as such is immediate, so death is its immediate negation and hence must come from without, either by natural causes, or else, in the service of the Idea, by an external hand.

Transition from Property to Contract

§ 71. Existence as determinate being is in essence being for another (see Remark to § 48). One aspect of property is that it is an existent as an external thing, and in this respect property exists for other external things and is connected with their necessity and contingency. But it is also an existent as an embodiment of the will, and from this point of view the 'other' for which it exists can only be the will of another person. This relation of will to will is the true and proper ground in which freedom is existent. — The sphere of contract is made up of this mediation whereby I hold property not merely by means of a thing and my subjective will, but by means of another person's will as well and so hold it in virtue of my participation in a common will.

First Part: Abstract law - ii Contract

§ 72. Contract brings into existence the property whose external side, its side as an existent, is no longer a mere 'thing' but contains the moment of a will (and consequently the will of a second person also). Contract is the process in which there is revealed and mediated the contradiction that I am and remain the independent owner of something from which I exclude the will of another only in so far as in identifying my will with the will of another I cease to be an owner.

§ 73. I have the power to alienate property as an external thing (see § 65); but more than this, the concept compels me to alienate it *qua* property in order that thereby my will may become objective to me as determinately existent. In this situation, however, my will as alienated is at the same time another's will. Consequently this situation wherein this compulsion of the concept is realised is the unity of different wills and so a unity in which both surrender their difference and their own special character. Yet this identity of their wills implies also (at this stage) that each will still is, and remains, not identical with the other, but retains from its own point of view a special character of its own.

§ 74. This contractual relationship, therefore, is the mediation whereby one identical will can persist within the absolute difference between independent property owners. It implies that each, in accordance with the common will of both, ceases to be an owner, and yet is and remains one. It is the mediation of the will to give up a property, a single property, and the will to take up another, i.e. another belonging to someone else; and this mediation takes place when the two wills are associated in an identity in the sense that either one of them comes to its own decision only in the presence of the other's.

§ 75. The two contracting parties are related to each other as **immediate** self-subsistent persons. Therefore [a] contract

arises from the arbitrary will. [b] The identical will which is brought into existence by the contract is only one **posited** by the parties, and so is only a will shared in common and not an absolutely universal will. [c] The object [*Gegenstand*] about which a contract is made is a single external thing [*Sache*], since it is only things of that kind which the parties' purely arbitrary will has it in its power to alienate (see §§ 65 ff.)

§ 76. Contract is **formal** when the double consent whereby the common will is brought into existence is apportioned between the two contracting parties so that one of them has the negative moment — the alienation of a thing — and the other the positive moment — the appropriation of the thing. Such a contract is **gift**. But contract may be called **real** when each of the two contracting wills is the sum of these mediating moments and therefore in such a contract becomes a property owner and remains so. This is a contract of **exchange**.

§ 77. Since in real contract each party retains the same property with which he enters the contract and which at the same time he surrenders, what thus remains identical throughout as the property implicit in the contract is distinct from the external things whose owners alter when the exchange is made. What remains identical is the value, in respect of which the subjects of the contract are equal to one another whatever the qualitative external differences of the things exchanged. Value is the universal in which the subjects of the contract participate (see § 63)

§ 78. The distinction between property and possession, the substantive and external aspects of ownership (see § 45), appears in the sphere of contract as the distinction between a common will and its actualisation, or between a covenant and its performance. Once made, a covenant taken by itself in distinction from its performance is something held before the mind, something therefore to which a particular determinate existence must be given in accordance with the appropriate mode of giving determinate existence to ideas by symbolising them. This is done, therefore, by expressing the stipulation in formalities such as gestures and other symbolic actions, particularly by declaring it with precision in language, the most worthy medium for the expression of our mental representations.

§ 79. In contract it is the will, and therefore the substance of what is right in contract, that the stipulation enshrines. In contrast with this substance, the possession which is still being retained while the contract remains unfulfilled is in itself only something external, dependent for its character as a possession on the will alone. By making the stipulation, I have given up a property and withdrawn my particular arbitrary will from it, and it has *eo ipso* become the property of another. If then I agree to stipulated terms, I am by rights at once bound to carry them out.

§ 80. The classification of contracts and an intelligent treatment of their various species once classified is not here to be derived from external circumstances but from distinctions lying in the very nature of contract. These distinctions are those between formal and real contracts, between ownership and possession and use, between value and specific thing, and they yield contracts of the following sorts:

A. Gift.

1. Gift of a thing - gift properly so called.
2. Loan of a thing - i.e. the gift of a portion of it or of restricted use and enjoyment of it; here the lender remains the owner of the thing (*mutuum* and *commodatum* without interest). Here the thing lent is either a specific thing or else, even if it be such, it may none the less be looked on as universal, or it may be a thing which counts (like money) as a thing universal in itself.
3. Gift of service of any sort, e.g. the mere safe-keeping of a property (*depositum*). The gift of a thing on the special condition that its recipient shall not become its owner until the date of the donor's death, i.e. the date at which it ceases in any case to be an owner of property, is testamentary disposition; this is not contained in the concept of contract but presupposes civil society and positive legislation.

B. Exchange.

1. Exchange as such:

[a] exchange of a thing pure and simple, i.e. exchange of one specific thing for another of the same kind.

[b] purchase or sale (*emptio, venditio*); exchange of a specific thing for one characterised as universal, one which counts as value alone and which lacks the other specific character, utility - i.e. for 'money'.

2. Letting (*location conductio*); alienation of the temporary use of a property in return for rent:

[a] letting of a specific thing - letting strictly so called, or

[b] letting of a universal thing, so that the lessor remains only the owner of this universal, or in other words of the value - loan (*mutuum*, or even *commodatum*, if interest is charged). The additional empirical characteristics of the thing (which may be, e.g., a flat, furniture, a house, *res fungibilis* or *non fungibilis*, &c.) entail (as in A. 2 above) other particular though unimportant subdivisions.

3. Contract for wages (*locatio operae*) - alienation of my productive capacity or my services so far, that is, as these are alienable, the alienation being restricted in time or in some other way (see § 67).

§ 81. In the bare relation of **immediate** persons to one another, their wills while implicitly identical, and in contract posited by them as common, are yet particular. Because they are **immediate** persons, it is a matter of chance whether or not their particular wills actually correspond with the implicit will, although it is only through the former that the latter has its real existence. If the particular will is explicitly at variance with the universal, it assumes a way of looking at things and a volition which are capricious and fortuitous and comes on the scene in opposition to the principle of rightness. This is called **wrong**.

§ 82. In contract the principle of rightness is present as something posited, while its inner universality is there as something common in the arbitrariness and particular will of the parties. This **appearance** of law, in which law and its essential embodiment, the particular will, correspond immediately, i.e. fortuitously, proceeds in wrong to become a **show**, an opposition between the principle of rightness and the particular will as that in which right becomes particularized. But the truth of this show is its nullity and the fact that law reasserts itself by negating this negation of itself. In this process the law is mediated by returning into itself out of the negation of itself; thereby it makes itself actual and valid, while at the start it was only implicit and something immediate.

§ 83. When law is something particular and therefore manifold in contrast with its implicit universality and simplicity, it acquires the form of a show.

(a) This show of law is implicit or immediate — **non-malicious wrong** or a civil offense;

(b) law is made a show by the agent himself — **fraud**;

(c) the agent makes it a nullity altogether — **crime**.

A. Non-malicious Wrong

§ 84. Taking possession (see § 54) and contract-both in themselves and in their particular species-are in the first, instance different expressions and consequences of my willing pure and simple; but since the will is the inherently universal, they are, through their recognition by others, grounds of title. Such grounds are external to one another and multiple, and this implies that different persons may have them in relation to one and the same thing. Each person may look upon the thing as his property on the strength of the particular ground on which he bases his title. It is in this way that one man's law may clash with another's.

§ 85. This clash which arises when a thing has been claimed on some single ground, and which comprises the sphere of civil suits at law, entails the recognition of rightness as the universal and decisive factor, so that it is common ground that the thing in dispute should belong to the party who has the right to it. The suit is concerned only with the subsumption of the thing under the property of one or other of the parties—a straightforward negative judgement, where, in the predicate ‘mine’, only the particular is negated.

§ 86. The recognition of rightness by the parties is bound up with their opposed particular interest and point of view. In opposition to this show of rightness, yet within this show itself (see the preceding Paragraph), the principle of rightness arises as something kept in view and demanded by the parties. But at first it arises only as an ‘ought-to-be’ because the will is not yet present here as a will so freed from the immediacy of interest as, despite its particularity, to have the universal will for its aim; nor is it yet at this point characterised as a recognised actuality of such a sort that in face of it the parties would have to renounce their particular interest and point of view.

B. Fraud

§ 87. The principle of rightness, when distinguished from the right as particular and as determinately existent, is characterised as something demanded, as the essential thing; yet in this situation it is still only something **demanded** and from that point of view something purely subjective, and so inessential — something merely showing there. Thus we have **fraud** when the universal is set aside by the particular will and reduced to something only showing in the situation, primarily in contract, when the universal will is reduced to a will which is common only from the outsider’s point of view.

§ 88. In contract I acquire a property for the sake of its particular characteristics, and at the same time my acquisition of it is governed by the inner universality which it possesses partly in respect of its value and partly because it has been the *property* of another. If the other likes, a false disguise may be given to the thing I acquire, so that the contract is law enough so far as it is an exchange, voluntary on both sides, of *this* thing in its immediacy and uniqueness, but still the aspect of implicit universality is lacking. (Here we have an infinite judgment expressed positively or as a tautology.)

§ 89. Here again it is in the first instance only a demand that, in contrast with this acceptance of the thing simply as *this* thing and with the mere intentions and arbitrariness of the will, objectivity or universality should be recognisable as value and should prevail as law, and equally a demand only that the subjective arbitrary will, opposing itself to the law, should be superseded.

C. Coercion and Crime

§ 90. In owning property I place my will in an external thing, and this implies that my will, just by being thus reflected in the object, may be seized in it and brought under compulsion. It may simply be forced in the thing, unconditionally, or it may be constrained to sacrifice something or to do some action as a condition of retaining one or other of its possessions or embodiments — it may be coerced.

§ 91. As a living thing man may be coerced, i.e. his body or anything else external about him may be brought under the power of others; but the free will cannot be coerced at all (see § 5), except in so far as it falls to withdraw itself out of the external object in which it is held fast, or rather out of its idea of that object (see § 7). Only the will which allows itself to be coerced can in any way be coerced.

§ 92. Since it is only in so far as the will has an existence in something determinate that it is Idea or actually free, and since the existent in which it has embodied itself is freedom in being, it follows that force or coercion is in its very concept immediately self-destructive because it is an expression of a will which annuls the expression or determinate existence of a will. Hence force or coercion, taken abstractly, is wrong.

§ 93. That coercion is in its concept self-destructive is exhibited in the world of reality by the fact that coercion is annulled by coercion; coercion is thus shown to be not only right under certain conditions but necessary, i.e. as a second act of coercion which is the annulment of one that has preceded.

§ 94. Abstract right is a right to coerce, because the wrong which transgresses it is an exercise of force against the existence of my freedom in an external thing. The maintenance of this existent against the exercise of force therefore itself takes the form of an external act and an exercise of force annulling the force originally brought against it.

§ 95. The initial act of coercion as an exercise of force by the free agent, an exercise of force which infringes the existence of freedom in its concrete sense, infringes the law as law, is crime — a negatively infinite judgment in its full sense, whereby not only the particular (i.e. the subsumption under my will of a single thing — See § 85) is negated, but also the universality and infinity in the predicate ‘mine’ (i.e. my capacity for rights). Here the negation does not come about with the co-operation of my thinking (as it does in fraud — see § 88) but in defiance of it. This is the sphere of criminal law.

§ 96. It is only the will existent in an object that can suffer injury. In becoming existent in something, however, the will enters the sphere of quantitative extension and qualitative characteristics, and hence varies accordingly. For this reason, it makes a difference to the objective aspect of crime whether the will so objectified and its specific quality is injured throughout its entire extent, and so in the infinity which is equivalent to its concept (as in murder, slavery, enforced religious observance, &c.), or whether it is injured only in a single part, or in one of its qualitative characteristics, and if so, in which of these.

§ 97. The infringement of right as right is something that happens and has positive existence in the external world, though inherently it is nothing at all. The manifestation of its nullity is the appearance, also in the external world, of the annihilation of the infringement. This is the law actualised, the necessity of the law mediating itself with itself by annulling what has infringed it.

§ 98. In so far as the infringement of the law is only an injury to a possession or to something which exists externally, it is a *malum* or damage to some kind of property or asset. The annulling of the infringement, so far as the infringement is productive of damage, is the satisfaction given in a civil suit, i.e. compensation for the wrong done, so far as any such compensation can be found.

§ 99. But the injury which has befallen the *implicit* will (and this means the implicit will of the *injuring* party as well as that of the injured and everyone else) has as little positive existence in this implicit will as such, as it has in the mere state of affairs which it produces. In itself this implicit will (i.e. the law or law implicit) is rather that which has no external existence and which for that reason cannot be injured. Consequently, the injury from the point of view of the particular will of the injured party and of onlookers is only something negative. The sole positive existence which the injury possesses is that it is the particular will of the criminal. Hence to injure [or penalise] this particular will as a will determinately existent is to annul the crime, which otherwise would have been held valid, and to restore the law.

§ 100. The injury [the penalty] which falls on the criminal is not merely *implicitly* just — as just, it is *eo ipso* his implicit will, an embodiment of his freedom, his law; on the contrary, it is also a law **established** within the criminal himself, i.e. in his objectively embodied will, in his action. The reason for this is that his action is the action of a rational being and this implies that it is something universal and that by doing it the criminal has laid down a law which he has explicitly recognised in his action and under which in consequence he should be brought as under his law.

§ 101. The annulment [*Aufheben*] of the crime is retribution in so far as **(a)** retribution in *concept* is an ‘injury of the injury’, and **(b)** since as existent a crime is something determinate in its scope both qualitatively and quantitatively, its negation as *existent* is similarly determinate. This identity rests on the concept, but it is not an equality of the specific character of the crime and that of its negation; on the contrary, the two injuries are equal only in respect of their implicit character, i.e. in respect of their ‘value’.

§ 102. The annulling [*Aufheben*] of crime in this sphere where law is immediate is principally revenge, which is just in its content in so far as it is retributive. But in its form it is an act of a subjective will which can place its infinity in every act of transgression and whose justification, therefore, is in all cases contingent, while to the other party too it appears as only particular. Hence revenge, because it is a positive action of a particular will, becomes a new transgression; as thus contradictory in character, it falls into an infinite progression and descends from one generation to another *ad infinitum*.

§ 103. The demand that this contradiction, which is present here in the manner in which wrong is annulled, be resolved like contradictions in the case of other types of wrong (see §§ 86, 89), is the demand for a justice freed from subjective interest and a subjective form and no longer contingent on might, i.e. it is the demand for justice not as revenge but as punishment. Fundamentally, this implies the demand for a will which, though particular and subjective, yet wills the universal as such. But this concept of Morality is not simply something demanded; it has emerged in the course of this movement itself.

Transition from Rights to Morality

§ 104. That is to say, crime, and justice in the form of revenge, display (i) the shape which the will's development takes when it has passed over into the distinction between the universal implicit will and the single will explicitly in opposition to the universal; and (ii) the fact that the universal will, returning into itself through superseding this opposition, has now itself become actual and explicit. In this way, the law, upheld in face of the explicitly independent single will, is and is recognised as actual on the score of its necessity. At the same time, however, this external formation which the will has here is *eo ipso* a step forward in the inner determination of the will by the concept. The will's immanent actualisation in accordance with its concept is the process whereby it supersedes its implicit state and the form of immediacy in which it begins and which is the shape it assumes in abstract law; this means that it first puts itself in the opposition between the implicit universal will and the single explicitly independent will; and then, through the supersession of this opposition (through the negation of the negation), it determines itself in its existence as a will, so that it is a free will not only in itself but for itself also, i.e. it determines itself as self-related negativity. Its personality — and in abstract law the will is personality and no more — it now has for its object; the infinite subjectivity of freedom, a subjectivity become explicit in this way, is the principle of the moral standpoint.

Second Part: Morality

§ 105. The standpoint of morality is the standpoint of the will which is infinite not merely *in itself* but *for itself* (see § 104). In contrast with the will's implicit being, with its immediacy and the determinate characteristics developed within it at that level, this reflection of the will into itself and its explicit awareness of its identity makes the person into the subject.

§ 106. It is as subjectivity that the concept has now been determined, and since subjectivity is distinct from the concept as such, i.e. from the implicit principle of the will, and since furthermore it is at the same time the will of the subject as a single individual aware of himself (i.e. still has immediacy in him), it constitutes the determinate **existence** of the concept. In this way a higher ground has been assigned to freedom; the Idea's existential aspect, or its moment of reality, is now the subjectivity of the will. Only in the Will as subjective can freedom or the implicit principle of the will be actual.

§ 107. The self-determination of the will is at the same time a moment in the concept of the will, and subjectivity is not merely its existential aspect but its own determinate character (see § 104). The will aware of its freedom and determined as subjective is at the start concept alone, but itself has determinate existence in order to exist as Idea. The moral standpoint therefore takes shape as the law of the subjective Will. In accordance with this law, the will recognises something and is something, only in so far as the thing is its own and as the will is present to itself there as something subjective.

The same process through which the moral attitude develops (see the Remark to the preceding Paragraph) has from this point of view the form of being the development of the law of the subjective will, or of the mode of its existence. In this process the subjective will further determines what it recognises as its own in its object (*Gegenstand*), so that this object becomes the will's own true concept, becomes objective (*objektiv*) as the expression of the will's own universality.

§ 108. The subjective will, immediately aware of itself, and distinguished from the principle of the will, is therefore abstract, restricted, and formal. But not merely is subjectivity itself formal; in addition, as the infinite self-determination of the will, it

constitutes the form of all willing. In this, its first appearance in the single will, this form has not yet been established as identical with the concept of the will, and therefore the moral point of view is that of relation, of ought-to-be, or demand. And since the self-difference of subjectivity involves at the same time the character of being opposed to objectivity as external fact, it follows that the point of view of consciousness comes on the scene here too (see § 8). The general point of view here is that of the will's self-difference, finitude, and appearance.

§ 109. This form of all willing primarily involves in accordance with its general character (a) the opposition of subjectivity and objectivity, and (b) the activity (see § 8) related to this opposition. Now existence and specific determinacy are identical in the concept of the will (see § 104), and the will as subjective is itself this concept. Hence the moments of this activity consist more precisely in (a) distinguishing between objectivity and subjectivity and even ascribing independence to them both, and (b) establishing them as identical. In the will which is self-determining,

[a] its specific determinacy is in the first place established in the will itself by itself as its inner particularization, as a content which it gives to itself. This is the first negation, and the formal limitation (*Grenze*) of this negation is that of being only something posited, something subjective.

[b] As infinitely reflected into itself, this limitation exists for the will, and the will is the struggle to transcend this barrier (*Schranke*), i.e. it is the activity of translating this content in some way or other from subjectivity into objectivity, into an immediate existence.

[c] The simple identity of the will with itself in this opposition is the content which remains self-identical in both these opposites and indifferent to this formal distinction of opposition. In short, it is my aim [the purpose willed].

§ 110. But, from the standpoint of morality, where the will is aware of its freedom, of this identity of the will with itself (see § 105), this identity of content acquires the more particularized character appropriate to itself.

(a) The content as 'mine' has for me this character: by virtue of its identity in subject and object it enshrines for me my subjectivity, not merely as my inner purpose, but also inasmuch as it has acquired outward existence.

§ 111.

(b) Though the content does have in it something particular, whencesoever it may be derived, still it is the content of the will reflected into itself in its determinacy and thus of the self-identical and universal will; and therefore:

[a] the content is inwardly characterised as adequate to the principle of the will or as possessing the objectivity of the concept;

[b] since the subjective will, as aware of itself, is at the same time still formal (see § 108), the content's adequacy to the concept is still only something demanded, and hence this entails the possibility that the content may not be adequate to the concept.

§ 112.

(c) Since in carrying out my aims I retain my subjectivity (see § 110), during this process of objectifying them I simultaneously supersede the immediacy of this subjectivity as well as its character as this my individual subjectivity. But the external subjectivity which is thus identical with me is the will of others (see § 73). The will's ground of existence is now subjectivity (see § 106) and the will of others is that existence which I give to my aim and which is at the same time to me an other. The achievement of my aim, therefore, implies this identity of my will with the will of others, it has a positive bearing on the will of others.

§ 113. The externalisation of the subjective or moral will is action. Action implies the determinate characteristics here indicated:

[a] in its externality it must be known to me as *my* action;

[b] it must bear essentially on the concept as an 'ought' [see § 131];

[c] it must have an essential bearing on the will of others.

§ 114. The law of the moral will involves three aspects:

- (a) The abstract or formal law of action, the law that the content of the action as carried out in immediate existence, shall be in principle mine, that thus the action shall be the *Purpose* of the subjective will.
- (b) The particular aspect of the action is its inner content [a] as I am aware of it in its general character; my awareness of this general character constitutes the worth of the action and the reason I think it good to do it – in short my *Intention*. [b] Its content is my special aim, the aim of my particular, merely individual, existence, i.e. *Welfare*.
- (c) This content (as something which is inward and which yet at the same time is raised to its universality as to absolute objectivity) is the absolute end of the will, the *Good* – with the opposition in the sphere of reflection, of *subjective* universality, which is now wickedness and now conscience.

i Purpose & Responsibility

§ 115. The finitude of the subjective will in the immediacy of acting consists immediately in this, that its action *presupposes* an external object with a complex environment. The deed sets up an alteration in this state of affairs confronting the will, and my will has responsibility in general for its deed in so far as the abstract predicate ‘mine’ belongs to the state of affairs so altered.

§ 116. It is, of course, not my own doing if damage is caused to others by things whose owner I am and which as external objects stand and are effective in manifold connections with other things (as may also be the case with my self as a bodily mechanism or as a living thing). This damage, however, is to some extent chargeable to me because the things that cause it are in principle mine, although it is true that they are subject to my control, vigilance, &c., only to an extent varying with their special character.

§ 117. The freely acting will, in imposing its aim on the state of affairs confronting it, has an idea of the attendant circumstances. But because the will is finite, since this state of affairs is presupposed, the objective phenomenon is contingent so far as the will is concerned, and may contain something other than what the will’s idea of it contains. The will’s law, however, is to recognize as its action, and to accept responsibility for, only those presuppositions of the deed of which it was conscious in its aim and those aspects of the deed which were contained in its purpose. The deed can be imputed to me only if my will is responsible for it – this is the right to know.

§ 118. Further, action is translated into external fact, and external fact has connections in the field of external necessity through which it develops itself in all directions. Hence action has a multitude of consequences. These consequences are the outward form whose inner soul is the aim of the action, and thus they are the consequences *of the action*, they belong to the action. At the same time, however, the action, as the aim posited in the external world, has become the prey of external forces which attach to it something totally different from what it is explicitly and drive it on into alien and distant consequences. Thus the will has the law to repudiate the imputation of all consequences except the first, since it alone was purposed.

ii Intention & Welfare

§ 119. An action as an external event. is a complex of connected parts which may be regarded as divided into units *ad infinitum*, and the action may be treated as having touched in the first instance only one of these units. The truth of the single, however, is the universal; and what explicitly gives action its specific character is not an isolated content limited to an external unit, but a universal content, comprising in itself the complex of connected parts. Purpose, as issuing from a thinker, comprises more than the mere unit; essentially it comprises that universal side of the action, i.e. the intention.

§ 120. The law of intention is that the universal quality of the action shall not merely be implicit but shall be known by the agent, and so shall have lain from the start in his subjective will. Vice versa, what may be called the law of the objectivity of action is the law of the action to evince itself as known and willed by the subject as a *thinker*.

§ 121. The universal quality of the action is the manifold content of the action as such, reduced to the simple form of universality. But the subject, an entity reflected into himself and so particular in correlation with the particularity of his object, has in his end his own particular content, and this content is the soul of the action and determines its character. The fact that this moment of the particularity of the agent is contained and realised in the action constitutes subjective freedom in its more concrete sense, the law of the subject to find his satisfaction in the action.

§ 122. It is on the strength of this particular aspect that the action has subjective worth or interest for me. In contrast with this *end* – the content of the intention – the immediate character of the action in its further content is reduced to a *means*. In so far as such an end is something finite, it may in its turn be reduced to a means to some further intention and so on *ad infinitum*.

§ 123. For the content of these ends nothing is available at this point except [a] pure activity itself, i.e. the activity present owing to the fact that the subject puts himself into whatever he is to look upon and promote as his end. Men are willing to be *active* in pursuit of what interests them, or should interest them, as something which is their own. [b] A more determinate content, however, the still abstract and formal freedom of subjectivity possesses only in its natural, subjective embodiment, i.e. in needs, inclinations, passions, opinions, fancies, &c. The satisfaction of these is welfare or happiness, both in general and in its particular species – the ends of the whole sphere of finitude.

§ 124. Since the subjective satisfaction of the individual himself (including the recognition which he receives by way of honour and fame) is also part and parcel of the achievement of ends of absolute worth, it follows that the demand that such an end alone shall appear as willed and attained, like the view that, in willing, objective and subjective ends are mutually exclusive, is an empty dogmatism of the abstract Understanding. And this dogmatism is more than empty, it is pernicious if it passes into the assertion that because subjective satisfaction is present, as it always is when any task is brought to completion, it is what the agent intended in essence to secure and that the objective end was in his eyes only a means to that. – What the subject is, is the series of his actions. If these are a series of worthless productions, then the subjectivity of his willing is just as worthless. But if the series of his deeds is of a substantive nature, then the same is true also of the individual's inner will.

§ 125. The subjective element of the will, with its particular content – welfare, is reflected into itself and infinite and so stands related to the universal element, to the principle of the will. This moment of universality, posited first of all within this particular content itself, is the welfare of others also, or, specified completely, though quite emptily, the welfare of all. The welfare of many other unspecified particulars is thus also an essential end and law of subjectivity. But since the absolutely universal, in distinction from such a particular content, has not so far been further determined than as 'the law', it follows that these ends of particularity, differing as they do from the universal, may be in conformity with it, but they also may not.

§ 126. My particularity, however, like that of others, is only a law at all in so far as I am a free entity. Therefore it may not make claims for itself in contradiction to this its substantive basis, and an intention to secure my welfare or that of others (and it is particularly in this latter case that such an intention is called 'moral') cannot justify an action which is wrong.

§ 127. The particularity of the interests of the natural will, taken in their entirety as a single whole, is personal existence or life. In extreme danger and in conflict with the lawful property of someone else, this life may claim (as a law, not a mercy) a law of distress, because in such a situation there is on the one hand an infinite injury to a man's existence and the consequent loss of laws altogether, and on the other hand only an injury to a single restricted embodiment of freedom, and this implies a recognition both of law as such and also of the injured man's capacity for laws, because the injury affects only *this* property of his.

§ 128. This distress reveals the finitude and therefore the contingency of both rights and welfare of right as the abstract embodiment of freedom without embodying the particular person, and of welfare as the sphere of the particular will without

the universality of law. In this way they are established as one-sided and ideal, the character which in concept they already possessed. Right has already (see § 106) determined its embodiment as the particular will; and subjectivity, in its particularity as a comprehensive whole, is itself the embodiment of freedom (see § 127), while as the infinite relation of the will to itself, it is implicitly the universal element in freedom. The two moments present in law and subjectivity, thus integrated and attaining their truth, their identity, though in the first instance still remaining relative to one another, are (a) the good (as the concrete, absolutely determinate, universal), and (b) conscience (as infinite subjectivity inwardly conscious and inwardly determining its content).

iii Good & Conscience

§ 129. The good is the Idea as the unity of the concept of the will with the particular will. In this unity, abstract law, welfare, the subjectivity of knowing and the contingency of external fact, have their independent self-subsistence superseded, though at the same time they are still contained and retained within it in their essence. The good is thus freedom realised, the absolute end and aim of the world.

§ 130. In this Idea, welfare has no independent validity as the embodiment of a single particular will but only as universal welfare and essentially as universal in principle, i.e. as according with freedom. Welfare without law is not a good. Similarly, law without welfare is not the good; *fiat justitia* [Let justice be done ...] should not be followed by *pereat mundus* [... though the world perish]. Consequently, since the good must of necessity be actualized through the particular will and is at the same time its substance, it has absolute law in contrast with the abstract law of property and the particular aims of welfare. If either of these moments becomes distinguished from the good, it has validity only in so far as it accords with the good and is subordinated to it.

§ 131. For the subjective will, the good and the good alone is the essential, and the subjective will has value and dignity only in so far as its insight and intention accord with the good. Inasmuch as the good is at this point still only this *abstract* Idea of good, the subjective will has not yet been caught up into it and established as according with it. Consequently, it stands in a *relation* to the good, and the relation is that the good *ought* to be substantive for it, i.e. it ought to make the good its aim and realize it completely, while the good on its side has in the subjective will its only means of stepping into actuality.

§ 132. The law of the subjective will is that whatever it is to recognize as valid shall be seen by it as good, and that an action, as its aim entering upon external objectivity, shall be imputed to it as law or wrong, good or evil, legal or illegal, in accordance with its *knowledge* of the worth which the action has in this objectivity.

§ 133. The particular subject is related to the good as to the essence of his will, and hence his will's obligation arises immediately in this relation. Since particularity is distinct from the good and falls within the subjective will, the good is characterised to begin with only as the universal abstract essentiality of the will, i.e. as duty. Since duty is thus abstract and universal in character, it should be done for duty's sake.

§ 134. Because every action explicitly calls for a particular content and a specific end, while duty as an abstraction entails nothing of the kind, the question arises: what is my duty? As an answer nothing is so far available except: (a) to do right, and (b) to strive after welfare, one's own welfare, and welfare in universal terms, the welfare of others (see § 119).

§ 135. These specific duties, however, are not contained in the definition of duty itself; but since both of them are conditioned and restricted, they *eo ipso* bring about the transition to the higher sphere of the unconditioned, the sphere of duty. Duty itself in the moral self-consciousness is the essence or the universality of that consciousness, the way in which it is inwardly related to itself alone; all that is left to it, therefore, is abstract universality, and for its determinate character it has identity without content, or the abstractly positive, the indeterminate.

§ 136. Because of the abstract characterisation of the good, the other moment of the Idea – particularity in general – falls within subjectivity. Subjectivity in its universality reflected into itself is the subject's absolute inward certainty (*Gewissheit*)

of himself, that which establishes the particular and is the determining and decisive element in him, his conscience (*Gewissen*).

§ 137. True conscience is the disposition to will what is absolutely good. It therefore has fixed principles and it is aware of these as its explicitly objective determinants and duties. In distinction from this its content (i.e. truth), conscience is only the formal side of the activity of the will, which as *this* will has no special content of its own. But the objective system of these principles and duties, and the union of subjective knowing with this system, is not present until we come to the standpoint of ethical life. Here at the abstract standpoint of morality, conscience lacks this objective content and so its explicit character is that of infinite abstract self-certainty, which at the same time is for this very reason the self-certainty *of this* subject.

§ 138. This subjectivity, *qua* abstract self-determination and pure certainty of oneself alone, as readily evaporates into itself the whole determinate character of law, duty, and existence, as it remains both the power to judge, to determine from within itself alone, what is good in respect of any content, and also the power to which the good, at first only an ideal and an ought-to-be, owes its actuality.

§ 139. Once self-consciousness has reduced all otherwise valid duties to emptiness and itself to the sheer inwardness of the will, it has become the potentiality of either making the absolutely universal its principle, or equally well of elevating above the universal the self-will of private particularity, taking that as its principle and realizing it through its actions, i.e. it has become potentially evil.

§ 140. In every end of a self-conscious subject, there is a *positive* aspect (see § 135) necessarily present because the end is what is purposed in an actual concrete action. This aspect he knows how to elicit and emphasize, and he may then proceed to regard it as a duty or a fine intention. By so interpreting it, he is enabled to pass off his action as good in the eyes both of himself and others, despite the fact that, owing to his reflective character and his knowledge of the universal aspect of the will, he is aware of the contrast between this aspect and the essentially negative content of his action. To impose in this way on others is hypocrisy; while to impose on oneself is a stage beyond hypocrisy, a stage at which subjectivity claims to be absolute.

Transition from Morality to Ethical Life

§ 141. For the good as the substantial universal of freedom, but as something still abstract, there are therefore required determinate characteristics of some sort and the principle for determining them, though a principle identical with the good itself. For conscience similarly, as the purely abstract principle of determination, it is required that its decisions shall be universal and objective. If good and conscience are each kept abstract and thereby elevated to independent totalities, then both become the indeterminate which ought to be determined. But the integration of these two relative totalities into an absolute identity has already been implicitly achieved in that this very subjectivity of pure self-certainty, aware in its vacuity of its gradual evaporation, is identical with the abstract universality of the good. The identity of the good with the subjective will, an identity which therefore is concrete and the truth of them both, is Ethical Life.

Third Part: Ethical Life

§ 142. Ethical life is the Idea of freedom in that on the one hand it is the good become alive — the good endowed in self-consciousness with knowing and willing and actualized by self-conscious action — while on the other hand self-consciousness has in the ethical realm its absolute foundation and the end which actuates its effort. Thus ethical life is the concept of freedom developed into the existing world and the nature of self-consciousness.

§ 143. Since this unity of the concept of the will with its embodiment — i.e. the particular will — is knowing, consciousness of the distinction between these two moments of the Idea is present, but present in such a way that now each of these moments is in its own eyes the totality of the Idea and has that totality as its foundation and content.

§ 144. [a] The objective ethical order, which comes on the scene in place of good in the abstract, is substance made concrete by subjectivity as infinite form. Hence it posits within itself distinctions whose specific character is thereby determined by the concept, and which endow the ethical order with a stable content independently necessary and subsistent in exaltation above subjective opinion and caprice. These distinctions are absolutely valid laws and institutions.

§ 145. It is the fact that the ethical order is the system of these specific determinations of the Idea which constitutes its rationality. Hence the ethical order is freedom or the absolute will as what is objective, a circle of necessity whose moments are the ethical powers which regulate the life of individuals. To these powers individuals are related as accidents to substance, and it is in individuals that these powers are represented, have the shape of appearance, and become actualized.

§ 146. [b] The substantial order, in the self-consciousness which it has thus actually attained in individuals, knows itself and so is an object of knowledge. This ethical substance and its laws and powers are on the one hand an object over against the subject, and from his point of view they **are** — are in the highest sense of self-subsistent being. This is an absolute authority and power infinitely more firmly established than the being of nature.

§ 147. On the other hand, they are not something alien to the subject. On the contrary, his mind bears witness to them as to its own essence, the essence in which he has a feeling of his selfhood, and in which he lives as in his own element which is not distinguished from himself. The subject is thus immediately linked to the ethical order by a relation which is more like an identity than even the relation of faith or trust.

§ 148. As substantive in character, these laws and institutions are duties binding on the will of the individual, because as subjective, as inherently undetermined, or determined as particular, he distinguishes himself from them and hence stands related to them as to the substance of his own being.

§ 149. The bond of duty can appear as a restriction only on indeterminate subjectivity or abstract freedom, and on the drives either of the natural will or of the moral will which determines its indeterminate good arbitrarily. The truth is, however, that in duty the individual finds his liberation; first, liberation from dependence on mere natural impulse and from the depression which as a particular subject he cannot escape in his moral reflections on what ought to be and what might be; secondly, liberation from the indeterminate subjectivity which, never reaching reality or the objective determinacy of action, remains self-enclosed and devoid of actuality. In duty the individual acquires his substantive freedom.

§ 150. Virtue is the ethical order reflected in the individual character so far as that character is determined by its natural endowment. When virtue displays itself solely as the individual's simple conformity with the duties of the station to which he belongs, it is rectitude.

§ 151. But when individuals are simply identified with the actual order, ethical life (*das Sittliche*) appears as their general mode of conduct, i.e. as custom (*Sitte*), while the habitual practice of ethical living appears as a second nature which, put in the place of the initial, purely natural will, is the soul of custom permeating it through and through, the significance and the actuality of its existence. It is mind living and present as a world, and the substance of mind thus exists now for the first time as mind.

§ 152. In this way the ethical substantial order has attained its law, and its law its validity. That is to say, the self-will of the individual has vanished together with his private conscience which had claimed independence and opposed itself to the ethical substance. For, when his character is ethical, he recognises as the end which moves him to act the universal which is itself unmoved but is disclosed in its specific determinations as rationality actualised. He knows that his own dignity and the whole stability of his particular ends are grounded in this same universal, and it is therein that he actually attains these. Subjectivity is itself the absolute form and existent actuality of the substantial order, and the distinction between subject on the one hand and substance on the other, as the object, end, and controlling power of the subject, is the same as, and has

vanished immediately along with, the distinction between them in form.

§ 153. The law of individuals to be subjectively destined to freedom is fulfilled when they belong to an actual ethical order, because their conviction of their freedom finds its truth in such an objective order, and it is in an ethical order that they are actually in possession of their own essence or their own inner universality (see [§ 147](#)).

§ 154. The law of individuals to their **particular** satisfaction is also contained in the ethical substantial order, since particularity is the outward appearance of the ethical order — a mode in which that order is existent.

§ 155. Hence in this identity of the universal will with the particular will, law and duty coalesce, and by being in the ethical order a man has laws in so far as he has duties, and duties in so far as he has laws. In the sphere of abstract law, I have the law and another has the corresponding duty. In the moral sphere, the law of my private judgement and will, as well as of my happiness, has not, but only ought to have, coalesced with duties and become objective.

§ 156. The ethical substance, as containing independent self-consciousness united with its concept, is the actual mind of a family and a people.

§ 157. The concept of this Idea has being only as mind, as something knowing itself and actual, because it is the objectification of itself, the movement running through the form of its moments. It is therefore

(A) ethical mind in its natural or immediate phase — **the Family**. This substantiality loses its unity, passes over into division, and into the phase of relation, i.e. into

(B) **Civil Society** — an association of members as self-subsistent individuals in a universality which, because of their self-subsistence, is only abstract. Their association is brought about by their needs, by the legal system — the means to security of person and property — and by an external organisation for attaining their particular and common interests. This external state

(C) is brought back to and welded into unity in the **Constitution of the State** which is the end and actuality of both the substantial universal order and the public life devoted thereto.

Third Part: Ethical Life **i The Family**

(a): Marriage - (b) Family Capital - C: Children & Dissolution

§ 158. The family, as the immediate substantiality of mind, is specifically characterised by love, which is mind's feeling of its own unity. Hence in a family, one's frame of mind is to have self-consciousness of one's individuality within this unity as the absolute essence of oneself, with the result that one is in it not as an independent person but as a member.

§ 159. The law which the individual enjoys on the strength of the family unity and which is in the first place simply the individual's life within this unity, takes on the form of law (as the abstract moment of determinate individuality) only when the family begins to dissolve. At that point those who should be family-members both in their inclination and in actuality begin to be self-subsistent persons, and whereas they formerly constituted one specific moment within the whole, they now receive their share separately and so only in an external fashion by way of money, food, educational expenses, and the like.

§ 160. The family is completed in these three phases:

(a) **Marriage**, the form assumed by the concept of the family in its immediate phase;

(b) **Family Property and Capital** (the external embodiment of the concept) and attention to these;

(c) **The Education of Children and the Dissolution of the Family**.

A. Marriage

§ 161. Marriage, as the immediate type of ethical relationship, contains first, the moment of physical life; and since marriage is a substantial tie, the life involved in it is life in its totality, i.e. as the actuality of the race and its life-process. But, secondly, in self-consciousness the natural sexual union — a union purely inward or implicit and for that very reason existent as purely external — is changed into a union on the level of mind, into self-conscious love.

§ 162. On the subjective side, marriage may have a more obvious source in the particular inclination of the two persons who are entering upon the marriage tie, or in the foresight and contrivance of the parents, and so forth. But its objective source lies in the free consent of the persons, especially in their consent to make themselves one person, to renounce their natural and individual personality to this unity of one with the other. From this point of view, their union is a self-restriction, but in fact it is their liberation, because in it they attain their substantive self-consciousness.

§ 163. The ethical aspect of marriage consists in the parties' consciousness of this unity as their substantive aim, and so in their love, trust, and common sharing of their entire existence as individuals. When the parties are in this frame of mind and their union is actual, their physical passion sinks to the level of a physical moment, destined to vanish in its very satisfaction. On the other hand, the spiritual bond of union secures its laws as the substance of marriage and thus rises, inherently indissoluble, to a plane above the contingency of passion and the transience of particular caprice.

§ 164. Mere agreement to the stipulated terms of a contract in itself involves the genuine transfer of the property in question (see § 79). Similarly, the solemn declaration by the parties of their consent to enter the ethical bond of marriage, and its corresponding recognition and confirmation by their family and community, constitutes the formal completion and actuality of marriage. The knot is tied and made ethical only after this ceremony, whereby through the use of signs, i.e. of language (the most mental embodiment of mind — see § 78), the substantial thing in the marriage is brought completely into being. As a result, the sensuous moment, the one proper to physical life, is put into its ethical place as something only consequential and accidental, belonging to the external embodiment of the ethical bond, which indeed can subsist exclusively in reciprocal love and support.

§ 165. The difference in the physical characteristics of the two sexes has a rational basis and consequently acquires an intellectual and ethical significance. This significance is determined by the difference into which the ethical substantiality, as the concept, internally sunders itself in order that its vitality may become a concrete unity consequent upon this difference.

§ 166. Thus one sex is mind in its self-diremption into explicit personal self-subsistence and the knowledge and volition of free universality, i.e. the self-consciousness of conceptual thought and the volition of the objective final end. The other sex is mind maintaining itself in unity as knowledge and volition of the substantive, but knowledge and volition in the form of concrete individuality and feeling. In relation to externality, the former is powerful and active, the latter passive and subjective. It follows that man has his actual substantive life in the state, in learning, and so forth, as well as in labour and struggle with the external world and with himself so that it is only out of his diremption that he fights his way to self-subsistent unity with himself. In the family he has a tranquil intuition of this unity, and there he lives a subjective ethical life on the plane of feeling. Woman, on the other hand, has her substantive destiny in the family, and to be imbued with family piety is her ethical frame of mind.

§ 167. In essence marriage is monogamy because it is personality — immediate exclusive individuality — which enters into this tie and surrenders itself to it; and hence the tie's truth and inwardness (i.e. the subjective form of its substantiality) proceeds only from the mutual, whole-hearted, surrender of this personality. Personality attains its law of being conscious of itself in another only in so far as the other is in this identical relationship as a person, i.e. as an atomic individual.

§ 168. Further, marriage results from the free surrender by both sexes of their personality — a personality in every possible way unique in each of the parties. Consequently, it ought not to be entered by two people identical in stock who are already acquainted and perfectly known to one another; for individuals in the same circle of relationship have no special personality

of their own in contrast with that of others in the same circle. On the contrary, the parties should be drawn from separate families and their personalities should be different in origin. Since the very concept of marriage is that it is a freely undertaken ethical transaction, not a tie immediately grounded in the physical organism and its desires, it follows that the marriage of blood-relations runs counter to this concept and so also to genuine natural feeling.

§ 169. The family, as person, has its real external existence in property; and it is only when this property takes the form of capital that it becomes the embodiment of the substantial personality of the family.

B. The Family Capital

§ 170. It is not merely property which a family possesses; as a universal and enduring person, it requires possessions specifically determined as permanent and secure, i.e. it requires capital. The arbitrariness of a single owner's particular needs is one moment in property taken abstractly; but this moment, together with the selfishness of desire, is here transformed into something ethical, into labour and care for a common possession.

§ 171. The family as a legal entity in relation to others must be represented by the husband as its head. Further, it is his prerogative to go out and work for its living, to attend to its needs, and to control and administer its capital. This capital is common property so that, while no member of the family has property of his own, each has his law in the common stock. This law, however, may come into collision with the head of the family's law of administration owing to the fact that the ethical temper of the family is still only at the level of immediacy (see [§ 158](#)) and so is exposed to partition and contingency.

§ 172. A marriage brings into being a new family which is self-subsistent and independent of the clans or 'houses' from which its members have been drawn. The tie between these and the new family has a natural basis — consanguinity, but the new family is based on love of an ethical type. Thus an individual's property too has an essential connection with his conjugal relationship and only a comparatively remote one with his relation to his clan or 'house'.

C. The Education of Children and the Dissolution of the Family

§ 173. In substance marriage is a unity, though only a unity of inwardness or disposition; in outward existence, however, the unity is sundered in the two parties. It is only in the children that the unity itself exists externally, objectively, and explicitly as a unity, because the parents love the children as their love, as the embodiment of their own substance. From the physical point of view, the presupposition — persons immediately existent (as parents) — here becomes a result, a process which runs away into the infinite series of generations, each producing the next and presupposing the one before. This is the mode in which the single mind of the *Penates* reveals its existence in the finite sphere of nature as a race.

§ 174. Children have the law to maintenance and education at the expense of the family's common capital. The law of the parents to the service as service of their children is based upon and is restricted by the common task of looking after the family generally. Similarly, the law of the parents over the wishes of their children is determined by the object in view — discipline and education. The punishment of children does not aim at justice as such; the aim is more subjective and moral in character, i.e. to deter them from exercising a freedom still in the tolls of nature and to lift the universal into their consciousness and will.

§ 175. Children are potentially free and their life immediately embodies nothing save potential freedom. Consequently they are not things and cannot be the property either of their parents or others. In respect of his relation to the family, the child's education has the positive aim of instilling ethical principles into him in the form of an immediate feeling for which differences are not yet explicit, so that thus equipped with the foundation of an ethical life, his heart may live its early years in love, trust, and obedience. In respect of the same relation, this education has the negative aim of raising children out of the instinctive, physical, level on which they are originally, to self-subsistence and freedom of personality and so to the level on which they have power to leave the natural unity of the family.

§ 176. Marriage is but the ethical Idea in its *immediacy* and so has its objective actuality only in the inwardness of subjective feeling and disposition. In this fact is rooted the fundamental contingency of marriage in the world of existence. There can be no compulsion on people to marry; and, on the other hand, there is no merely legal or positive bond which can hold the parties together once their dispositions and actions have become hostile and contrary. A third ethical authority, however, is called for to maintain the law of marriage — an ethical substantiality — against the mere whims of hostile disposition or the accident of a purely passing mood, and so forth. Such an authority distinguishes these from the total estrangement of the two parties and may not grant divorce until it is satisfied that the estrangement is total.

§ 177. The ethical dissolution of the family consists in this, that once the children have been educated to freedom of personality, and have come of age, they become recognized as persons in the eyes of the law and as capable of holding free property of their own and founding families of their own, the sons as heads of new families, the daughters as wives. They now have their substantive destiny in the new family; the old family on the other hand falls into the background as merely their ultimate basis and origin, while *a fortiori* the clan is an abstraction, devoid of rights.

§ 178. The natural dissolution of the family by the death of the parents, particularly the father, has inheritance as its consequence so far as the family capital is concerned. The essence of inheritance is the transfer to private ownership of property which is in principle common. When comparatively remote degrees of kinship are in question, and when persons and families are so dispersed in civil society that they have begun to gain self-subsistence, this transfer becomes the less hard and fast as the sense of family unity fades away and as every marriage becomes the surrender of previous family relationships and the founding of a new self-subsistent family.

§ 179. The result of this disintegration of the family is that a man may at will either squander his capital altogether, mainly in accordance with his private caprices, opinions, and ends, or else look upon a circle of friends and acquaintances, &c., as if they were his family and make a will embodying a declaration to that effect, with the result that they become his legal heirs.

§ 180. The principle that the members of the family grow up to be self-subsistent persons in the eyes of the law (see § 177) lets into the circle of the family something of the same arbitrariness and discrimination among the natural heirs, though its exercise there must be restricted to a minimum in order to prevent injury to the basic family relationship.

Transition of the Family into Civil Society

§ 181. The family disintegrates (both essentially, through the working of the principle of personality, and also in the course of nature) into a plurality of families, each of which conducts itself as in principle a self-subsistent concrete person and therefore as externally related to its neighbours. In other words, the moments bound together in the unity of the family, since the family is the ethical Idea still in its concept, must be released from the concept to self-subsistent objective reality. This is the stage of difference. This gives us, to use abstract language in the first place, the determination of particularity which is related to universality but in such a way that universality is its basic principle, though still only an inward principle; for that reason, the universal merely shows in the particular as its form. Hence this relation of reflection *prima facie* portrays the disappearance of ethical life or, since this life as the essence necessarily shows itself, this relation constitutes the world of ethical appearance — civil society.

Third Part: Ethical Life **ii Civil Society**

A: System of needs B: Justice C: Corporations

§ 182. The concrete person, who is himself the object of his particular aims, is, as a totality and a mixture of caprice and physical necessity, one principle of civil society. But the particular person is essentially so related to other particular persons that each establishes himself and finds satisfaction by means of the others, and at the same time purely and simply by means of the form of universality, the second principle here.

§ 183. In the course of the actual attainment of selfish ends – an attainment conditioned in this way by universality – there is

formed a system of complete interdependence, wherein the livelihood, happiness, and legal status of one man is interwoven with the livelihood, happiness, and laws of all. On this system, individual Happiness, &c., depend, and only in this connected system are they actualised and secured. This system may be *prima facie* regarded as the external state, the state based on need, the state as the Understanding envisages it.

§ 184. The Idea in this its stage of division imparts to each of its moments a characteristic embodiment; to particularity it gives the law to develop and launch forth in all directions; and to universality the law to prove itself not only the ground and necessary form of particularity, but also the authority standing over it and its final end. It is the system of the ethical order, split into its extremes and lost, which constitutes the Idea's abstract moment, its moment of reality. Here the Idea is present only as a relative totality and as the inner necessity behind this outward appearance.

§ 185. Particularity by itself, given free rein in every direction to satisfy its needs, accidental caprices, and subjective desires, destroys itself and its substantive concept in this process of gratification. At the same time, the satisfaction of need, necessary and accidental alike, is accidental because it breeds new desires without end, is in thoroughgoing dependence on caprice and external accident, and is held in check by the power of universality. In these contrasts and their complexity, civil society affords a spectacle of extravagance and want as well as of the physical and ethical degeneration common to them both.

§ 186. But in developing itself independently to totality, the principle of particularity passes over into universality, and only there does it attain its truth and the law to which its positive actuality is entitled. This unity is not the identity which the ethical order requires, because at this level, that of division (see § 184), both principles are self-subsistent. It follows that this unity is present here not as freedom but as necessity, since it is by compulsion that the particular rises to the form of universality and seeks and gains its stability in that form.

§ 187. Individuals in their capacity as burghers in this state are private persons whose end is their own interest. This end is **mediated** through the universal which thus **appears** as a **means** to its realisation. Consequently, individuals can attain their ends only in so far as they themselves determine their knowing, willing, and acting in a universal way and make themselves links in this chain of social connections. In these circumstances, the interest of the Idea – an interest of which these members of civil society are as such unconscious – lies in the process whereby their singularity and their natural condition are raised, as a result of the necessities imposed by nature as well as of arbitrary needs, to formal freedom and formal universality of knowing and willing – the process whereby their particularity is educated up to subjectivity.

§ 188. Civil society contains three moments:

- (A) The mediation of need and one man's satisfaction through his labour and the satisfaction of the needs of all others – the **System of Needs**.
- (B) The actuality of the universal principle of freedom therein contained – the protection of property through the **Administration of Justice**.
- (C) Provision against contingencies still lurking in systems (A) and (B), and care for particular interest, as a common interest, by means of the **Public Authority** and the **Corporation**.

A. The System of Needs

a: Kind of Need b: Kind of Labour c: Classes

§ 189. Particularity is in the first instance characterised in general by its contrast with the universal principle of the will and thus is subjective need (see § 59). This attains its objectivity i.e. its satisfaction, by means of [a] external things, which at this stage are likewise the property and product of the needs and wills of others, and [b] labour and effort, the middle term between the subjective and the objective. The aim here is the satisfaction of subjective particularity, but the universal asserts itself in the bearing which this satisfaction has on the needs of others and their free arbitrary wills. The show of rationality thus produced in this sphere of finitude is the Understanding, and this is the aspect which is of most importance in considering this sphere and which itself constitutes the reconciling element within it.

(a) The Kind of Need and Satisfaction [typical of civil society]

§ 190. An animal's needs and its ways and means of satisfying them are both alike restricted in scope. Though man is subject to this restriction too, yet at the same time he evinces his transcendence of it and his universality, first by the multiplication of needs and means of satisfying them, and secondly by the differentiation and division of concrete need into single parts and aspects which in turn become different needs, particularised and so more abstract.

§ 191. Similarly, the means to particularised needs and all the ways of satisfying these are themselves divided and multiplied and so in turn become proximate ends and abstract needs. This multiplication goes on *ad infinitum*; taken as a whole, it is refinement, i.e. a discrimination between these multiplied needs, and judgment on the suitability of means to their ends.

§ 192. Needs and means, as things existent *realiter*, become something which has being for others by whose needs and labour satisfaction for all alike is conditioned. When needs and means become abstract in quality (see § 191), abstraction is also a character of the reciprocal relation of individuals to one another. This abstract character, universality, is the character of being recognised and is the moment which makes concrete, i.e. social, the isolated and abstract needs and their ways and means of satisfaction.

§ 193. This social moment thus becomes a particular end-determinant for means in themselves and their acquisition, as well as for the manner in which needs are satisfied. Further, it immediately involves the demand for equality of satisfaction with others. The need for this equality and for emulation, which is the equalising of oneself with others, as well as the other need also present here, the need of the particular to assert itself in some distinctive way, become themselves a fruitful source of the multiplication of needs and their expansion.

§ 194. Since in social needs, as the conjunction of immediate or natural needs with mental needs arising from ideas, it is needs of the latter type which because of their universality make themselves preponderant, this social moment has in it the aspect of liberation, i.e. the strict natural necessity of need is obscured and man is concerned with his own opinion, indeed with an opinion which is universal, and with a necessity of his own making alone, instead of with an external necessity, an inner contingency, and mere caprice.

§ 195. This liberation is abstract since the particularity of the ends remains their basic content. When social conditions tend to multiply and subdivide needs, means, and enjoyments indefinitely – a process which, like the distinction between natural and refined needs, has no qualitative limits – this is luxury. In this same process, however, dependence and want increase *ad infinitum*, and the material to meet these is permanently barred to the needy man because it consists of external objects with the special character of being property, the embodiment of the free will of others, and hence from his point of view its recalcitrance is absolute.

(b) The Kind of Labour [typical of civil society]

§ 196. The means of acquiring and preparing the particularised means appropriate to our similarly particularised needs is labour. Through labour the raw material immediately supplied by nature is specifically adapted to these numerous ends by all sorts of different processes. Now this formative change confers value on means and gives them their utility, and hence man in what he consumes is mainly concerned with the products of men. It is the products of human effort which man consumes.

§ 197. The multiplicity of objects and situations which excite interest is the stage on which theoretical education develops. This education consists in possessing not simply a multiplicity of ideas and facts, but also a flexibility and rapidity of mind, ability to pass from one idea to another, to grasp complex and general relations, and so on. It is the education of the understanding in every way, and so also the building up of language. Practical education, acquired through working, consists first in the automatically recurrent need for something to do and the habit of simply being busy; next, in the strict adaptation of one's activity according not only to the nature of the material worked on, but also, and especially, to the

pleasure of other workers; and finally, in a habit, produced by this discipline, of objective activity and universally recognised aptitudes.

§ 198. The universal and objective element in labour, on the other hand, lies in the abstracting process which effects the subdivision of needs and means and thereby *eo ipso* subdivides production and brings about the division of labour. By this division, the labour of the individual becomes less complex, and consequently his skill at his section of the job increases, like his output. At the same time, this abstraction of one man's skill and means of production from another's completes and makes necessary everywhere the dependence of men on one another and their reciprocal relation in the satisfaction of their other needs. Further, the abstraction of one man's production from another's makes labour more and more mechanical, until finally man is able to step aside and install machines in his place.

(c) Capital [and class-divisions]

§ 199. When men are thus dependent on one another and reciprocally related to one another in their labour and the satisfaction of their needs, subjective self-seeking turns into a contribution to the satisfaction of the needs of everyone else. That is to say, by a dialectical advance, subjective self-seeking turns into the mediation of the particular through the universal, with the result that each man in earning, producing, and enjoying on his own account is *eo ipso* producing and earning for the enjoyment of everyone else. The compulsion which brings this about is rooted in the complex interdependence of each on all, and it now presents itself to each as the universal permanent capital (see § 170) which gives each the opportunity, by the exercise of his education and skill, to draw a share from it and so be assured of his livelihood, while what he thus earns by means of his labour maintains and increases the general capital.

§ 200. A particular man's resources, or in other words his opportunity of sharing in the general resources, are conditioned, however, partly by his own unearned principal (his capital), and partly by his skill; this in turn is itself dependent not only on his capital, but also on accidental circumstances whose multiplicity introduces differences in the development of natural, bodily, and mental characteristics, which were already in themselves dissimilar. In this sphere of particularity, these differences are conspicuous in every direction and on every level, and, together with the arbitrariness and accident which this sphere contains as well, they have as their inevitable consequence disparities of individual resources and ability.

§ 201. The infinitely complex, criss-cross, movements of reciprocal production and exchange, and the equally infinite multiplicity of means therein employed, become crystallised, owing to the universality inherent in their content, and distinguished into general groups. As a result, the entire complex is built up into particular systems of needs, means, and types of work relative to these needs, modes of satisfaction and of theoretical and practical education, i.e. into systems, to one or other of which individuals are assigned – in other words, into class-divisions.

§ 202. The classes are specifically determined in accordance with the concept as

- (a) the **substantial** or immediate [or agricultural] class;
- (b) the reflecting or **formal** [or business] class; and finally,
- (c) the **universal class** [the class of civil servants].

§ 203. (a) The substantial [or agricultural] class has its capital in the natural products of the soil which it cultivates – soil which is capable of exclusively private ownership and which demands formation in an objective way and not mere haphazard exploitation. In face of the connection of [agricultural] labour and its fruits with separate and fixed times of the year, and the dependence of harvests on the variability of natural processes, the aim of need in this class turns into provision for the future; but owing to the conditions here, the agricultural mode of subsistence remains one which owes comparatively little to reflection and independence of will, and this mode of life is in general such that this class has the substantial disposition of an ethical life which is immediate, resting on family relationship and trust.

§ 204. (b) The business class has for its task the adaptation of raw materials, and for its means of livelihood it is thrown back on its work, on reflection and intelligence, and essentially on the mediation of one man's needs and labour with those

of others. For what this class produces and enjoys, it has mainly itself, its own industry, to thank. The task of this class is subdivided into:

- [a] work to satisfy single needs in a comparatively concrete way and to supply single orders – craftsmanship;
- [b] work of a more abstract kind, mass-production to satisfy single needs, but needs in more universal demand – manufacture;
- [c] the business of exchange, whereby separate utilities are exchanged the one for the other, principally through the use of the universal medium of exchange, money, which actualises the abstract value of all commodities – trade.

§ 205. (c) The universal class [the class of civil servants] has for its task the universal interests of the community. It must therefore be relieved from immediate labour to supply its needs, either by having private means or by receiving an allowance from the state which claims its industry, with the result that private interest finds its satisfaction in its work for the universal.

§ 206. It is in accordance with the concept that class-organisation, as particularity become objective to itself, is split in this way into its general divisions. But the question of the particular class to which an individual is to belong is one on which natural capacity, birth, and other circumstances have their influence, though the essential and final determining factors are subjective opinion and the individual's arbitrary will, which win in this sphere their right, their merit, and their dignity. Hence what happens here by inner necessity occurs at the same time by the mediation of the arbitrary will, and to the conscious subject it has the shape of being the work of his own will.

§ 207. A man actualises himself only in becoming something definite, i.e. something specifically particularised; this means restricting himself exclusively to one of the particular spheres of need. In this class-system, the ethical frame of mind therefore is rectitude and *esprit de corps*, i.e. the disposition to make oneself a member of one of the moments of civil society by one's own act, through one's energy, industry, and skill, to maintain oneself in this position, and to fend for oneself only through this process of mediating oneself with the universal, while in this way gaining recognition both in one's own eyes and in the eyes of others. Morality has its proper place in this sphere where the paramount thing is reflection on one's doings, and the quest of happiness and private wants, and where the contingency in satisfying these makes into a duty even a single and contingent act of assistance.

§ 208. As the private particularity of knowing and willing, the principle of this system of needs contains absolute universality, the universality of freedom, only abstractly and therefore as the law of property. At this point, however, this law is no longer merely implicit but has attained its recognised actuality as the protection of property through the administration of justice.

B. Administration of Justice

a: Right as Law b: Determinate Law c: Courts

§ 209. The relatedness arising from the reciprocal bearing on one another of needs and labour to satisfy these is first of all reflected into itself as infinite personality, as abstract law. But it is this very sphere of relatedness – a sphere of education, which gives abstract law the determinate existence of being something universally recognised, known, and willed, and having a validity and an objective actuality mediated by this known and willed character.

§ 210. The objective actuality of the law consists, first, in its existence for consciousness, in its being known in some way or other; secondly, in its possessing the power which the actual possesses, in its being valid, and so also in its becoming known as universally valid.

(a) Right as Law

§ 211. The principle of rightness (*Recht*) becomes the law (*Gesetz*) when, in its objective existence, it is posited (*gesetzt*), i.e. when thinking makes it determinate for consciousness and makes it known as what is law and valid; and in acquiring

this determinate character, the law becomes positive law in general.

§ 212. It is only because of this identity between its implicit and its posited character that positive law has obligatory force in virtue of its rightness. In being posited in positive law, the law acquires determinate existence. Into such existence there may enter the contingency of self-will and other particular circumstances and hence there may be a discrepancy between the content of the law and the principle of rightness.

§ 213. law becomes determinate in the first place when it has the form of being posited as positive law; it also becomes determinate in content by being applied both to the material of civil society (i.e. to the endlessly growing complexity and subdivision of social ties and the different species of property and contract within the society) and also to ethical ties based on the heart, on love and trust, though only in so far as these involve abstract law as one of their aspects (see [§ 159](#)) – Morality and moral commands concern the will on its most private, subjective, and particular side, and so cannot be a matter for positive legislation. Further material for the determinate content of law is provided by the laws and duties which have their source in the administration of justice itself, in the state, and so forth.

§ 214. But apart from being applied to particular instances, law by being embodied in positive law becomes applicable to the single case. Hence it enters the sphere where quantity, not the concept, is the principle of determination. This is the sphere of the quantitative as such, of the quantitative as that which determines the relative value in exchange of *qualia*. In this sphere, the concept merely lays down a general limit, within which vacillation is still allowed. This vacillation must be terminated, however, in the interest of getting something done, and for this reason there is a place within that limit for contingent and arbitrary decisions.

(b) Law determinately existent

§ 215. If laws are to have a binding force, it follows that, in view of the law of self-consciousness (see § 132) they must be made universally known.

§ 216. For a public legal code, simple general laws are required, and yet the nature of the **finite** material to which law is applied leads to the further determining of general laws *ad infinitum*. On the one hand, the law ought to be a comprehensive whole, closed and complete; and yet, on the other hand, the need for further determinations is continual. But since this antinomy arises only when universal principles, which remain fixed and unchanged, are applied to particular types of case, the right to a complete legal code remains unimpaired, like the right that these simple general principles should be capable of being laid down and understood apart and in distinction from their application to such particular types.

§ 217. The principle of rightness passes over in civil society into law. My individual right, whose embodiment has hitherto been immediate and abstract, now similarly becomes embodied in the existent will and knowledge of everyone, in the sense that it becomes recognized. Hence property acquisitions and transfers must now be undertaken and concluded only in the form which that embodiment gives to them. In civil society, property rests on contract and on the formalities which make ownership capable of proof and valid in law.

§ 218. Since property and personality have legal recognition and validity in civil society, wrongdoing now becomes an infringement, not merely of what is subjectively infinite, but of the universal thing which is existent with inherent stability and strength. Hence a new attitude arises: the action is seen as a danger to society and thereby the magnitude of the wrongdoing is increased. On the other hand, however, the fact that society has become strong and sure of itself diminishes the external importance of the injury and so leads to a mitigation of its punishment.

(c) The Court of Justice

§ 219. By taking the form of law, right steps into a determinate mode of being. It is then something on its own account, and in contrast with particular willing and opining of the law, it is self-subsistent and has to vindicate itself as something universal. This is achieved by recognizing it and making it actual in a particular case without the subjective feeling of private interest; and this is the business of a public authority – the court of justice.

§ 220. When the right against crime has the form of revenge (see § 102), it is only right implicit, not right in the form of law, i.e. no **act** of revenge is justified. Instead of the injured party, the injured **universal** now comes on the scene, and this has its proper actuality in the court of law. It takes over the pursuit and the avenging of crime, and this pursuit consequently ceases to be the subjective and contingent retribution of revenge and is transformed into the genuine reconciliation of law with itself, i.e. into punishment. Objectively, this is the reconciliation of the law with itself; by the annulment of the crime, the law is restored and its authority is thereby actualized. Subjectively, it is the reconciliation of the criminal with himself, i.e. with the law known by him as his own and as valid for him and his protection; when this law is executed upon him, he himself finds in this process the satisfaction of justice and nothing save his own act.

§ 221. A member of civil society has the right *in judicio stare* [to appear in court] and, correspondingly, the duty of acknowledging the jurisdiction of the court and accepting its decision as final when his own rights are in dispute.

§ 222. In court the specific character which rightness acquires is that it must be demonstrable. When parties go to law, they are put in the position of having to make good their evidence and their claims and to make the judge acquainted with the facts. These steps in a legal process are themselves rights, and their course must therefore be fixed by law. They also constitute an essential part of jurisprudence.

§ 223. These steps in a legal process are subdivided continually within no fixed limits into more and more actions, each being distinct in itself and a right. Hence a legal process, in itself in any case a means, now begins to be something external to its end and contrasted with it. This long course of formalities is a right of the parties at law and they have the right to traverse it from beginning to end. Still, it may be turned into an evil, and even an instrument of wrong, and for this reason it is by right made the duty of the parties to submit themselves to the simple process of arbitration (before a tribunal of arbitrators) and to the attempt to reconcile their differences out of court, in order that they – and law itself, as the substance of the thing and so the thing really at issue – may be protected against legal processes and their misuse.

§ 224. Amongst the rights of the subjective consciousness are not only the publication of the rights (see § 215) but also the possibility of ascertaining the actualisation of the law in a particular case (the course of the proceedings, the legal argument, &c.) – i.e. the publicity of judicial proceedings. The reason for this is that a trial is implicitly an event of universal validity, and although the particular content of the action affects the interests of the parties alone, its universal content, i.e. the law at issue and the judgment thereon, affects the interests of everybody.

§ 225. By the judgment of the court, the law is applied to a single case, and the work of judgment has two distinct aspects: first, ascertainment of the nature of the case as a unique, single, occurrence (e.g. whether a contract, &c., &c., has been made, whether a trespass has been committed, and if so by whom) and, in criminal cases, reflection to determine the essential, criminal, character of the deed; secondly, the subsumption of the case under the law that law must be restored. Punishment in criminal cases is a concept falling under this law. Decisions on these two different aspects are given by different functionaries.

§ 226. First, the conduct of the entire process of inquiry; secondly, the detailed stages of the action between the parties (these stages themselves being laws – see § 222); and then also the second of the aspects of the work of judgment mentioned in the previous paragraph: all three are tasks which properly belongs to the judge at law. He is the organ of the law, and the case must be prepared for him in such a way as to make possible its subsumption under some principle; that is to say, it must be stripped of its apparent, empirical, character and exalted into a recognised fact of a general type.

§ 227. The first aspect of the work of judgment, i.e. the knowledge of the facts of the case as a unique, single, occurrence, and the description of its general character, involves in itself no pronouncement on points of law. This is knowledge attainable by any educated man. In settling the character of an action, the subjective moment, i.e. the agent's insight and intention (see the Second Part), is the essential thing; and apart from this, the proof depends not on objects of reason or abstractions of the Understanding, but only on single details and circumstances, objects of sensuous intuition and subjective

certainty, and therefore does not contain in itself any absolute, objective, probative factor. It follows that judgment on the facts lies in the last resort with subjective conviction and conscience (*animi sententia*), while the proof, resting as it does on the statements and affidavits of others, receives its final though purely subjective verification from the oath.

§ 228. When judgment is pronounced – so far as the function of judgment is the subsumption under the law of the case whose nature has been settled – the right due to the parties on account of their self-consciousness is preserved in relation to the law because the law is known and so is the law of the parties themselves, and in relation to the **subsumption**, because the trial is public. But when a verdict is given on the particular, subjective, and external facts of the case (knowledge of which falls under the first of the aspects described in § 225), this law is satisfied by the confidence which the parties feel in the subjectivity of those who give the verdict. This confidence is based primarily on the similarity between them and the parties in respect of their particularity, i.e. their social position, &c.

§ 229. In civil society, the Idea is lost in particularity and has fallen asunder with the separation of inward and outward. In the administration of justice, however, civil society returns to its concept, to the unity of the implicit universal with the subjective particular, although here the latter is only that present in single cases and the universality in question is that of **abstract** law. The actualisation of this unity through its extension to the whole ambit of particularity is (i) the specific function of the Police, though the unification which it effects is only relative; (ii) it is the Corporation which actualises the unity completely, though only in a whole which, while concrete, is restricted.

C. The Public Authorities

a: Police b: Corporation

§ 230. In the system of needs, the livelihood and welfare of every single person is a possibility whose actual attainment is just as much conditioned by his caprices and particular endowment as by the objective system of needs. Through the administration of justice, offences against property or personality are annulled. But the law actually present in the particular requires, first, that accidental hindrances to one aim or another be removed, and undisturbed safety of person and property be attained; and secondly, that the securing of every single person's livelihood and welfare be treated and actualised as a law, i.e. that particular welfare as such be so treated.

(a) Police [or the public authority]

§ 231. Inasmuch as it is still the particular will which governs the choice of this or that end, the universal authority by which security is ensured remains in the first instance, (a) restricted to the sphere of contingencies, and (b) an external organisation.

§ 232. Crime is contingency as subjective willing of evil, and this is what the universal authority must prevent or bring to justice. But, crime apart, the subjective willing which is permissible in actions lawful *per se* and in the private use of property, also comes into external relation with other single persons, as well as with public institutions, other than law-courts, established for realising a common end. This universal aspect makes private actions a matter of contingency which escapes the agent's control and which either does or may injure others and wrong them.

§ 233. There is here only a possibility of injury; but the actual non-occurrence of injury is at this stage not just another contingency. The point is that the actions of individuals may always be wrongful, and this is the ultimate reason for police control and penal justice.

§ 234. The relations between external existents fall into the infinite of the Understanding; there is, therefore, no inherent line of distinction between what is and what is not injurious, even where crime is concerned, or between what is and what is not suspicious, or between what is to be forbidden or subjected to supervision and what is to be exempt from prohibition, from surveillance and suspicion, from inquiry and the demand to render an account of itself. These details are determined by custom, the mind of the rest of the constitution, contemporary conditions, the crisis of the hour, and so forth.

§ 235. In the indefinite multiplication and interconnection of day-to-day needs, (a) the acquisition and exchange of the means to their satisfactions – satisfaction which everyone confidently expects to be possible of attainment without hindrance, and (b) the endeavours made and the transactions carried out in order to shorten the process of attainment as much as possible, give rise to factors which are a common interest, and when one man occupies himself with these his labour is at the same time done for all. The situation is productive too of contrivances and organisations which may be of use to the community as a whole. These universal activities and organisations of general utility call for the oversight and care of the public authority.

§ 236. The differing interests of producers and consumers may come into collision with each other; and although a fair balance between them on the whole may be brought about automatically, still their adjustment also requires a control which stands above both and is consciously undertaken. The law to the exercise of such control in a single case (e.g. in the fixing of the prices of the commonest necessities of life) depends on the fact that, by being publicly exposed for sale, goods in absolutely universal daily demand are offered not so much to an individual as such but rather to a universal purchaser, the public; and thus both the defense of the public's right not to be defrauded, and also the management of goods inspection, may lie, as a common concern, with a public authority. But public care and direction are most of all necessary in the case of the larger branches of industry, because these are dependent on conditions abroad and on combinations of distant circumstances which cannot be grasped as a whole by the individuals tied to these industries for their living.

§ 237. Now while the possibility of sharing in the general wealth is open to individuals and is assured to them by the public authority, still it is subject to contingencies on the subjective side (quite apart from the fact that this assurance must remain incomplete), and the more it presupposes skill, health, capital, and so forth as its conditions, the more is it so subject.

§ 238. Originally the family is the substantive whole whose function it is to provide for the individual on his particular side by giving him either the means and the skill necessary to enable him to earn his living out of the resources of society, or else subsistence and maintenance in the event of his suffering a disability. But civil society tears the individual from his family ties, estranges the members of the family from one another, and recognises them as self-subsistent persons. Further, for the paternal soil and the external inorganic resources of nature from which the individual formerly derived his livelihood, it substitutes its own soil and subjects the permanent existence of even the entire family to dependence on itself and to contingency. Thus the individual becomes a son of civil society which has as many claims upon him as he has rights against it.

§ 239. In its character as a universal family, civil society has the right and duty of superintending and influencing education, inasmuch as education bears upon the child's capacity to become a member of society. Society's law here is paramount over the arbitrary and contingent preferences of parents, particularly in cases where education is to be completed not by the parents but by others. To the same end, society must provide public educational facilities so far as is practicable.

§ 240. Similarly, society has the right and duty of acting as trustee to those whose extravagance destroys the security of their own subsistence or their families. It must substitute for extravagance the pursuit of the ends of society and the individuals concerned.

§ 241. Not only caprice, however, but also contingencies, physical conditions, and factors grounded in external circumstances (see § 200) may reduce men to poverty. The poor still have the needs common to civil society, and yet since society has withdrawn from them the natural means of acquisition (see § 217) and broken the bond of the family – in the wider sense of the clan (see § 181) – their poverty leaves them more or less deprived of all the advantages of society, of the opportunity of acquiring skill or education of any kind, as well as of the administration of justice, the public health services, and often even of the consolations of religion, and so forth. The public authority takes the place of the family where the poor are concerned in respect not only of their immediate want but also of laziness of disposition, malignity, and the other vices which arise out of their plight and their sense of wrong.

§ 242. Poverty and, in general, the distress of every kind to which every individual is exposed from the start in the cycle of his natural life has a subjective side which demands similarly subjective aid, arising both from the special circumstances of a particular case and also from love and sympathy. This is the place where morality finds plenty to do despite all public organisation. Subjective aid, however, both in itself and in its operation, is dependent on contingency and consequently society struggles to make it less necessary, by discovering the general causes of penury and general means of its relief, and by organising relief accordingly.

§ 243. When civil society is in a state of unimpeded activity, it is engaged in expanding internally in population and industry. The amassing of wealth is intensified by generalising (a) the linkage of men by their needs, and (b) the methods of preparing and distributing the means to satisfy these needs, because it is from this double process of generalisation that the largest profits are derived. That is one side of the picture. The other side is the subdivision and restriction of particular jobs. This results in the dependence and distress of the class tied to work of that sort, and these again entail inability to feel and enjoy the broader freedoms and especially the intellectual benefits of civil society.

§ 244. When the standard of living of a large mass of people falls below a certain subsistence level – a level regulated automatically as the one necessary for a member of the society – and when there is a consequent loss of the sense of law and wrong, of honesty and the self-respect which makes a man insist on maintaining himself by his own work and effort, the result is the creation of a rabble of paupers. At the same time this brings with it, at the other end of the social scale, conditions which greatly facilitate the concentration of disproportionate wealth in a few hands.

§ 245. When the masses begin to decline into poverty, (a) the burden of maintaining them at their ordinary standard of living might be immediately laid on the wealthier classes, or they might receive the means of livelihood immediately from other public sources of wealth (e.g. from the endowments of rich hospitals, monasteries, and other foundations). In either case, however, the needy would receive subsistence immediately, not by means of their work, and this would violate the principle of civil society and the feeling of individual independence and self-respect in its individual members. (b) As an alternative, they might be given subsistence mediatedly through being given work, i.e. the opportunity to work. In this event the volume of production would be increased, but the evil consists precisely in an excess of production and in the lack of a proportionate number of consumers who are themselves also producers, and thus it is simply intensified by both of the methods (a) and (b) by which it is sought to alleviate it. It hence becomes apparent that despite an excess of wealth civil society is not rich enough, i.e. its own resources are insufficient to check excessive poverty and the creation of a penurious rabble.

§ 246. This inner dialectic of civil society thus drives it – or at any rate drives a specific civil society – to push beyond its own limits and seek markets, and so its necessary means of subsistence, in other lands which are either deficient in the goods it has over-produced, or else generally backward in industry, &c.

§ 247. The principle of family life is dependence on the soil, on land, *terra firma*. Similarly, the natural element for industry, animating its outward movement, is the sea. Since the passion for gain involves risk, industry though bent on gain yet lifts itself above it; instead of remaining rooted to the soil and the limited circle of civil life with its pleasures and desires, it embraces the element of flux, danger, and destruction. Further, the sea is the greatest means of communication, and trade by sea creates commercial connections between distant countries and so relations involving contractual laws. At the same time, commerce of this kind is the most potent instrument of culture, and through it trade acquires its significance in the history of the world.

§ 248. This far-flung connecting link affords the means for the colonizing activity – sporadic or systematic – to which mature civil society is driven and by which it supplies to a part of its population a return to life on the family basis in a new land and so also supplies itself with a new demand and field for its industry.

§ 249. While the public authority must also undertake the higher direct function of providing for the interests which lead beyond the borders of its society (see § 246), its primary purpose is to actualize and maintain the universal contained within the particularity of civil society, and its control takes the form of an external system and organization for the protection and

security of particular ends and interests *en masse*, inasmuch as these interests subsist only in this universal. This universal is immanent in the interests of particularity itself and, in accordance with the Idea, particularity makes it the end and object of its own willing and activity. In this way ethical principles circle back and appear in civil society as a factor immanent in it; this constitutes the specific character of the Corporation.

(b) The Corporation

§ 250. In virtue of the substantiality of its natural and family life, the agricultural class has immediately within itself the concrete universal in which it lives. The class of civil servants is universal in character and so has the universal explicitly as its ground and as the aim of its activity. The class between them, the business class, is essentially concentrated on the particular, and hence it is to it that Corporations are specially appropriate.

§ 251. The labour organization of civil society is split, in accordance with the nature of its particulars, into different branches. The implicit likeness of such particulars to one another becomes really existent in an association, as something common to its members. Hence a selfish purpose, directed towards its particular self-interest, apprehends and evinces itself at the same time as universal; and a member of civil society is in virtue of his own particular skill a member of a Corporation, whose universal purpose is thus wholly concrete and no wider in scope than the purpose involved in business, its proper task and interest.

§ 252. In accordance with this definition of its functions, a Corporation has the right, under the surveillance of the public authority, (a) to look after its own interests within its own sphere, (b) to co-opt members, qualified objectively by the requisite skill and rectitude, to a number fixed by the general structure of society, (c) to protect its members against particular contingencies, (d) to provide the education requisite to fit others to become members. In short, its law is to come on the scene like a second family for its members, while civil society can only be an indeterminate sort of family because it comprises everyone and so is farther removed from individuals and their special exigencies.

§ 253. In the Corporation, the family has its stable basis in the sense that its livelihood is assured there, conditionally upon capability, i.e. it has a stable capital (see § 170) – In addition, his nexus of capability and livelihood is a **recognised** fact, with the result that the Corporation member needs no external marks beyond his own membership as evidence of his skill and his regular income and subsistence, i.e. as evidence that he is a somebody. It is also recognised that he belongs to a whole which is itself an organ of the entire society, and that he is actively concerned in promoting the comparatively disinterested end of this whole. Thus he commands the respect due to one in his social position.

§ 254. The so-called ‘natural’ law of exercising one’s skill and thereby earning what there is to be earned is restricted within the Corporation only in so far as it is therein made rational instead of natural. That is to say, it becomes freed from personal opinion and contingency, saved from endangering either the individual workman or others, recognised, guaranteed, and at the same time elevated to conscious effort for a common end.

§ 255. As the family was the first, so the Corporation is the second ethical root of the state, the one planted in civil society. The former contains the moments of subjective particularity and objective universality in a substantial unity. But these moments are sundered in civil society to begin with; on the one side there is the particularity of need and satisfaction, reflected into itself, and on the other side the universality of abstract laws. In the Corporation these moments are united in an inward fashion, so that in this union particular welfare is present as a law and is actualised.

§ 256. The end of the Corporation is restricted and finite, while the public authority was an external organisation involving a separation and a merely relative identity of controller and controlled. The end of the former and the externality and relative identity of the latter find their truth in the absolutely universal end and its absolute actuality. Hence the sphere of civil society passes over into the state.

Third Part: Ethical Life

iii. The State

A: Constitutional Law B: International Law C: World History

§ 257. The state is the actuality of the ethical Idea. It is ethical mind *qua* the substantial will manifest and revealed to itself, knowing and thinking itself, accomplishing what it knows and in so far as it knows it. The state exists immediately in custom, mediately in individual self-consciousness, knowledge, and activity, while self-consciousness in virtue of its sentiment towards the state, finds in the state, as its essence and the end-product of its activity, its substantive freedom.

§ 258. The state is absolutely rational inasmuch as it is the actuality of the substantial will which it possesses in the particular self-consciousness once that consciousness has been raised to consciousness of its universality. This substantial unity is an absolute unmoved end in itself, in which freedom comes into its supreme law. On the other hand this final end has supreme law against the individual, whose supreme duty is to be a member of the state.

§ 259

The Idea of the state:

(A) has immediate actuality and is the individual state as a self-dependent organism – the **Constitution** or **Constitutional Law**;

(B) passes over into the relation of one state to other states – **International Law**;

(C) is the universal Idea as a genus and as an absolute power over individual states – the mind which gives itself its actuality in the process of **World-History**.

A. Constitutional Law

§ 260. The state is the actuality of concrete freedom. But concrete freedom consists in this, that personal individuality and its particular interests not only achieve their complete development and gain explicit recognition for their law (as they do in the sphere of the family and civil society) but, for one thing, they also pass over of their own accord into the interest of the universal, and, for another thing, they know and will the universal; they even recognise it as their own substantive mind; they take it as their end and aim and are active in its pursuit. The result is that the universal does not prevail or achieve completion except along with particular interests and through the co-operation of particular knowing and willing; and individuals likewise do not live as private persons for their own ends alone, but in the very act of willing these they will the universal in the light of the universal, and their activity is consciously aimed at none but the universal end. The principle of modern states has prodigious strength and depth because it allows the principle of subjectivity to progress to its culmination in the extreme of self-subsistent personal particularity, and yet at the same time brings it back to the substantive unity and so maintains this unity in the principle of subjectivity itself.

§ 261. In contrast with the spheres of private laws and private welfare (the family and civil society), the state is from one point of view an external necessity and their higher authority; its nature is such that their laws and interests are subordinate to it and dependent on it. On the other hand, however, it is the end immanent within them, and its strength lies in the unity of its own universal end and aim with the particular interest of individuals, in the fact that individuals have duties to the state in proportion as they have rights against it (see § 155).

§ 262. The actual Idea is mind, which, sundering itself into the two ideal spheres of its concept, family and civil society, enters upon its finite phase, but it does so only in order to rise above its ideality and become explicit as infinite actual mind. It is therefore to these ideal spheres that the actual Idea assigns the material of this its finite actuality, *viz.* human beings as a mass, in such a way that the function assigned to any given individual is visibly mediated by circumstances, his caprice and his personal choice of his station in life (see § 185 and the Remark thereto).

§ 263. In these spheres in which its moments, particularity and individuality, have their immediate and reflected reality, mind is present as their objective universality glimmering in them as the power of reason in necessity (see § 184), i.e. as the institutions considered above.

§ 264. Mind is the nature of human beings *en masse* and their nature is therefore twofold: (i) at one extreme, explicit individuality of consciousness and will, and (ii) at the other extreme, universality which knows and wills what is substantive. Hence they attain their law in both these respects only in so far as both their private personality and its substantive basis are actualized. Now in the family and civil society they acquire their law in the first of these respects immediately and in the second mediatedly, in that (i) they find their substantive self-consciousness in social institutions which are the universal implicit in their particular interests, and (ii) the Corporation supplies them with an occupation and an activity directed on a universal end.

§ 265. These institutions are the components of the constitution (i.e. of rationality developed and actualized) in the sphere of particularity. They are, therefore, the firm foundation not only of the state but also of the citizen's trust in it and sentiment towards it. They are the pillars of public freedom since in them particular freedom is realized and rational, and therefore there is implicitly present even in them the union of freedom and necessity.

§ 266. But mind is objective and actual to itself not merely as this necessity and as a realm of appearance, but also as the ideality and the heart of this necessity. Only in this way is this substantive universality aware of itself as its own object and end, with the result that the necessity appears to itself in the shape of freedom as well.

§ 267. This necessity in ideality is the inner self-development of the Idea. As the substance of the individual subject, it is his political disposition; in distinction therefrom, as the substance of the objective world, it is the organism of the state, i.e. it is the strictly political state and its constitution.

§ 268. The political sentiment, patriotism in general, is assured conviction with truth as its basis — mere subjective assurance is not the outcome of truth but is only opinion — and a volition which has become habitual. In this sense it is simply a product of the institutions subsisting in the state, since rationality is actually present in the state, while action in conformity with these institutions gives rationality its practical proof. This sentiment is, in general, trust (which may pass over into a greater or lesser degree of educated insight), or the consciousness that my interest, both substantive and particular, is contained and preserved in another's (i.e. in the state's) interest and end, i.e. in the other's relation to me as an individual. In this way, this very other is immediately not an other in my eyes, and in being conscious of this fact, I am free.

§ 269. The patriotic sentiment acquires its specifically determined content from the various members of the organism of the state. This organism is the development of the Idea to its differences and their objective actuality. Hence these different members are the various powers of the state with their functions and spheres of action, by means of which the universal continually engenders itself, and engenders itself in a necessary way because their specific character is fixed by the nature of the concept. Throughout this process the universal maintains its identity, since it is itself the presupposition of its own production. This organism is the constitution of the state.

§ 270.

(1) The abstract actuality or the substantiality of the state consists in the fact that its end is the universal interest as such and the conservation therein of particular interests since the universal interest is the substance of these.

(2) But this substantiality of the state is also its necessity, since its substantiality is divided into the distinct spheres of its activity which correspond to the moments of its concept, and these spheres, owing to this substantiality, are thus actually fixed determinate characteristics of the state, i.e. its Powers.

(3) But this very substantiality of the state is mind knowing and willing itself after passing through the forming process of education. The state, therefore, knows what it wills and knows it in its universality, i.e. as something thought.

Hence it works and acts by reference to consciously adopted ends, known principles, and laws which are not merely implicit but are actually present to consciousness; and further, it acts with precise knowledge of existing conditions and circumstances, inasmuch as its actions have a bearing on these.

§ 271. The constitution of the state is, in the first place, the organisation of the state and the self-related process of its organic life, a process whereby it differentiates its moments within itself and develops them to self-subsistence. Secondly, the state is an individual, unique and exclusive, and therefore related to others. Thus it turns its differentiating activity outward and accordingly establishes within itself the ideality of its subsisting inward differentiations.

1. The Constitution (on its internal side only)

[a]: The Crown - [b]: The Executive - [c]: The Legislature

§ 272. The constitution is rational in so far as the state inwardly differentiates and determines its activity in accordance with the nature of the concept. The result of this is that each of these powers is in itself the totality of the constitution, because each contains the other moments and has them effective in itself, and because the moments, being expressions of the differentiation of the concept, simply abide in their ideality and constitute nothing but a single individual whole.

§ 273. The state as a political entity is thus cleft into three substantive divisions:

- (a) the power to determine and establish the universal — the **Legislature**;
- (b) the power to subsume single cases and the spheres of particularity under the universal — the **Executive**;
- (c) the power of subjectivity, as the will with the power of ultimate decision — the **Crown**. In the crown, the different powers are bound into an individual unity which is thus at once the apex and basis of the whole, i.e. of constitutional monarchy.

§ 274. Mind is actual only as that which it knows itself to be, and in the state, as the mind of a nation, is both the law permeating all relationships within the state and also at the same time the manners and consciousness of its citizens. It follows, therefore, that the constitution of any given people depends in general on the character and development [*Bildung*] of its self-consciousness. its subjective freedom is rooted in its self-consciousness and so, therefore, is the actuality of its constitution.

[a] The Crown

§ 275. The power of the crown contains in itself the three moments of the whole (see § 272), viz. [a] the universality of the constitution and the laws; [b] counsel, which refers the particular to the universal; and [c] the moment of ultimate decision, as the self-determination to which everything else reverts and from which everything else derives the beginning of its actuality. This absolute self-determination constitutes the distinctive principle of the power of the crown as such, and with this principle our exposition is to begin.

§ 276. (1) The fundamental characteristic of the state as a political entity is the substantial unity, i.e. the ideality, of its moments. [a] In this unity, the particular powers and their activities are dissolved and yet retained. They are retained, however, only in the sense that their authority is no independent one but only one of the order and breadth determined by the Idea of the whole; from its might they originate, and they are its flexible limbs while it is their single self.

§ 277. [b] The particular activities and agencies of the state are its essential moments and therefore are proper to it. The individual functionaries and agents are attached to their office not on the strength of their immediate personality, but only on the strength of their universal and objective qualities. Hence it is in an external and contingent way that these offices are linked with particular persons, and therefore the functions and powers of the state cannot be private property.

§ 278. These two points [a] and [b] constitute the sovereignty of the state. That is to say, sovereignty depends on the fact that the particular functions and powers of the state are not self-subsistent or firmly grounded either on their own account or in the particular will of the individual functionaries, but have their roots ultimately in the unity of the state as their single self.

§ 279. (2) Sovereignty, at first simply the universal thought of this ideality, comes into existence only as subjectivity sure of itself, as the will's abstract and to that extent ungrounded self-determination in which finality of decision is rooted. This is the strictly individual aspect of the state, and in virtue of this alone is the state one. The truth of subjectivity, however, is attained only in a subject, and the truth of personality only in a person; and in a constitution which has become mature as a realization of rationality, each of the three moments of the concept has its explicitly actual and separate formations. Hence this absolutely decisive moment of the whole is not individuality in general, but a single individual, the monarch.

§ 280. (3) This ultimate self in which the will of the state is concentrated is, when thus taken in abstraction, a single self and therefore is immediate individuality. Hence its 'natural' character is implied in its very concept. The monarch, therefore, is essentially characterized as this individual, in abstraction from all his other characteristics, and this individual is raised to the dignity of monarchy in an immediate, natural, fashion, i.e. through his birth in the course of nature.

§ 281. Both moments in their undivided unity — (a) the will's ultimate ungrounded self, and (b) therefore its similarly ungrounded objective existence (existence being the category which is at home in nature) — constitute the Idea of something against which caprice is powerless, the 'majesty' of the monarch. In this unity lies the actual unity of the state, and it is only through this, its inward and outward immediacy, that the unity of the state is saved from the risk of being drawn down into the sphere of particularity and its caprices, ends, and opinions, and saved too from the war of factions round the throne and from the enfeeblement and overthrow of the power of the state.

§ 282. The right to pardon criminals arises from the sovereignty of the monarch, since it is this alone which is empowered to actualize mind's power of making undone what has been done and wiping out a crime by forgiving and forgetting it.

§ 283. The second moment in the power of the crown is the moment of particularity, or the moment of a determinate content and its subsumption under the universal. When this acquires a special objective existence, it becomes the supreme council and the individuals who compose it. They bring before the monarch for his decision the content of current affairs of state or the legal provisions required to meet existing needs, together with their objective aspects, i.e. the grounds on which decision is to be based, the relative laws, circumstances, &c. The individuals who discharge these duties are in immediate contact with the person of the monarch and therefore their choice and dismissal alike rest with his unrestricted caprice.

§ 284. It is only for the objective side of decision, i.e. for knowledge of the problem and the attendant circumstances, and for the legal and other reasons which determine its solution, that men are answerable; in other words, it is these alone which are capable of objective proof. It is for this reason that these may fall within the province of a council which is distinct from the personal will of the monarch as such. Hence it is only councils or their individual members that are made answerable. The personal majesty of the monarch, on the other hand, as the final subjectivity of decision, is above all answerability for acts of government.

§ 285. The third moment in the power of the crown concerns the absolute universality which subsists subjectively in the conscience of the monarch and objectively in the whole of the constitution and the laws. Hence the power of the Crown presupposes the other moments in the state just as it is presupposed by each of them.

§ 286. The objective guarantee of the power of the crown, of the hereditary law of succession to the throne, and so forth, consists in the fact that just as monarchy has its own actuality in distinction from that of the other rationally determined moments in the state, so these others explicitly possess the laws and duties appropriate to their own character. In the rational organism of the state, each member, by maintaining itself in its own position, *eo ipso* maintains the others in theirs.

[b] The Executive

§ 287. There is a distinction between the monarch's decision and their execution and application, or in general between his decisions and the continued execution or maintenance of past decisions, existing laws, regulations, organisations for the securing of common ends, and so forth. This task of merely subsuming the particular under the universal is comprised in the executive power, which also includes the powers of the judiciary and the police. The latter have a more immediate bearing

on the particular concerns of civil society and they make the universal interest authoritative over its particular aims.

§ 288. Particular interests which are common to everyone fall within civil society and lie outside the absolutely universal interest of the state proper (see § 256). The administration of these is in the hands of Corporations (see § 251), commercial and professional as well as municipal, and their officials, actuaries, managers, and the like. It is the business of these officials to manage the private property and interests of these particular spheres and, from that point of view, their authority rests on the confidence of their commonalities and professional equals. On the other hand, however, these circles of particular interests must be subordinated to the higher interests of the state, and hence the filling of positions of responsibility in Corporations, &c., will generally be effected by a mixture of popular election by those interested with appointment and ratification by higher authority.

§ 289. The maintenance of the state's universal interest, and of legality, in this sphere of particular laws, and the work of bringing these laws back to the universal, require to be superintended by holders of the executive power, by (a) the executive civil servants, and (b) the higher advisory officials (who are organized into committees). These converge in their supreme heads who are in immediate contact with the monarch.

§ 290. Division of labour (see § 198) occurs in the business of the executive also. For this reason, the organization of officials has the abstract though difficult task of so arranging that (a) civil life shall be governed in a concrete manner from below where it is concrete, but that (b) none the less the business of government shall be divided into its abstract branches manned by special officials as different centers of administration, and further that (c) the operations of these various departments shall converge again when they are directed on civil life from above, in the same way as they converge into a general supervision in the supreme executive.

§ 291. The nature of the executive functions is that they are objective and that in their substance they have been explicitly fixed by previous decisions (see § 287); these functions have to be fulfilled and carried out by individuals. Between an individual and his office there is no immediate natural link. Hence individuals are not appointed to office on account of their birth or native personal gifts. The objective factor in their appointment is knowledge and proof of ability. Such proof guarantees that the state will get what it requires; and since it is the sole condition of appointment, it also guarantees to every citizen the chance of joining the class of civil servants.

§ 292. Since the objective qualification for the civil service is not genius (as it is for work as an artist, for example), there is of necessity an indefinite plurality of eligible candidates whose relative excellence is not determinable with absolute precision. The selection of one of the candidates, his nomination to office, and the grant to him of full authority to transact public business — all this, as the linking of two things, a man and his office, which in relation to each other must always be fortuitous, is the subjective aspect of election to office, and it must lie with the crown as the Power in the state which is sovereign and has the last word.

§ 293. The particular public functions which the monarch entrusts to officials constitute one part of the objective aspect of the sovereignty residing in the crown. Their specific discrimination is therefore given in the nature of the thing. And while the actions of the officials are the fulfilment of their duty, their office is also a law exempt from contingency.

§ 294. Once an individual has been appointed to his official position by the sovereign's act (see [§ 292](#)), the tenure of his post is conditional on his fulfilling its duties. Such fulfilment is the very essence of his appointment, and it is only consequential that he finds in his office his livelihood and the assured satisfaction of his particular interests (see [§ 264](#)), and further that his external circumstances and his official work are freed from other kinds of subjective dependence and influence.

§ 295. The security of the state and its subjects against the misuse of power by ministers and their officials lies immediately in their hierarchical organisation and their answerability; but it lies too in the authority given to societies and Corporations, because in itself this is a barrier against the intrusion of subjective caprice into the power entrusted to a civil servant, and it completes from below the state control which does not reach down as far as the conduct of individuals.

§ 296. But the fact that a dispassionate, upright, and polite demeanor becomes customary [in civil servants] is (i) partly a result of immediate education in thought and ethical conduct. Such an education is a mental counterpoise to the mechanical and semi-mechanical activity involved in acquiring the so-called 'sciences' of matters connected with administration, in the requisite business training, in the actual work done, &c. (ii) The size of the state, however, is an important factor in producing this result, since it diminishes the stress of family and other personal ties, and also makes less potent and so less keen such passions as hatred, revenge, &c. In those who are busy with the important questions arising in a great state, these subjective interests automatically disappear, and the habit is generated of adopting universal interests, points of view, and activities.

§ 297. Civil servants and the members of the executive constitute the greater part of the middle class, the class in which the consciousness of law and the developed intelligence of the mass of the people is found. The sovereign working on the middle class at the top, and Corporation-laws working on it at the bottom, are the institutions which effectually prevent it from acquiring the isolated position of an aristocracy and using its education and skill as means to an arbitrary tyranny.

[c] The Legislature

§ 298. The legislature is concerned (a) with the laws as such in so far as they require fresh and extended determination; and (b) with the content of home affairs affecting the entire state. The legislature is itself a part of the constitution which is presupposed by it and to that extent lies absolutely outside the sphere immediately determined by it; none the less, the constitution becomes progressively more mature in the course of the further elaboration of the laws and the advancing character of the universal business of government.

§ 299. Legislative business is more precisely determined, in relation to private individuals, under these two heads: [a] provision by the state for their well-being and happiness, and [b] the exaction of services from them. The former comprises the laws dealing with all sorts of private laws, the laws of communities, Corporations, and organizations affecting the entire state, and further it through mediation (see § 298) comprises the whole of the constitution. As for the services to be exacted, it is only if these are reduced to terms of money, the really existent and universal value of both things and services, that they can be fixed justly and at the same time in such a way that any particular tasks and services which an individual may perform come to be mediated through his own arbitrary will.

§ 300. In the legislature as a whole the other powers are the first two moments which are effective, (i) the monarchy as that to which ultimate decisions belong; (ii) the executive as the advisory body since it is the moment possessed of [a] a concrete knowledge and oversight of the whole state in its numerous facets and the actual principles firmly established within it, and [b] a knowledge in particular of what the state's power needs. The last moment in the legislature is the Estates.

§ 301. The Estates have the function of bringing public affairs into existence not only implicitly, but also actually, i.e. of bringing into existence the moment of subjective formal freedom, the public consciousness as an empirical universal, of which the thoughts and opinions of the Many are particulars.

§ 302. Regarded as a mediating organ, the Estates stand between the government in general on the one hand and the nation broken up into particulars (people and associations) on the other. Their function requires them to possess a political and administrative sense and temper, no less than a sense for the interests of individuals and particular groups. At the same time the significance of their position is that, in common with the organized executive, they are a middle term preventing both the extreme isolation of the power of the crown, which otherwise might seem a mere arbitrary tyranny, and also the isolation of the particular interests of persons, societies, and Corporations. Further, and more important, they prevent individuals from having the appearance of a mass or an aggregate and so from acquiring an unorganized opinion and volition and from crystallizing into a powerful bloc in opposition to the organized state.

§ 303. The universal class, or, more precisely, the class of civil servants, must, purely in virtue of its character as universal,

have the universal as the end of its essential activity. In the Estates, as an element in the legislative power, the unofficial class acquires its political significance and efficacy; it appears, therefore, in the Estates neither as a mere indiscriminate multitude nor as an aggregate dispersed into its atoms, but as what it already is, namely a class subdivided into two, one sub-class [the agricultural class] being based on a tie of substance between its members, and the other [the business class] on particular needs and the work whereby these are met (see § 201 ff.). It is only in this way that there is a genuine link between the particular which is effective in the state and the universal.

§ 304. The Estates, as an element in political life, still retain in their own function the class distinctions already present in the lower spheres of civil life. The position of the classes is abstract to begin with, i.e. in contrast with the whole principle of monarchy or the crown, their position is that of an extreme — empirical universality. This extreme opposition implies the possibility, though no more, of harmonization, and the equally likely possibility of set hostility. This abstract position changes into a rational relation (into a syllogism, see Remark to § 302) only if the middle term between the opposites comes into existence. From the point of view of the crown, the executive already has this character (see § 300) — So, from the point of view of the classes, one moment in them must be adapted to the task of existing as in essence the moment of mediation.

§ 305. The principle of one of the classes of civil society is in itself capable of adaptation to this political position. The class in question is the one whose ethical life is natural, whose basis is family life, and, so far as its livelihood is concerned, the possession of land. Its particular members attain their position by birth, just as the monarch does, and, in common with him, they possess a will which rests on itself alone.

§ 306. This class is more particularly fitted for political position and significance in that its capital is independent alike of the state's capital, the uncertainty of business, the quest for profit, and any sort of fluctuation in possessions. It is likewise independent of favor, whether from the executive or the mob. It is even fortified against its own wilfulness, because those members of this class who are called to political life are not entitled, as other citizens are, either to dispose of their entire property at will, or to the assurance that it will pass to their children, whom they love equally, in similarly equal divisions. Hence their wealth becomes inalienable, entailed, and burdened by primogeniture.

§ 307. The law of this section of the agricultural class is thus based in a way on the natural principle of the family. But this principle is at the same time reversed owing to hard sacrifices made for political ends, and thereby the activity of this class is essentially directed to those ends. As a consequence of this, this class is summoned and entitled to its political vocation by birth without the hazards of election. It therefore has the fixed, substantive position between the subjective wilfulness or contingency of both extremes; and while it mirrors in itself (see § 305) the moment of the monarchical power, it also shares in other respects the needs and laws of the other extreme [i.e. civil society] and hence it becomes a support at once of the throne and society.

§ 308. The second section of the Estates comprises the fluctuating element in civil society. This element can enter politics only through its deputies; the multiplicity of its members is an external reason for this, but the essential reason is the specific character of this element and its activity. Since these deputies are the deputies of civil society, it follows as an immediate consequence that their appointment is made by the society as a society. That is to say, in making the appointment, society is not dispersed into atomic units, collected to perform only a single and temporary act, and kept together for a moment and no longer. On the contrary, it makes the appointment as a society, articulated into associations, communities, and Corporations, which although constituted already for other purposes, acquire in this way a connection with politics. The existence of the Estates and their assembly finds a constitutional guarantee of its own in the fact that this class is entitled to send deputies at the summons of the crown, while members of the former class are entitled to present themselves in person in the Estates (see § 307).

§ 309. Since deputies are elected to deliberate and decide on public affairs, the point about their election is that it is a choice of individuals on the strength of confidence felt in them, i.e. a choice of such individuals as have a better understanding of these affairs than their electors have and such also as essentially vindicate the universal interest, not the particular interest of a society or a Corporation in preference to that interest. Hence their relation to their electors is not that of agents with a commission or specific instructions. A further bar to their being so is the fact that their assembly is meant to be a living body

in which all members deliberate in common and reciprocally instruct and convince each other.

§ 310. The guarantee that deputies will have the qualifications and disposition that accord with this end — since independent means attains its law in the first section of the Estates — is to be found so far as the second section is concerned — the section drawn from the fluctuating and changeable element in civil society above all in the knowledge (of the organization and interests of the state and civil society), the temperament, and the skill which a deputy acquires as a result of the actual transaction of business in managerial or official positions, and then evinces in his actions. As a result, he also acquires and develops a managerial and political sense, tested by his experience, and this is a further guarantee of — his suitability as a deputy.

§ 311. A further point about the election of deputies is that, since civil society is the electorate, the deputies should themselves be conversant with and participate in its special needs, difficulties, and particular interests. Owing to the nature of civil society, its deputies are the deputies of the various Corporations (see § 308), and this simple mode of appointment obviates any confusion due to conceiving the electorate abstractly and as an agglomeration of atoms. Hence the deputies *eo ipso* adopt the point of view of society, and their actual election is therefore either something wholly superfluous or else reduced to a trivial play of opinion and caprice.

§ 312. Each class in the Estates (see §§ 305-8) contributes something peculiarly its own to the work of deliberation. Further, one moment in the class-element has in the sphere of politics the special function of mediation, mediation between two existing things. Hence this moment must likewise acquire a separate existence of its own. For this reason the assembly of the Estates is divided into two houses.

§ 313. This division, by providing chambers of the first and second instance, is a surer guarantee for ripeness of decision and it obviates the accidental character which a snap-division has and which a numerical majority may acquire. But the principal advantage of this arrangement is that there is less chance of the Estates being in immediate opposition to the executive; or that, if the mediating element is at the same time on the side of the lower house, the weight of the lower house's opinion is all the stronger, because it appears less partisan and its opposition appears neutralised.

§ 314. The purpose of the Estates as an institution is not to be an inherent *sine qua non* of maximum efficiency in the consideration and dispatch of state business, since in fact it is only an added efficiency that they can supply (see § 301). Their distinctive purpose is that in their pooled political knowledge, deliberations, and decisions, the moment of formal freedom shall come into its law in respect of those members of civil society who are without any share in the executive. Consequently, it is knowledge of public business above all which is extended by the publicity of Estates debates.

§ 315. The opening of this opportunity to know has a more universal aspect because by this means public opinion first reaches thoughts that are true and attains insight into the situation and concept of the state and its affairs, and so first acquires ability to estimate these more rationally. By this means also, it becomes acquainted with and learns to respect the work, abilities, virtues, and dexterity of ministers and officials. While such publicity provides these abilities with a potent means of development and a theatre of higher distinction, it is at the same time another antidote to the self-conceit of individuals singly and *en masse*, and another means — indeed one of the chief means — of their education.

§ 316. The formal subjective freedom of individuals consists in their having and expressing their own private judgements, opinions, and recommendations on affairs of state. This freedom is collectively manifested as what is called 'public opinion', in which what is absolutely universal, the substantive and the true, is linked with its opposite, the purely particular and private opinions of the Many. Public opinion as it exists is thus a standing self-contradiction, knowledge as appearance, the essential just as immediately present as the inessential.

§ 317. Public opinion, therefore, is a repository not only of the genuine needs and correct tendencies of common life, but also, in the form of common sense (i.e. all-pervasive fundamental ethical principles disguised as prejudices), of the eternal, substantive principles of justice, the true content and result of legislation, the whole constitution, and the general position of

the state. At the same time, when this inner truth emerges into consciousness and, embodied in general maxims, enters representative thinking whether it be there on its own account or in support of concrete arguments about felt wants, public affairs, the organisation of the state, and relations of parties within it — it becomes infected by all the accidents of opinion, by its ignorance and perversity, by its mistakes and falsity of judgement. Since in considering such opinion we have to do with the consciousness of an insight and conviction peculiarly one's own, the more peculiarly one's own an opinion may be the worse its content is, because the bad is that which is wholly private and personal in its content; the rational, on the other hand, is the absolutely universal, while it is on peculiarity that opining prides itself.

§ 318. Public opinion therefore deserves to be as much respected as despised — despised for its concrete expression and for the concrete consciousness it expresses, respected for its essential basis, a basis which only glimmers more or less dimly in that concrete expression. But in itself it has no criterion of discrimination, nor has it the ability to extract the substantive element it contains and raise it to precise knowledge. Thus to be independent of public opinion is the first formal condition of achieving anything great or rational whether in life or in science. Great achievement is assured, however, of subsequent recognition and grateful acceptance by public opinion, which in due course will make it one of its own prejudices.

§ 319. Freedom of public communication — of the two modes of communication, the press and the spoken word, the first exceeds the second in range of contact but lags behind it in vivacity — satisfaction of the goading desire to say one's say and to have said it, is immediately assured by the laws and by-laws which control or punish its excesses. But it is assured mediately by the innocuous character which it acquires as a result principally of the rationality of the constitution, the stability of government, and secondly of the publicity of Estates Assemblies. The reason why the latter makes free speech harmless is that what is voiced in these Assemblies is a sound and mature insight into the concerns of the state, with the result that members of the general public are left with nothing of much importance to say, and above all are deprived of the opinion that what they say is of peculiar importance and efficacy. A further safeguard of free speech is the indifference and contempt speedily and necessarily visited on shallow and cantankerous talking.

§ 320. Subjectivity is manifested in its most external form as the undermining of the established life of the state by opinion and ratiocination when they endeavour to assert the authority of their own fortuitous character and so bring about their own destruction. But its true actuality is attained in the opposite of this, i.e. in the subjectivity identical with the substantial will of the state, the subjectivity which constitutes the concept of the power of the crown and which, as the ideality of the whole state, has not up to this point attained its rights or its existence.

2. Sovereignty vis-à-vis foreign States

§ 321. Sovereignty at home (see § 278) is this ideality in the sense that the moments of mind and its actuality, the state, have become developed in their necessity and subsist as the organs of the state. Mind in its freedom is an infinitely negative relation to itself and hence its essential character from its own point of view is its singleness, a singleness which has incorporated these subsistent differences into itself and so is a unit, exclusive of other units. So characterised, the state has individuality, and individuality is in essence an individual, and in the sovereign an actual, immediate individual (see § 279).

§ 322. Individuality is awareness of one's existence as a unit in sharp distinction from others. It manifests itself here in the state as a relation to other states, each of which is autonomous vis-a-vis the others. This autonomy embodies mind's actual awareness of itself as a unit and hence it is the most fundamental freedom which a people possesses as well as its highest dignity.

§ 323. This negative relation of the state to itself is embodied in the world as the relation of one state to another and as if the negative were something external. In the world of existence, therefore, this negative relation has the shape of a happening and an entanglement with chance events coming from without. But in fact this negative relation is that moment in the state which is most supremely its own, the state's actual infinity as the ideality of everything finite within it. It is the moment wherein the substance of the state — i.e. its absolute power against everything individual and particular, against life, property, and their laws, even against societies and associations — makes the nullity of these finite things an accomplished fact and brings it home to consciousness.

§ 324. This destiny whereby the laws and interests of individuals are established as a passing phase, is at the same time the positive moment, i.e. the positing of their absolute, not their contingent and unstable, individuality. This relation and the recognition of it is therefore the individual's substantive duty, the duty to maintain this substantive individuality, i.e. the independence and sovereignty of the state, at the risk and the sacrifice of property and life, as well as of opinion and everything else naturally comprised in the compass of life.

§ 325. Sacrifice on behalf of the individuality of the state is the substantial tie between the state and all its members and so is a universal duty. Since this tie is a single aspect of the ideality, as contrasted with the reality, of subsistent particulars, it becomes at the same time a particular tie, and those who are in it form a class of their own with the characteristic of courage.

§ 326. The matter at issue in disputes between states may be only one particular aspect of their relation to each other, and it is for such disputes that the particular class devoted to the state's defence is principally appointed. But if the state as such, if its autonomy, is in jeopardy, all its citizens are in duty bound to answer the summons to its defence. If in such circumstances the entire state is under arms and is torn from its domestic life at home to fight abroad, the war of defence turns into a war of conquest.

§ 327. In itself, courage is a formal virtue, because (i) it is a display of freedom by radical abstraction from all particular ends, possessions, pleasure, and life; but (ii) this negation is a negation of externalities, and their alienation, the culmination of courage, is not intrinsically of a spiritual (*geistiger*) character; (iii) the courageous man's inner motive need only be some particular reason or other, and even the actual result of what he does need be present solely to the minds of others and not to his own.

§ 328. The intrinsic worth of courage as a disposition of mind is to be found in the genuine, absolute, final end, the sovereignty of the state. The work of courage is to actualise this final end, and the means to this end is the sacrifice of personal actuality. This form of experience thus contains the harshness of extreme contradictions: a self-sacrifice which yet is the real existence of one's freedom; the maximum self-subsistence of individuality, yet only as a cog playing its part in the mechanism of an external organisation; absolute obedience, renunciation of personal opinions and reasonings, in fact complete absence of mind, coupled with the most intense and comprehensive presence of mind and decision in the moment of acting; the most hostile and so most personal action against individuals, coupled with an attitude of complete indifference or even liking towards them as individuals.

§ 329. The state's tendency to look abroad lies in the fact that it is an individual subject. Its relation to other states therefore falls to the power of the crown. Hence it immediately devolves on the monarch, and on him alone, to command the armed forces, to conduct foreign affairs through ambassadors &c., to make war and peace, and to conclude treaties of all kinds.

§ 330. International law springs from the relations between autonomous states. It is for this reason that what is absolute in it retains the form of an ought-to-be, since its actuality depends on different wills each of which is sovereign.

§ 331. The nation state is mind in its substantive rationality and immediate actuality and is therefore the absolute power on earth. It follows that every state is sovereign and autonomous against its neighbours. It is entitled in the first place and without qualification to be sovereign from their point of view, i.e. to be recognised by them as sovereign. At the same time, however, this title is purely formal, and the demand for this recognition of the state, merely on the ground that it is a state, is abstract. Whether a state is in fact something absolute depends on its content, i.e. on its constitution and general situation; and recognition, implying as it does an identity of both form and content, is conditional on the neighbouring state's judgement and will.

§ 332. The immediate actuality which any state possesses from the point of view of other states is particularised into a multiplicity of relations which are determined by the arbitrary will of both autonomous parties and which therefore possess the formal nature of contracts pure and simple. The subject-matter of these contracts, however, is infinitely less varied than

it is in civil society, because in civil society individuals are reciprocally interdependent in the most numerous respects, while autonomous states are principally wholes whose needs are met within their own borders.

§ 333. The fundamental proposition of international law (i.e. the universal law which ought to be absolutely valid between states, as distinguished from the particular content of positive treaties) is that treaties, as the ground of obligations between states, ought to be kept. But since the sovereignty of a state is the principle of its relations to others, states are to that extent in a state of nature in relation to each other. Their laws are actualised only in their particular wills and not in a universal will with constitutional powers over them. This universal proviso of international law therefore does not go beyond an ought-to-be, and what really happens is that international relations in accordance with treaty alternate with the severance of these relations.

§ 334. It follows that if states disagree and their particular wills cannot be harmonised, the matter can only be settled by war. A state through its subjects has widespread connections and many-sided interests, and these may be readily and considerably injured; but it remains inherently indeterminable which of these injuries is to be regarded as a specific breach of treaty or as an injury to the honour and autonomy of the state. The reason for this is that a state may regard its infinity and honour as at stake in each of its concerns, however minute, and it is all the more inclined to susceptibility to injury the more its strong individuality is impelled as a result of long domestic peace to seek and create a sphere of activity abroad.

§ 335. Apart from this, the state is in essence mind and therefore cannot be prepared to stop at just taking notice of an injury after it has actually occurred. On the contrary, there arises in addition as a cause of strife the idea of such an injury as the idea of a danger threatening from another state, together with calculations of degrees of probability on this side and that, guessing at intentions, &c., &c.

§ 336. Since states are related to one another as autonomous entities and so as particular wills on which the very validity of treaties depends, and since the particular will of the whole is in content a will for its own welfare pure and simple, it follows that welfare is the highest law governing the relation of one state to another. This is all the more the case since the Idea of the state is precisely the supersession of the clash between law (i.e. empty abstract freedom) and welfare (i.e. the particular content which fills that void), and it is when states become concrete wholes that they first attain recognition (see [§ 331](#)).

§ 337. The substantial welfare of the state is its welfare as a particular state in its specific interest and situation and its no less special foreign affairs, including its particular treaty relations.. Its government therefore is a matter of particular wisdom, not of universal Providence. Similarly, its aim in relation to other states and its principle for justifying wars and treaties is not a universal thought (the thought of philanthropy) but only its actually injured or threatened welfare as something specific and peculiar to itself.

§ 338. The fact that states reciprocally recognise each other as states remains, even in war — the state of affairs when laws disappear and force and chance hold sway — a bond wherein each counts to the rest as something absolute. Hence in war, war itself is characterised as something which ought to pass away. It implies therefore the proviso of the *jus gentium* — that the possibility of peace be retained (and so, for example, that envoys must be respected), and, in general, that war be not waged against domestic institutions, against the peace of family and private life, or against persons in their private capacity.

§ 339. Apart from this, relations between states (e.g. in war-time, reciprocal agreements about taking prisoners; in peace-time, concessions of laws to subjects of other states for the purpose of private trade and intercourse, &c.) depend principally upon the customs of nations, custom being the inner universality of behaviour maintained in all circumstances.

§ 340. It is as particular entities that states enter into relations with one another. Hence their relations are on the largest scale a maelstrom of external contingency and the inner particularity of passions, private interests and selfish ends, abilities and virtues, vices, force, and wrong. All these whirl together, and in their vortex the ethical whole itself, the autonomy of the state, is exposed to contingency. The principles of the national minds are wholly restricted on account of their particularity, for it is in this particularity that, as existent individuals, they have their objective actuality and their self-consciousness.

Their deeds and destinies in their reciprocal relations to one another are the dialectic of the finitude of these minds, and out of it arises the universal mind, the mind of the world, free from all restriction, producing itself as that which exercises its law — and its law is the highest law of all — over these finite minds in the ‘history of the world which is the world’s court of judgement’.

C. World History

§ 341. The element in which the universal mind exists in art is intuition and imagery, in religion feeling and picture-thinking, in philosophy pure freedom of thought. In world history this element is the actuality of mind in its whole compass of internality and externality alike. World history is a court of judgment because in its absolute universality, the particular – i.e. the Penates, civil society, and the national minds in their variegated actuality is present as only ideal, and the movement of mind in this element is the exhibition of that fact.

§ 342. Further, world history is not the verdict of mere might, i.e. the abstract and non-rational inevitability of a blind destiny. On the contrary, since mind is implicitly and actually reason, and reason is explicit to itself in mind as knowledge, world history is the necessary development, out of the concept of mind’s freedom alone, of the moments of reason and so of the self-consciousness and freedom of mind. This development is the interpretation and actualization of the universal mind.

§ 343. The history of mind is its own act. Mind is only what it does, and its act is to make itself the object of its own consciousness. In history its act is to gain consciousness of itself as mind, to apprehend itself in its interpretation of itself to itself. This apprehension is its being and its principle, and the completion of apprehension at one stage is at the same time the rejection of that stage and its transition to a higher. To use abstract phraseology, the mind apprehending this apprehension anew, or in other words returning to itself again out of its rejection of this lower stage of apprehension, is the mind of the stage higher than that on which it stood in its earlier apprehension.

§ 344. In the course of this work of the world mind, states, nations, and individuals arise animated by their particular determinate principle which has its interpretation and actuality in their constitutions and in the whole range of their life and condition. While their consciousness is limited to these and they are absorbed in their mundane interests, they are all the time the unconscious tools and organs of the world mind at work within them. The shapes which they take pass away, while the absolute mind prepares and works out its transition to its next higher stage.

§ 345. Justice and virtue, wrongdoing, power and vice, talents and their achievements, passions strong and weak, guilt and innocence, grandeur in individual and national life, autonomy, fortune and misfortune of states and individuals, all these have their specific significance and worth in the field of known actuality; therein they are judged and therein they have their partial, though only partial justification. World-history, however, is above the point of view from which these things matter. Each of its stages is the presence of a necessary moment in the Idea of the world mind, and that moment attains its absolute law in that stage. The nation whose life embodies this moment secures its good fortune and fame, and its deeds are brought to fruition.

§ 346. History is mind clothing itself with the form of events or the immediate actuality of nature. The stages of its development are therefore presented as immediate natural principles. These, because they are natural, are a plurality external to one another, and they are present therefore in such a way that each of them is assigned to one nation in the external form of its geographical and anthropological conditions.

§ 347. The nation to which is ascribed a moment of the Idea in the form of a natural principle is entrusted with giving complete effect to it in the advance of the self-developing self-consciousness of the world mind. This nation is dominant in world history during this one epoch, and it is only once (see § 345) that it can make its hour strike. In contrast with this its absolute law of being the vehicle of this present stage in the world mind’s development, the minds of the other nations are without laws, and they, along with those whose hour has struck already, count no longer in world history.

§ 348. All actions, including world-historical actions, culminate with individuals as subjects giving actuality to the substantial. They are the living instruments of what is in substance the deed of the world mind and they are therefore

immediately at one with that deed though it is concealed from them and is not their aim and object (see § 344). For the deeds of the world mind, therefore, they receive no honor or thanks either from their contemporaries (see § 344) or from public opinion in later ages. All that is vouchsafed to them by such opinion is undying fame in respect of the subjective form of their acts.

§ 349. A nation does not begin by being a state. The transition from a family, a horde, a clan, a multitude, &c., to political conditions is the realization of the Idea in the form of that people. Without this form, a nation as an ethical substance — which is what it is implicitly — lacks the objectivity of possessing in its own eyes and in the eyes of others a universal and universally valid embodiment in laws, i.e. in determinate thoughts, and as a result it fails to secure recognition from others. So long as it lacks objective law and an explicitly established rational constitution, its autonomy is formal only and is not sovereignty.

§ 350. It is the absolute law of the Idea to step into existence in clear-cut laws and objective institutions, beginning with marriage and agriculture, whether this law be actualized in the form of divine legislation and favor, or in the form of force and wrong. This law is the law of heroes to found states.

§ 351. The same consideration justifies civilized nations in regarding and treating as barbarians those who lag behind them in institutions which are the essential moments of the state. Thus a pastoral people may treat hunters as barbarians, and both of these are barbarians from the point of view of agriculturists, &c. The civilized nation is conscious that the laws of barbarians are unequal to its own and treats their autonomy as only a formality.

§ 352. The concrete Ideas, the minds of the nations, have their truth and their destiny in the concrete Idea which is absolute universality, i.e. in the world mind. Around its throne they stand as the executors of its actualisation and as signs and ornaments of its grandeur. As mind, it is nothing but its active movement towards absolute knowledge of itself and therefore towards freeing its consciousness from the form of natural immediacy and so coming to itself. Therefore the principles of the formations of this self-consciousness in the course of its liberation — the world-historical realms — are four in number.

§ 353. In its **first** and immediate revelation, mind has as its principle the shape of the substantial mind, i.e. the shape of the identity in which individuality is absorbed in its essence and its claims are not explicitly recognised.

The **second** principle is this substantial mind endowed with knowledge so that mind is both the positive content and filling of mind and also the individual self-awareness which is the living form of mind. This principle is ethical individuality as beauty.

The **third** principle is the inward deepening of this individual self-awareness and knowledge until it reaches abstract universality and therefore infinite opposition to the objective world which in the same process has become mind-forsaken.

The principle of the **fourth** formation is the conversion of this opposition so that mind receives in its inner life its truth and concrete essence, while in objectivity it is at home and reconciled with itself. The mind which has thus reverted to the substantiality with which it began is the mind which has returned out of the infinite opposition, and which consequently engenders and knows this its truth as thought and as a world of actual laws.

§ 354. In accordance with these four principles, the world-historical realms are the following: (1) the Oriental, (2) the Greek, (3) the Roman, (4) the Germanic.

§ 355

(1) The Oriental realm.

The world-view of this first realm is substantial, without inward division, and it arises in natural communities patriarchally governed. According to this view, the mundane form of government is theocratic, the ruler is also a high priest or God himself; constitution and legislation are at the same time religion, while religious and moral commands, or usages rather, are at the same time natural and positive law. In the magnificence of this regime as a whole, individual personality loses its laws and perishes; the external world of nature is either immediately divine or else God's ornament, and the history of the actual

is poetry. Distinctions are developed in customs, government, and state on their many sides, and in default of laws and amidst the simplicity of manners, they become unwieldy, diffuse, and superstitious ceremonies, the accidents of personal power and arbitrary rule, and class differences become crystallised into hereditary castes. Hence in the Oriental state nothing is fixed, and what is stable is fossilised; it lives therefore only in an outward movement which becomes in the end an elemental fury and desolation. Its inner calm is merely the calm of non-political life and immersion in feebleness and exhaustion.

§ 356. (2) The Greek realm. This realm possesses this substantial unity of finite and infinite, but only as a mysterious background, suppressed in dim recesses of the memory, in caves and traditional imagery. This background, reborn out of the mind which differentiates itself to individual mentality, emerges into the daylight of knowing and is tempered and transfigured into beauty and a free and unruffled ethical life. Hence it is in a world of this character that the principle of personal individuality arises, though it is still not self-enclosed but kept in its ideal unity. The result is that the whole is divided into a group of particular national minds; ultimate decision is ascribed not to the subjectivity of explicitly independent self-consciousness but to a power standing above and outside it (see Remark to § 279); on the other hand, the due satisfaction of particular needs is not yet comprised in the sphere of freedom but is relegated exclusively to a class of slaves.

§ 357. (3) The Roman realm. In this realm, differentiation is carried to its conclusion, and ethical life is sundered without end into the extremes of the private self-consciousness of persons on the one hand, and abstract universality on the other. This opposition begins in the clash between the substantial intuition of an aristocracy and the principle of free personality in democratic form. As the opposition grows, the first of these opponents develops into superstition and the maintenance of heartless self-seeking power, while the second becomes more and more corrupt until it sinks into a rabble. Finally, the whole is dissolved and the result is universal misfortune and the destruction of ethical life. National heroes die away into the unity of a Pantheon, all individuals are degraded to the level of private persons equal with one another, possessed of formal laws, and the only bond left to hold them together is abstract insatiable self-will.

§ 358. (4) The Germanic realm. Mind and its world are thus both alike lost and plunged in the infinite grief of that fate for which a people, the Jewish people, was held in readiness. Mind is here pressed back upon itself in the extreme of its absolute negativity. This is the absolute turning point; mind rises out of this situation and grasps the infinite positivity of this its inward character, i.e. it grasps the principle of the unity of the divine nature and the human, the reconciliation of objective truth and freedom as the truth and freedom appearing within self-consciousness and subjectivity, a reconciliation with the fulfillment of which the principle of the north, the principle of the Germanic peoples, has been entrusted.

§ 359. This principle is first of all inward and abstract; it exists in feeling as faith, love, and hope, the reconciliation and resolution of all contradiction. It then discloses its content, raising it to become actuality and self-conscious rationality, to become a mundane realm proceeding from the heart, fidelity, and comradeship of free men, a realm which in this its subjectivity is equally a realm of crude individual caprice and barbarous manners. This realm it sets over against a world of beyond, an intellectual realm, whose content is indeed the truth of its (the principle's) mind, but a truth not yet thought and so still veiled in barbarous imagery. This world of beyond, as the power of mind over the mundane heart, acts against the latter as a compulsive and frightful force.

§ 360. These two realms stand distinguished from one another though at the same time they are rooted in a single unity and Idea. Here their distinction is intensified to absolute opposition and a stern struggle ensues in the course of which the realm of mind lowers the place of its heaven to an earthly here and now, to a common worldliness of fact and idea. The mundane realm, on the other hand, builds up its abstract independence into thought and the principle of rational being and knowing, i.e. into the rationality of right and law. In this way their opposition implicitly loses its marrow and disappears. The realm of fact has discarded its barbarity and unrighteous caprice, while the realm of truth has abandoned the world of beyond and its arbitrary force, so that the true reconciliation which discloses the state as the image and actuality of reason has become objective. In the state, self-consciousness finds in an organic development the actuality of its substantive knowing and willing; in religion, it finds the feeling and the representation of this its own truth as an ideal essentiality; while in philosophic science, it finds the free comprehension and knowledge of this truth as one and the same in its mutually complementary manifestations, i.e. in the state, in nature, and in the ideal world.

Appendix: from the Preface

There are two kinds of laws, laws of nature and laws of right. The laws of nature are simply there, and are valid as they are. They cannot be gainsaid, although in certain cases they may be transgressed. In order to know laws of nature, we must get to work to ascertain them. For they are true, and only our ideas of them can be false. Of these laws the measure is outside of us. Our knowledge adds nothing to them, and does not further their operation. Only our knowledge of them expands. The knowledge of right is partly of the same nature and partly different. The laws of right also are simply there, and we have to become acquainted with them. In this way the citizen has a more or less firm hold of them as they are given to him, and the jurist also abides by the same standpoint. But there is also a distinction. In connection with the laws of right the mind of investigation is stirred up, and our attention is turned to the fact that the laws, because they are different, are not absolute. Laws of right are established and handed down by men. The inner voice must necessarily collide or agree with them. Man cannot be limited to what is presented to him, but maintains that he has the standard of right within himself. He may be subject to the necessity and force of external authority, but not in the same way as he is to the necessity of nature; for always his inner being says to him how a thing ought to be, and within himself he finds the confirmation or lack of confirmation of what is generally accepted. In nature the highest truth is that a law is. In right a thing is not valid because it is, since every one demands that it shall conform to his standard. Hence arises a possible conflict between what is and what ought to be, between absolute unchanging right and the arbitrary decision of what ought to be right. Such division and strife occur only on the soil of the mind. Thus the unique privilege of the mind would appear to lead to discontent and unhappiness, and frequently we are directed to nature in contrast with the fluctuations of life. But it is exactly in the opposition arising between absolute right, and that which the arbitrary will seeks to make right, that the need lies of knowing thoroughly what right is. Men must openly meet and face their reason, and consider the rationality of right. This is the subject-matter of our science in contrast with jurisprudence, which often has to do merely with contradictions. Moreover the world of today has an imperative need to make this investigation. In ancient times, respect and reverence for the law were universal. But now the fashion of the time has taken another turn, and thought confronts everything which has been approved. Theories now set themselves in opposition to reality, and make as though they were absolutely true and necessary. And there is now more pressing need to know and conceive the thoughts upon right. Since thought has exalted itself as the essential form, we must now be careful to apprehend right also as thought. It would look as though the door were thrown open for every casual opinion, when thought is thus made to supervene upon right. But true thought of a thing is not an opinion, but the conception of the thing itself. The conception of the thing does not come to us by nature. Every man has fingers, and may have brush and colors, but he is not by reason of that a painter. So is it with thought. The thought of right is not a thing which every man has at first hand. True thinking is thorough acquaintance with the object. Hence our knowledge must be scientific.

[...]

Now, as to genuine philosophy it is precisely its attitude to reality which has been misapprehended. Philosophy is, as I have already observed, an inquisition into the rational, and therefore the apprehension of the real and present. Hence it cannot be the exposition of a world beyond, which is merely a castle in the air, having no existence except in the error of a one-sided and empty formalism of thought. In the following treatise I have remarked that even Plato's *Republic*, now regarded as the bye-word for an empty ideal, has grasped the essential nature of the ethical life of the Greeks. He knew that there was breaking in upon Greek life a deeper principle, which could directly manifest itself only as an unsatisfied longing and therefore as ruin. Moved by the same longing Plato had to seek help against it, but had to conceive of the help as coming down from above, and hoped at last to have found it in an external special form of Greek ethical life. He exhausted himself in contriving, how by means of this new society to stem the tide of ruin, but succeeded only in injuring more fatally its deeper motive, the free infinite personality. Yet he has proved himself to be a great mind because the very principle and central distinguishing feature of his idea is the pivot upon which the world-wide revolution then in process turned:

What is rational is real;
And what is real is rational.

Upon this conviction stands not philosophy only but even every unsophisticated consciousness. From it also proceeds the view now under contemplation that the spiritual universe is the natural. When reflection, feeling or whatever other form the subjective consciousness may assume, regards the present as vanity, and thinks itself to be beyond it and wiser, it finds itself in emptiness, and, as it has actuality only in the present, it is vanity throughout. Against the doctrine that the idea is a mere idea, figment or opinion, philosophy preserves the more profound view that nothing is real except the idea. Hence arises the effort to recognize in the temporal and transient the substance, which is immanent, and the eternal, which is present. The rational is synonymous with the idea, because in realizing itself it passes into external existence. It thus appears in an endless wealth of forms, figures and phenomena. It wraps its kernel round with a robe of many colors, in which consciousness finds itself at home.

Through this varied husk the conception first of all penetrates, in order to touch the pulse, and then feel it throbbing

in its external manifestations. To bring to order the endlessly varied relations, which constitute the outer appearance of the rational essence is not the task of philosophy. Such material is not suitable for it, and it can well abstain from giving good advice about these things. Plato could refrain from recommending to the nurses not to stand still with children, but always to dandle them in their arms. So could Fichte forbear to construe, as they say, the supervision of passports to such a point as to demand of all suspects that not only a description of them but also their photograph, should be inserted in the pass. Philosophy now exhibits no trace of such details. These superfine concerns it may neglect all the more safely, since it shows itself of the most liberal mind in its attitude towards the endless mass of objects and circumstances. By such a course science will escape the hate which is visited upon a multitude of circumstances and institutions by the vanity of a better knowledge. In this hate bitterness of mind finds the greatest pleasure, as it can in no other way attain to a feeling of self-esteem.

This treatise, in so far as it contains a political science, is nothing more than an attempt to conceive of and present the state as in itself rational. As a philosophic writing, it must be on its guard against constructing a state as it *ought to be*. Philosophy cannot teach the state what it *should be*, but only how it, the ethical universe, is to be *known*.

Idou Podos, idou kai to pidima
Hic Rhodus, hic saltus.

To apprehend what *is* is the task of philosophy, because what *is* is reason. As for the individual, every one is a son of his time; so philosophy also is its time apprehended in thoughts. It is just as foolish to fancy that any philosophy can transcend its present world, as that an individual could leap out of his time or jump over Rhodes. If a theory transgresses its time, and builds up a world as it ought to be, it has an existence merely in the unstable element of opinion, which gives room to every wandering fancy.

With little change the above, saying would read:

Here is the rose, dance here

The barrier which stands between reason, as self-conscious mind, and reason as present reality, and does not permit mind to find satisfaction in reality, is some abstraction, which is not free to be conceived. To recognize reason as the rose in the cross of the present, and to find delight in it, is a rational insight which implies reconciliation with reality. This reconciliation philosophy grants to those who have felt the inward demand to conceive clearly, to preserve subjective freedom while present in substantive reality, and yet thought possessing this freedom stood not upon the particular and contingent, but upon what is and self-completed.

This also is the more concrete meaning of what was a moment ago more abstractly called the unity of form and content. Form in its most concrete significance is reason, as an intellectual apprehension which conceives its object. Content, again, is reason as the substantive essence of social order and nature. The conscious identity of form and content is the philosophical idea.

It is a self-assertion, which does honor to man, to recognize nothing in sentiment which is not justified by thought. This self-will is a feature of modern times, being indeed the peculiar principle of Protestantism. What was initiated by Luther as faith in feeling and the witness of the Spirit, the more mature mind strives to apprehend in conception. In that way it seeks to free itself in the present, and so find there itself. It is a celebrated saying that a half philosophy leads away from God, while a true philosophy leads to God. (It is the same halfness, I may say in passing which regards knowledge as an approximation to truth.) This saying is applicable to the science of the state. Reason cannot content itself with a mere approximation, something which is neither cold nor hot, and must be spewed out of the mouth. As little can it be contented with the cold skepticism that in this world of time things go badly, or at best only moderately well, and that we must keep the peace with reality, merely because there is nothing better to be had. Knowledge creates a much more vital peace.

Only one word more concerning the desire to teach the world what it ought to be. For such a purpose philosophy at least always comes too late. Philosophy, as the thought of the world, does not appear until reality has completed its formative process, and made itself ready. History thus corroborates the teaching of the conception that only in the maturity of reality does the ideal appear as counterpart to the real, apprehends the real world in its substance, and shapes it into an intellectual kingdom. When philosophy paints its gray on gray, one form of life has become old, and by means of gray it cannot be rejuvenated, but only known. The owl of Minerva takes its flight only when the shades of night are gathering.

But it is time to close this preface. As a preface it is its place to speak only externally and subjectively of the standpoint of the work which it introduces. A philosophical account of the essential content needs a scientific and objective treatment. So, too, criticisms, other than those which proceed from such a treatment, must be viewed by the author as unreflective convictions. Such subjective criticisms must be for him a matter of indifference.

BERLIN, *June 25th*, 1820.