

§ 16

Whatever the will has decided to choose (see § 14), it can likewise relinquish (see § 5). But with this possibility of proceeding in turn beyond any other content which it may substitute for the previous one, and so on *ad infinitum*, it does not escape from finitude, because every such content is different from the form [of the will] and therefore finite; and the opposite of determinacy – namely indeterminacy, indecision, or abstraction – is only the other, equally one-sided moment.

§ 17

That contradiction which is the arbitrary will (see § 15) makes its appearance as a *dialectic* of drives and inclinations which conflict with each other in such a way that the satisfaction of one demands that the satisfaction of the other be subordinated or sacrificed, and so on; and since a drive is merely the simple direction of its own determinacy and therefore has no yardstick within itself, this determination that it should be subordinated or sacrificed is the contingent decision of arbitrariness – whether the latter is guided by calculations of the understanding as to which drive will afford the greater satisfaction, or by any other consideration one cares to name.

Addition (H). Drives or inclinations are primarily a content of the will, and only reflection stands above them; but these drives [*Trieb*e] themselves become impelling [*treibend*], press upon each other, and conflict with each other, and all of them wish to be satisfied. If, then, I put all the others aside and commit myself to only one of them, I find myself in a destructive limitation, for by my very act I have relinquished my universality, which is a system of all drives. But it is of just as little help merely to subordinate certain drives [to others] – the course of action to which the understanding usually resorts – because no yardstick by which they might be arranged in order is available here; the demand for such an order therefore usually ends in tedious platitudes.¹

§ 18

With regard to the *judgement* of drives the appearance of the dialectic is such that, as *immanent* and hence also *positive*, the determinations of

the immediate will are *good*; thus *man* is said to be *by nature good*. But in so far as they are *determinations of nature*, opposed to freedom and to the concept of the spirit in general and therefore *negative*, they must be *eradicated*; thus *man* is said to be *by nature evil*. In this situation, the decision in favour of one assertion or the other likewise depends on subjective arbitrariness.¹

Addition (H). The Christian doctrine that man is by nature evil is superior to the other according to which he is good. Interpreted philosophically, this doctrine should be understood as follows. As spirit, man is a free being [*Wesen*] who is in a position not to let himself be determined by natural drives. When he exists in an immediate and uncivilized [*ungebildeten*] condition, he is therefore in a situation in which he ought not to be, and from which he must liberate himself. This is the meaning of the doctrine of original sin, without which Christianity would not be the religion of freedom.

§ 19

Underlying the demand for the *purification of the drives* is the general idea [*Vorstellung*] that they should be freed from the *form* of their immediate natural determinacy and from the subjectivity and contingency of their *content*, and restored to their substantial essence. The truth behind this indeterminate demand is that the drives should become the rational system of the will's determination; to grasp them thus in terms of the concept is the content of the science of right.

The content of this science can be expounded, with reference to all its individual moments such as right, property, morality, family, the state, etc., in the following form: man *has* by nature a drive towards right, *and also* a drive towards property and morality, *and also* a drive towards sexual love, a drive towards sociability, etc.¹ If one prefers to accord the dignity of a philosophical shape to this form of empirical psychology, then this, in the light of what has passed in recent times for philosophy (as was earlier noted) and continues to pass for it, can be achieved *at low cost* simply by declaring that man finds within himself, as a *fact of his consciousness*, that he wills right, property, the state, etc. This same content, which appears here in the shape of drives, will recur later in another form, namely that of *duties*.²

When reflection applies itself to the drives, representing them, estimating them, and comparing them with one another and then with the means they employ, their consequences etc., and with a sum total of satisfaction – i.e. with *happiness* – it confers *formal universality* upon this material and purifies it, in this external manner, of its crudity and barbarity. This cultivation of the universality of thought is the absolute value of *education* (cf. § 187).²

Addition (H). In happiness, thought already has some power over the natural force of the drives, for it is not content with the instantaneous, but requires a whole of happiness. This is connected with education to the extent that education likewise implements a universal. But two moments are present in the ideal of happiness: the first is a universal which is superior to all particularities; but secondly, since the content of this universal is in turn merely universal pleasure, the individual and particular, i.e. a finite quantity, reappears at this point, and we are compelled to return to the drive. Since the content of happiness lies in the subjectivity and feeling [*Empfindung*] of everyone, this universal end is itself particular [*partikular*], so that no true unity of content and form is yet present within it.

The truth, however, of this formal universality, which is indeterminate for itself and encounters its determinacy in the material already mentioned, is *self-determining universality, the will, or freedom*. When the will has universality, or itself as infinite form, as its content, object [*Gegenstand*], and end, it is free not only *in itself* but also *for itself* – it is the Idea in its truth.¹

[The self-consciousness of the will, as desire and drive, is *sensuous*, just as the realm of the senses in general denotes externality and hence that condition in which self-consciousness is external to itself. The *reflective* will has two elements – this sensuous element and that of thinking universality; the will which *has being in and for itself* has as its object the will itself as such, and hence itself in its pure universality. This universality is such that the *immediacy* of the natural and the *particularity* [*Partikularität*] with which the natural is likewise

invested when it is produced by reflection are superseded within it. But this process whereby the particular is superseded and raised to the universal is what is called the activity of *thought*. The self-consciousness which purifies and raises its object, content, and end to this universality does so as *thought asserting itself* in the will. Here is the *point at which it becomes clear* that it is only as *thinking* intelligence that the will is truly itself and free. The slave does not know his essence, his infinity and freedom; he does not know himself as an essence – he does not know himself as such, for he does not *think* himself. This self-consciousness which comprehends itself as essence through thought and thereby divests itself of the contingent and the untrue constitutes the principle of right, of morality, and of all ethics. Those who speak philosophically of right, morality, and ethics and at the same time seek to exclude thought, appealing instead to feeling, heart, emotion, and inspiration, bear witness to the profound contempt into which thought and science have fallen; for in their case, science itself, having sunk into despair and total lassitude, even adopts barbarism and thoughtlessness as its principle and does everything it can to rob mankind of all truth, worth, and dignity.

Addition (H). Truth in philosophy means that the concept corresponds to reality. A body, for example, is reality, and the soul is the concept. But soul and body ought to match one another; a dead body therefore still has an existence [*Existenz*], but no longer a true one, for it is a conceptless existence [*Dasein*]: that is why the dead body decomposes. The will in its truth is such that what it wills, i.e. its content, is identical with the will itself, so that freedom is willed by freedom.

The will which has being in and for itself is *truly infinite*, because its object [*Gegenstand*] is itself, and therefore not something which it sees as *other* or as a *limitation*; on the contrary, it has merely returned into itself in its object. Furthermore, it is not just a possibility, predisposition, or *capacity* (*potentia*), but the *infinite in actuality* (*infinitem actu*), because the concept's existence [*Dasein*] or objective [*gegenständliche*] externality is inwardness itself.

The moving principle of the concept, which not only dissolves the particularizations of the universal but also produces them, is what I call *dialectic*. I consequently do not mean that kind of dialectic which takes an object [*Gegenstand*], proposition, etc. given to feeling or to the immediate consciousness in general, and dissolves it, confuses it, develops it this way and that, and is solely concerned with deducing its opposite – a negative mode which frequently appears even in Plato.¹ Such dialectic may regard as its final result the opposite of a given idea [*Vorstellung*], or, as in the uncompromising manner of ancient scepticism, its contradiction, or, in a lame fashion, an *approximation* to the truth, which is a modern half-measure.² The higher dialectic of the concept consists not merely in producing and apprehending the determination as an opposite and limiting factor, but in producing and apprehending the *positive* content and result which it contains; and it is this alone which makes it a *development* and immanent progression. This dialectic, then, is not an *external* activity of subjective thought, but the *very soul* of the content which puts forth its branches and fruit organically. This development of the Idea as the activity of its own rationality is something which thought, since it is subjective, merely observes, without for its part adding anything extra to it. To consider something rationally means not to bring reason to bear on the object from outside in order to work upon it, for the object is itself rational for itself; it is the spirit in its freedom, the highest apex of self-conscious reason, which here gives itself actuality and engenders itself as an existing world; and the sole business of science is to make conscious this work which is accomplished by the reason of the thing [*Sache*] itself.

§ 32

The *determinations* in the development of the concept are on the one hand themselves concepts, but on the other hand, since the concept is essentially Idea, they have the form of existence [*Dasein*], and the series of concepts which results is therefore at the same time a series of *shapes*; this is how science should regard them.

In the more speculative sense, the *mode of existence* of a concept and its *determinacy* are one and the same thing. But it should be noted that the moments, whose result is a further-determined form [of the concept], precede it as determinations of the concept in the scientific development of the Idea, but do not come before it as shapes in its temporal development. Thus the Idea, in its determination as the family, presupposes those determinations of the concept from which, in a later section of this work, it [i.e. the Idea] will be shown to result. But the other side of this development is that these inner presuppositions should also be present for themselves as *shapes*, such as the right of property, contract, morality, etc., and it is only at a more advanced stage of culture [*Bildung*] that the moments of development attain this distinctive shape of existence.

Addition (H). The Idea must continually determine itself further within itself, for it is initially no more than an abstract concept. But this initial abstract concept is never abandoned. On the contrary, it merely becomes continually richer in itself, so that the last determination is also the richest. Those determinations which previously existed only in themselves thereby attain their free self-sufficiency, but in such a way that the concept remains the soul which holds everything together and which arrives at its own differentiation only through an immanent process. One cannot therefore say that the concept arrives at anything new; on the contrary, the last determination coincides in unity with the first. Thus, even if the concept appears to have become fragmented in its existence, this is merely a semblance, as is subsequently confirmed when all its details finally return in the concept of the universal. In the empirical sciences, it is customary to analyse what is found in representational thought [*Vorstellung*], and when the individual instance has been reduced to the common quality, this common quality is then called the concept. This is not how we proceed, for we merely wish to observe how the concept determines itself, and we force ourselves not to add anything of our own thoughts and opinions. What we obtain in this way, however, is a series of thoughts and another series of existent shapes, in which it may happen that the temporal sequence of their actual appearance is to some extent different from the conceptual sequence. Thus, we cannot say, for example, that property existed before the family, although property is nevertheless dealt with first. One might accordingly ask at this point why we do not begin with the highest instance, that is, with the concretely true. The answer will be that we wish to see the truth precisely in the form of a

result, and it is essential for this purpose that we should first comprehend the abstract concept itself. What is actual, the shape which the concept assumes, is therefore from our point of view only the subsequent and further stage, even if it should itself come first in actuality. The course we follow is that whereby the abstract forms reveal themselves not as existing for themselves, but as untrue.

SUBDIVISIONS

§ 33

In accordance with the stages in the development of the Idea of the will which is free in and for itself, the will is

- A. *immediate*; its concept is therefore abstract, as that of *personality*, and its *existence* [*Dasein*] is an immediate external thing [*Sache*]; – the sphere of *abstract* or *formal right*;
- B. reflected from its external existence *into itself*, determined as *subjective individuality* [*Einzelheit*] in opposition to the *universal* – the universal partly as something internal, the *good*, and partly as something external, an *existent world*, with these two aspects of the Idea mediated only through each other; the Idea in its division or particular existence [*Existenz*], the *right of the subjective will* in relation to the right of the world and to the *right of the Idea* – which, however, *has being only in itself*; – the *sphere of morality*;
- C. the *unity and truth* of these two abstract moments – the thought Idea of the good realized in the internally reflected will and in the *external world*; – so that freedom, as the *substance*, exists no less as *actuality* and *necessity* than as *subjective will*; – the *Idea* in its universal existence [*Existenz*] in and for itself; [the sphere of] *ethical life*.

But the ethical substance is likewise

- (a) *natural spirit*; – the *family*,
- (b) in its *division* and *appearance*; – *civil society*,
- (c) the *state* as freedom, which is equally universal and objective in the free self-sufficiency of the particular will; this actual and organic spirit (α) of a people (β) actualizes and reveals itself through the relationship between the particular national spirits (γ)

and in world history as the universal world spirit whose *right* is *supreme*.

That a thing [*Sache*] or content which is posited only in accordance with its *concept* or as it is *in itself*, has the shape of *immediacy* or of *being*, is presupposed from speculative logic; the concept which exists for itself in the *form of the concept* is something different, and is no longer immediate. – The principle which determines the above subdivisions is likewise presupposed.¹ The subdivisions may also be regarded as a *historical* preview of the parts [of the book], for the various stages must generate themselves from the nature of the content itself as moments in the development of the Idea. Philosophical subdivisions are certainly not an external classification – i.e. an outward classification of a given material based on one or more extraneous principles of organization – but the immanent differentiation of the concept itself. – *Morality* and *ethics*, which are usually regarded as roughly synonymous, are taken here in essentially distinct senses.² Yet even representational thought [*Vorstellung*] seems to distinguish them; Kantian usage prefers the expression *morality*, as indeed the practical principles of Kant's philosophy are confined throughout to this concept, even rendering the point of view of *ethics* impossible and in fact expressly infringing and destroying it. But even if morality and ethics were etymologically synonymous, this would not prevent them, since they are now different words, from being used for different concepts.

Addition (H). When we speak here of right, we mean not merely civil right, which is what is usually understood by this term, but also morality, ethics, and world history. These likewise belong here, because the concept brings thoughts together in their true relationship. If it is not to remain abstract, the free will must first give itself an existence [*Dasein*], and the primary sensuous constituents of this existence are things [*Sachen*], i.e. external objects [*Dinge*]. This first mode of freedom is the one which we should know as *property*, the sphere of formal and abstract right; property in its mediated shape as *contract*, and right in its infringement as *crime* and *punishment*, are no less a part of this sphere. The freedom which we have here is what we call the person, that is, the subject which is free, and indeed free for itself, and which gives itself an existence [*Dasein*] in the realm of things [*Sachen*]. But this mere immediacy of existence is not in

keeping with freedom, and the negation of this determination is the sphere of *morality*. I am then free no longer merely in this immediate thing [*Sache*], but also in a superseded immediacy – that is, I am free in myself, in the subjective realm. In this sphere, everything depends on my insight, my intention, and the end I pursue, because externality is now regarded as indifferent. But the good, which is here the universal end, should not simply remain with me; on the contrary, it should be realized. For the subjective will demands that what is internal to it – that is, its end – should attain an external existence [*Dasein*], and hence that the good should be accomplished in external existence [*Existenz*]. Morality and the earlier moment of formal right are both abstractions whose truth is attained only in *ethical life*. Thus, ethical life is the unity of the will in its concept and the will of the individual [*des Einzelnen*], that is, of the subject. Its initial existence [*Dasein*] is again something natural, in the form of love and feeling [*Empfindung*] – the *family*; here, the individual [*das Individuum*] has overcome [*aufgehoben*] his personal aloofness and finds himself and his consciousness within a whole. But at the next stage, we witness the disappearance of ethical life in its proper sense and of substantial unity: the family becomes fragmented and its members behave towards each other as self-sufficient individuals, for they are held together only by the bond of mutual need. This stage of *civil society* has often been equated with the state. But the *state* emerges only at the third stage, that of ethical life and spirit, at which the momentous unification of self-sufficient individuality with universal substantiality takes place. The right of the state is therefore superior to the other stages: it is freedom in its most concrete shape, which is subordinate only to the supreme absolute truth of the world spirit.

PART ONE

Abstract Right

am completely determined in all respects (in my inner arbitrary will, drive, and desire, as well as in relation to my immediate external existence [*Dasein*]), and that I am finite, yet totally pure self-reference, and thus know myself in my finitude as *infinite, universal, and free*.

Personality begins only at that point where the subject has not merely a consciousness of itself in general as concrete and in some way determined, but a consciousness of itself as a completely abstract 'I' in which all concrete limitation and validity are negated and invalidated. In the personality, therefore, there is knowledge of the *self* as an *object* [*Gegenstand*], but as an object raised by thought to simple infinity and hence purely identical with itself. In so far as they have not yet arrived at this pure thought and knowledge of themselves, individuals and peoples do not yet have a personality. The spirit which has being in and for itself differs in this respect from spirit in its appearance, for in the same determination in which the latter is only *self-consciousness* – consciousness of *itself*; but only in accordance with the natural will and its as yet external oppositions (see *Phenomenology of Spirit*, Bamberg and Würzburg, 1807, pp. 101ff. and *Encyclopaedia of the Philosophical Sciences*, § 344)² – the former has itself, as abstract and free 'I', as its object and end and is consequently a *person*.

Addition (H). The will which has being for itself, or the abstract will, is the person. The highest achievement of a human being is to be a person; yet in spite of this, the simple abstraction 'person' has something contemptuous about it, even as an expression.³ The person is essentially different from the subject, for the subject is only the possibility of personality, since any living thing whatever is a subject. A person is therefore a subject which is aware of this subjectivity, for as a person, I am completely for myself: the person is the individuality of freedom in pure being-for-itself. As *this* person, I know myself as free in myself, and I can abstract from everything, since nothing confronts me but pure personality. And yet as *this* person I am something wholly determinate: I am of such an age, of such a height, in this room, and whatever other particular things [*Partikularitäten*] I happen to be. Personality is thus at the same time the sublime and the wholly ordinary; it contains this unity of the infinite and the utterly finite, of the determinate boundary and the completely unbounded. The supreme achievement of the person is to

support this contradiction, which nothing in the natural realm contains or could endure.

§ 36

1. Personality contains in general the capacity for right and constitutes the concept and the (itself abstract) basis of abstract and hence *formal* right. The commandment of right is therefore: *be a person and respect others as persons*.¹

§ 37

2. The *particularity* of the will is indeed a moment within the entire consciousness of the will (see § 34), but it is not yet contained in the abstract personality as such. Thus, although it is present – as desire, need, drives, contingent preference, etc. – it is still different from personality, from the determination of freedom. – In formal right, therefore, it is not a question of particular interests, of my advantage or welfare, and just as little of the particular ground by which my will is determined, i.e. of my insight and intention.¹

Addition (H). Since particularity, in the person, is not yet present as freedom, everything which depends on particularity is here a *matter of indifference*. If someone is interested only in his formal right, this may be pure stubbornness, such as is often encountered in emotionally limited people [*einem beschränkten Herzen und Gemüte*]; for uncultured people insist most strongly on their rights, whereas those of nobler mind seek to discover what other aspects there are to the matter [*Sache*] in question. Thus abstract right is initially a mere possibility, and in that respect is formal in character as compared with the whole extent of the relationship. Consequently, a determination of right gives me a warrant, but it is not absolutely necessary that I should pursue my rights, because this is only one aspect of the whole relationship. For possibility is being, which also has the significance of not being.

§ 38

With reference to *concrete* action and to moral and ethical relations, abstract right is only a *possibility* as compared with the rest of their content, and the determination of right is therefore only a *permission* or *warrant*.¹ For the same reason [*Grund*] of its abstractness, the

is on these that mere possession as such depends, but this particular aspect, in this sphere of abstract personality, is not yet posited as identical with freedom. *What* and *how much* I possess is therefore purely contingent as far as right is concerned.

If we may speak here of *more than one* person where no such distinction has yet been made, we may say that, in terms of personality, these persons are equal. But this is an empty and tautological proposition; for the person, as an abstraction, is precisely that which has not yet been particularized and posited in a determinate distinction. — *Equality* is the abstract identity of the understanding; it is the first thing which occurs to reflective thought, and hence to mediocrity of spirit in general, when it comes across the relation [*Beziehung*] of unity to a difference. Equality, in this case, can only be the equality of abstract persons as such, which thus *excludes* everything to do with possessions, this *basis of inequality*.¹ — The demand is sometimes made for *equality* in the distribution of land or even of other available resources. The understanding which makes this demand is all the more vacuous and superficial in that this particularity encompasses not only the external contingency of nature, but also the whole extent of spiritual nature in its infinite particularity and differentiation and in its organically developed reason. — One cannot speak of an *injustice of nature* in the unequal distribution of possessions and resources, for nature is not free and is therefore neither just nor unjust. That all human beings should have their livelihood [*Auskommen*] to meet their needs is, on the one hand, a moral wish; and when it is expressed in this indeterminate manner, it is indeed well intentioned, but like everything that is merely well intentioned, it has no objective being. On the other hand, a livelihood is something other than *possession* and belongs to another sphere, that of civil society.

Addition (H). The equality which one might wish to introduce, for example, with reference to the distribution of goods would in any case be destroyed again within a short time, because all resources are dependent on diligence. But if something is impracticable, it ought not to be put into practice either. For while human beings are certainly equal, they are equal only as persons, that is, in relation to the source of their possessions.

sions. Accordingly, everyone ought to have property.² If we therefore wish to speak of equality, it is this equality which we should consider. But this equality is distinct from the determination of particularity, from the question of how much I possess. In this context, it is false to maintain that justice requires everyone's property to be equal; for it requires only that everyone should have property. Particularity, in fact, is the very condition to which inequality is appropriate and in which equality would be contrary to right. It is perfectly correct that human beings often covet the goods of others; but this is precisely what is contrary to right, for right is that which remains indifferent to particularity.

§ 50

That a thing [*Sache*] belongs to the person who *happens to be the first* to take possession of it¹ is an immediately self-evident and superfluous determination, because a second party cannot take possession of what is already the property of someone else.

Addition (H). The above determinations have chiefly concerned the proposition that the personality must have existence [*Dasein*] in property. That the first person who takes possession of something is also its owner is, then, a consequence of what has been said. The first is not the rightful owner because he is the first, but because he is a free will, for it is only the fact that another comes after him which makes him the first.

§ 51

My *inner* idea [*Vorstellung*] and will that something should be *mine* is not enough to constitute property, which is the *existence* [*Dasein*] of personality; on the contrary, this requires that I should *take possession* of it. The *existence* which my willing thereby attains includes its ability to be recognized by others. — That a thing of which I can take possession should be *ownerless* is (see § 50) a self-evident negative condition; or rather, it refers to the anticipated relation to others.

Addition (H,G). The concept of property requires that a person should place his will in a thing [*Sache*], and the next stage is precisely the realization of this concept. My inner act of will which says that something is mine must also become recognizable by others. If I make a thing mine, I give it this predicate which must appear in it in an external form, and must not simply remain in my inner will. It often happens that children emphasize their prior volition when they oppose the appropriation of

according to the qualitative nature of the objects [*Gegenstände*] and the variety of subjective ends. — We must also include here the giving of form to the organic. The effects which I have on the latter do not remain merely external, but are assimilated by it, as in the tilling of the soil, the cultivation of plants, and the domestication, feeding, and conservation of animals; further examples are the measures we employ in order to utilize raw materials or the forces of nature, or the influence which we cause one substance [*Stoff*] to exert upon another, and so on.

Addition (H). In empirical contexts, this giving of form may assume the most varied shapes. The field which I cultivate is thereby given form. As far as the inorganic realm is concerned, I do not always give it form directly. If, for example, I build a windmill, I have not given form to the air, but I have constructed a form in order to utilize the air, which cannot be taken away from me just because I have not myself formed it [i.e. the air]. Even the fact that I conserve game may be regarded as a way of imparting form, for it is a mode of conduct calculated to preserve the object in question. The training of animals is, of course, a more direct way of giving them form, and I play a greater role in this process.

§ 57

The human being, in his *immediate* existence [*Existenz*] in himself, is a natural entity, external to his concept; it is only through the *development* [*Ausbildung*] of his own body and spirit, *essentially* by means of *his self-consciousness comprehending itself as free*, that he takes possession of himself and becomes his own property as distinct from that of others. Or to put it the other way round, this taking possession of oneself consists also in translating into *actuality* what one is in terms of one's concept (as *possibility*, capacity [*Vermögen*], or predisposition). By this means, what one is in concept is posited for the first time as one's own, and also as an object [*Gegenstand*] distinct from simple self-consciousness, and it thereby becomes capable of taking on the *form of the thing* [*Sache*] (cf. Remarks to § 43).

The alleged justification of *slavery* (with all its more specific explanations in terms of physical force, capture in time of war, the saving and preservation of life, sustenance, education [*Erziehung*], acts of benevolence, the slave's own

acquiescence, etc.), as well as the justification of the *master's status* as simple lordship in general, and all *historical* views on the right of slavery and lordship, depend on regarding the human being simply as a *natural being* [*Naturreisem*] whose *existence* [*Existenz*] (of which the arbitrary will is also a part) is not in conformity with his concept. Conversely, the claim that slavery is absolutely contrary to right is firmly tied to the *concept* of the human being as spirit, as something free *in itself*, and is one-sided inasmuch as it regards the human being as *by nature* free, or (and this amounts to the same thing) takes the concept as such in its immediacy, not the Idea, as the truth. This *antinomy*, like all antinomies, is based on formal thinking, which fixes upon and asserts the two moments of an Idea in separation from each other, so that both are lacking in truth and do not conform to the Idea.¹ The free spirit consists precisely in not having its being as mere concept or *in itself* (see § 21), but in overcoming [*aufheben*] this formal phase of its being and hence also its immediate natural existence, and in giving itself an existence which is purely its own and free. That side of the antinomy which asserts the concept of freedom thus has the advantage that it contains the absolute *starting point* — though only the starting point — on the way to truth, whereas the other side, which goes no further than conceptless existence, does not contain the point of view of rationality and right at all. The point of view of the free will, with which right and the science of right begin, is already beyond that false [*unwahren*] point of view whereby the human being exists as a natural being and as a concept which has being only in itself, and is therefore capable of enslavement. This earlier and false appearance² [*Erscheinung*] is associated with the spirit which has not yet gone beyond the point of view of its consciousness; the dialectic of the concept and of the as yet only immediate consciousness of freedom gives rise at this stage to the *struggle for recognition* and the relationship of *lordship and servitude* (see *Phenomenology of Spirit*, pp. 115ff. and *Encyclopaedia of the Philosophical Sciences*, §§ 325ff.).³ But that the objective spirit, the content of right, should no longer be apprehended merely in its subjective concept, and consequently that the ineligibility of the human being in and for

himself for slavery should no longer be apprehended merely as something which *ought* to be [*als ein bloßes Sollen*], is an insight which comes only when we recognize that the Idea of freedom is truly present only as *the state*.

Addition (H). If we hold firmly to the view that the human being in and for himself is free, we thereby condemn slavery. But if someone is a slave, his own will is responsible, just as the responsibility lies with the will of a people if that people is subjugated. Thus the wrong of slavery is the fault not only of those who enslave or subjugate people, but of the slaves and the subjugated themselves. Slavery occurs in the transitional phase between natural human existence and the truly ethical condition; it occurs in a world where a wrong is still right. Here, the wrong is *valid*, so that the position it occupies is a necessary one.

§ 58

(γ) That mode of taking possession which is not actual in itself but merely *represents* my will occurs when I mark a thing [*Sache*] with a *sign* to indicate that I have placed my will in it. This mode of taking possession is highly indeterminate in its objective [*gegenständlichen*] scope and significance.

Addition (H). Taking possession by designation is the most complete mode of all, for the effect of the *sign* is more or less implicit [*an sich*] in the other ways of taking possession, too. If I seize a thing or give form to it, the ultimate significance is likewise a sign, a sign given to others in order to exclude them and to show that I have placed my will in the thing. For the concept of the sign is that the thing does not count as what it is, but as what it is meant to signify. A cockade, for example, signifies citizenship within a state, although the colour has no connection with the nation and represents not itself but the nation. It is precisely through the ability to make a sign and by so doing to acquire things [*Dinge*] that human beings display their mastery over the latter.

B. Use of the Thing [*Sache*]

§ 59

Through my taking possession of it, the thing [*Sache*] acquires the predicate of being *mine*, and the will has a *positive* relationship [*Bezie-*

hung] to it. Within this identity, the thing is equally posited as something *negative*, and my will in this determination is a *particular* will, need, preference, etc. But my need, as the particularity of *one* will, is the positive factor which finds satisfaction, and the thing, as negative in itself, exists only *for my need* and *serves* it. – *Use* is the realization of my need through the alteration, destruction, or consumption of the thing, whose selfless nature is thereby revealed and which thus fulfils its destiny [*Bestimmung*].

That use is the *real* aspect and actuality of property is what representational thought [*Vorstellung*] has in mind when it regards disused property as dead and ownerless, and justifies its unlawful appropriation of it on the grounds that the owner did not use it. – But the will of the owner, in accordance with which a thing is his, is the primary substantial basis of property, and the further determination of use is merely the [outward] appearance and particular mode of this universal basis to which it is subordinate.

Addition (H,G). While I take complete possession of a thing in a universal way by designating it as mine, its use embodies an even more universal relation, because the thing is not then recognized in its particularity, but is negated by me. The thing is reduced to a means of satisfying my need. When I and the thing come together, one of the two must lose its [distinct] quality in order that we may become identical. But I am alive, a willing and truly affirmative agent; the thing, on the other hand, is a natural entity.⁴ It must accordingly perish, and I survive, which is in general the prerogative and rationale [*Vernunft*] of the organic.

⁴Translator's note: *ist das Natürliche*, in Griesheim's notes, from which Gans derived this sentence, the phrase reads *ist das Negative* ('is the negative'); see VPR IV, 214.

§ 60

The use [*Benutzung*] of a thing [*Sache*] by immediate seizure is in itself an *individual* act of taking possession. But in so far as the use is based on a continuing need and entails the repeated use of a self-renewing product – perhaps even limiting itself with a view to safeguarding that renewal – these and other circumstances turn that immediate and individual seizure into a *sign* to indicate a universal act of taking possession, and hence that I take possession of the elemental or

§ 74

This relationship is therefore the mediation of an identical will within the absolute distinction between owners of property who have being for themselves. It contains the implication that each party, in accordance with his own and the other party's will, *ceases* to be an owner of property, *remains* one, and *becomes* one. This is the mediation of the will to give up a property (an individual property) and the will to accept such a property (and hence the property of someone else). The context of this mediation is one of identity, in that the one volition comes to a decision only in so far as the other volition is present.

§ 75

Since the two contracting parties relate to each other as *immediate* self-sufficient persons, it follows that (α) the contract is the product of the *arbitrary will*; (β) the identical will which comes into existence [Dasein] through the contract is only a *will posited by the contracting parties*; hence only a *common will*,¹ not a will which is universal in and for itself; (γ) the object [Gegenstand] of the contract is an *individual external thing* [Sache], for only things of this kind are subject to the purely arbitrary will of the contracting parties to alienate them (see §§ 65ff.).

Marriage cannot therefore be subsumed under the concept of contract; this subsumption – which can only be described as disgraceful – is proposed in Kant's *Metaphysical Elements of the Theory of Right* [Metaphysische Anfangsgründe der Rechtslehre], pp. 106ff.² – The nature of the state has just as little to do with the relationship of contract, whether it is assumed that the state is a contract of all with all, or a contract of all with the sovereign and the government.³ – The intrusion of this relationship, and of relationships concerning private property in general, into political relationships has created the greatest confusion in constitutional law [Staatsrecht] and in actuality. Just as in earlier times political rights and duties were regarded as, and declared to be, the immediate private property of particular individuals in opposition to the right of the sovereign and the state, so also in more recent times have the

SECTION 2
Contract

§ 72

That [kind of] property of which the *aspect* of existence [Dasein] or *externality* is no longer merely a thing [Sache] but contains the moment of a will (and hence the will of another person) comes into being through *contract*. This is the process in which the following contradiction is represented and mediated: I *am* and *remain* an owner of property, having being for myself and excluding the will of another, only in so far as, in identifying my will with that of another, I *cease* to be an owner of property.

§ 73

It is not only *possible* for me to dispose of an item of property as an external thing [Sache] (see § 65) – I am also *compelled* by the concept to dispose of it as property in order that *my* will, as *existent*, may become objective [gegenständlich] to me. But according to this moment, my will, as externalized,^a is at the same time *another* will. Hence this moment, in which this necessity of the concept is real, is *the unity* of different wills, which therefore relinquish their difference and distinctiveness. Yet it is also implicit (at this stage) in this identity of different wills that each of them is and remains a will distinctive for itself and *not identical* with the other.

^aTranslator's note. The term Hegel uses is *entäußert* ('disposed of' or 'alienated'). Here, its original meaning of 'externalized' seems more appropriate (cf. translator's note to p. 95 above).