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Elements of the Philosophy of Right

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on to the state, which is shown to be their true ground, is the scientific proof of the concept of the state, a proof which only a development of this kind can furnish. – Since the state appears as the result of the development of the scientific concept in that it turns out to be the true ground of this development, the evolution and semblance already referred to are likewise superseded by immediacy. In actuality, therefore, the state in general is in fact the primary factor; only within the state does the family first develop into civil society, and it is the idea of the state itself which divides into these two moments. In the development of civil society, the ethical substance takes on its infinite form, which contains within itself the following two moments: (1) infinite differentiation to the point at which the inward being (Innern) of self-consciousness attains being-for-itself and (2) the form of universality which is present in education, the form of thought whereby the spirit is objective and actual to itself as an organic totality in laws and institutions, i.e. in its own will as thought.

SECTION 3

The State

§ 257

The state is the actuality of the ethical idea — the ethical spirit as substantial will, manifest and clear to itself, which thinks and knows itself and implements what it knows in so far as it knows it. It has its immediate existence (Existenz) in action and its mediate existence in the self-consciousness of the individual (des Einzelnen), in the individual's knowledge and activity, just as self-consciousness, by virtue of its disposition, has its substantial freedom in the state as its essence, its end, and the product of its activity.

The Penates are the inner and inner gods, and the spirit of the nation (Vater) is the divine which knows and wills itself. Pity is feeling (Empfindung) and ethical life governed by feeling, and political virtue is the willing of that thought end which has being in and for itself.

§ 258

The state is the actuality of the substantial will, an actuality which it possesses in the particular self-consciousness when this has been raised to its universality; as such, it is the rational in and for itself. This substantial unity is an absolute and unmoved end in itself, and in it, freedom enters into its highest right, just as this ultimate end possesses the highest right in relation to individuals (des Einzelnen), whose highest duty is to be members of the state.
If the state is confused with civil society and its determination is equated with the security and protection of property and personal freedom, the interest of individuals (der Einzelnen) as such becomes the ultimate end for which they are united; it also follows from this that membership of the state is an optional matter. But the relationship of the state to the individual (Individuum) is of quite a different kind. Since the state is objective spirit, it is only through being a member of the state that the individual (Individuum) himself has objectivity, truth, and ethical life. Union as such is itself the true content and end, and the destiny (Bestimmung) of individuals (Individuen) is to lead a universal life; their further particular satisfaction, activity, and mode of conduct have this substantial and universally valid basis as their point of departure and result. — Considered in the abstract, rationality consists in general in the unity and interpenetration of universality and individuality (Einselheit). Here, in a concrete sense and in terms of its content, it consists in the unity of objective freedom (i.e. the universal substantial will) and subjective freedom (as the freedom of individual (Individuum) knowledge and of the will in its pursuit of particular ends). And in terms of its form, it therefore consists in self-determining action in accordance with laws and principles based on thought and hence universal. — This Idea is the being of spirit as necessary and eternal in and for itself. As far as the Idea of the state itself is concerned, it makes no difference what is or was the historical origin of the state in general (or rather of any particular state with its rights and determinations) — whether it first arose out of patriarchal conditions, out of fear or trust, out of corporations etc., or how the basis of its rights has been understood and fixed in the consciousness as divine and positive right or contract, habit, etc. In relation to scientific cognition, which is our sole concern here, these are questions of appearance, and consequently a matter (Sache) for history. In so far as the authority of any actual state concerns itself with the question of reasons, these will be derived from the forms of right which are valid within that state. — The philosophical approach deals only with the internal aspect of all this, with the concept as thought (mit dem gedankten Begriff). As far as the search for this concept is concerned, it was the achievement of Rousseau to put forward the will as the principle of the state, a principle which has thought not only as its form (as with the social instinct, for example, or divine authority) but also as its content, and which is in fact thinking itself. But Rousseau considered the will only in the determinate form of the individual (Einzelmensch) will (as Fichte subsequently also did) and regarded the universal will not as the will's rationality in and for itself, but only as the common element arising out of this individual (Einzelmensch) will as a conscious will. The union of individuals (der Einzelnen) within the state thus becomes a contract, which is accordingly based on their arbitrary will and opinions, and on their express consent given at their own discretion; and the further consequences which follow from this, and which relate merely to the understanding, destroy the divine element which has being in and for itself and its absolute authority and majesty. Consequently, when these abstractions were invested with power, they afforded the tremendous spectacle, for the first time we know of in human history, of the overthrow of all existing and given conditions within an actual major state and the revision of its constitution from first principles and purely in terms of thought; the interest behind this was to give it what was supposed to be a purely rational basis. On the other hand, since these were only abstractions divorced from the Idea, they turned the attempt into the most terrible and drastic event. — In opposition to the principle of the individual will, we should remember the fundamental concept according to which the objective will is rational in itself, i.e. in its concept, whether or not it is recognized by individuals (Einzelmensch) and willed by them at their discretion — and that its opposite, knowledge and volition, the subjectivity of freedom (which is the sole content of the principle of the individual will) embodies only one (consequently one-sided) moment of the Idea of the rational will, which is rational solely because it has being both in itself and for itself. — Also at variance with the thought that the state may

Footnote's note: The word order in the first edition is 'the subjectivity of freedom, knowledge and volition', but since the following relative clause requires 'subjectivity' as its antecedent, other editions have adapted the present word order.
be apprehended by cognition as something rational for itself is the practice of taking the externality of appearance and the contingencies of want, need of protection, strength, wealth, etc., not as moments of historical development, but as the substance of the state. Here, the principle of cognition is once again that of separate individuality [das Einzelheit der Individuen], but not so much the thought of this individuality as the converse of this, namely empirical individuality with all its contingent qualities of strength and weakness, wealth and poverty, etc. This notion [Einfall] of ignoring the state’s infinity and rationality in and for itself and of banishing thought from the apprehension of its inner nature has probably never appeared in so much elaborated a form as in Herr von Haller’s Restoration of Political Science. It is unadulterated, because in all other attempts to grasp the essence of the state, however one-sided or superficial their principles may be, this very intention of comprehending the state brings with it thoughts or universal determinations. Here, however, Herr von Haller not only consciously dispenses with the rational content of the state and with the form of thought, but vulcanizes with passionate zeal against them both. This Restoration doubtless owes part of what Herr von Haller assures us is the widespread influence of its principles to the fact that it has managed, in its presentation, to dispense with all thoughts, and has thereby managed to make the whole work as of one piece in its thoughtlessness. For in this way, it avoids the confusion and discontinuity which diminish the impact of a presentation in which references to the substantial are mixed in with the contingent, and reminders of the universal and rational are intermingled with the merely empirical and external, with the result that, in the sphere of the empty and insignificant, we are reminded of the higher realm of the infinite. — This presentation is equally consistent in one further respect. For since the sphere of contingency, rather than the substantial, is taken to be the essence of the state, the content of such a work is consistent precisely in the utter inconsistency of its thoughtlessness, in that it heedlessly goes its way and is soon just as much at home with the opposite of what it had approved a moment earlier.²

²Hegel’s note: In view of the characteristics specified above, the book is in question is of an ordinary kind. Its author, a dialogue of words, will have several noble qualities about it, such as being full of insightful and profound thoughts, which are more common to the more refined and effective minds. It should be noted that in the transition to a more effective mind, the larger distances, the more powerful the weak, etc., also among animals, and likewise among human beings, does the same law remain in force (often nearly) in qualitatively different forms [Gestalten] and ‘that this is essentially the natural and unavoidable outcome of God, that the more powerful rules, must rule, and always shall rule’. It is evident from this, as well as from what ‘Twain’ says: The worst philosophers are Hegel’s own interlocutors.

Addition (G). The state in and for itself is the ethical whole, the actualization of freedom, and it is the absolute end of reason that freedom should be actual. The state is the spirit which is present in the world and which manifestations of itself therein, whereas in nature, it actualizes itself only as the other of itself, as dormant spirit. Only when it is present in consciousness, knowing itself as an existent object [Gegenstand], is it the state. Any discussion of freedom must begin with individuality [Einzelheit] or the individual self-consciousness, but only with the essence of self-consciousness; for whether human beings know it or not, this essence realizes itself as a self-sufficient power of which single individuals [die einzelnen Individuen] are only moments. The state consists in the march of God in the world, and its basis is the power of reason actualizing itself as will. In considering the idea of the state, we must not have any particular states or particular institutions in mind; instead, we should consider the idea, this actual God, in its own right [für sich]. Any state, even if we pronounce it bad in the light of our own principles, and even if we discover this or that defect in it, invariably has the essential moments of its existence [Existenz] within itself (provided it is one of the more advanced states of our time). But since it is easier to discover deficiencies than to comprehend the affirmative, one may easily fall into the mistake of overlooking the inner organism of the state in favour of individual [concrete] aspects. The state is not a work of art; it exists in the world, and hence in the sphere of arbitrariness, contingency, and error, and bad behaviour may disfigure it in many respects. But the ugliest man, the criminal, the invalid, or the cripple is still a living human being; the affirmative aspect — life — survives [bald oder anders] in spite of such deficiencies, and it is with this affirmative aspect that we are here concerned.

original kind. In itself [für sich], the author’s indignation could well have something noble about it, for it was spoken off by the idle theories referred to above (which originated largely with Krommow), and shows all the attempts to put these theories into practice. But in order to escape from these, Herr von Haller has withdrawn to the opposite extreme, which is wholly devoid of thought and therefore cannot claim to have any substance [Geltung] — that is, the most virulent hatred of all laws and legislation, and all formal and legally dominant right. Instead of law, legally determined right, is the abhorred whereby fanaticism, immorality, and hypocritical good intentions manifestly and tidily reveal themselves for what they are, no matter what disguise they may adopt. — Originality like that of Herr von Haller is always a remarkable phenomenon [Erscheinung], and I will cite some examples of it for those of my readers who are not yet familiar with his book. Herr von Haller has put forward his basic principle (Vol. 1, pp. 34ff.), namely that in in the infinite world, the larger distances the smaller, the more powerful the weak, etc., also among animals, and likewise among human beings, does the same law remain in force (often nearly) in qualitatively different forms [Gestalten] and ‘that this is essentially the natural and unavoidable outcome of God, that the more powerful rules, must rule, and always shall rule’. It is evident from this, as well as from what ‘Twain’ says: The worst philosophers are Hegel’s own interlocutors.
Philosophy of Right

follows, what is meant by power in this context is it is not the power of justice and ethics, but the contingent power of nature. In support of this, Herr von Haller further cites, among other reasons [p. 147], the fact that nature, with admirable wisdom, has ordained that the very sense of man's own superiority invisibly endows the character and favours the development of precisely those virtues which are most necessary to man's well-being. He says, with eloquent formal rhetoric, "whether it is the strong or the weak in the realm of the sciences who more often abuse their authority and treat others hate and selfishly and to the detriment of civilised people, whether among justice and the manner of their science are the pontifical and cardinal laureates who deceive the hopes of civilisation, who call white black and black white, who misuse the law as a vehicle of wrong-doing, who make beggars out of those who need their protection and who, like hungry wolves, tear the innocent to pieces, etc." Herr von Haller forgets at this point that he is employing such rhetoric precisely in order to defend the proposition that the rule of the more powerful is an eternal ordinance of God, the very ordinance whereby the culture bears the innocent lamb to pieces, and that those whose knowledge [sroumeni] of the law gives them greater power are therefore quite right in plunder the civilised people who used their permission, since they are the weak. But if we would be expecting too much for two thoughts to be brought together where a single thought is present— it goes without saying that Herr von Haller is as worthy of good laws. Civil laws, in his opinion, are on the one hand completely unnecessary, in that they follow self-evidently from the law of nature. It would have saved much of the effort that has been expended on legislation and legal codes since states first began, and that is still expended on such matters and on the study of jurisprudence [das geschäftliche Recht], if people had always been content with the sound principle that all this is self-evident. On the other hand, his arguments are not in fact made for private persons, but as instructions for those magistrates to acquaint them with the will of the chief justice. Jurisdiction is not in any case a duty for the part of the state [Vol. I, p. 275, and passim], but is a charitable act, a service performed by those with greater power and purely as an accessory. It is not the ideal perfect means of guaranteeing right, but it is an effective and essential. It is the only means with which our modern justice has left us, for they have robbed us of the other three means, the very ones which had most quickly and reliably to the goal and which, apart from the legal system, ordinary justice has given to human beings in order to secure their rightful freedom. And these three means are: (1) what you think— [(1) person's own abuses]; (2) the influence of the natural law; (3) the natural justice, or rightful help. (Here unkindly the justice are in competition with friendly nature) The natural and divine law, however, which all human beings have allowed to themselves (Vol. I, p. 275), is in human every one's equal (on the author's own principles, this ought to read: "human times who is not your equal, but is more powerful than yourself.") Give offence to no one who gives you offence to you, demand nothing but what are due to you but what does he owe: but more than this: love your neighbour and serve him where you can."—The explanation of the law is supposed to render a legislation and constitution superfluous. It would be interesting to see how Herr von Haller interprets the fact—fear, despite the implementation of this law, legislations and constitutions have made their appearance in the world. In Volume ii, p. 312, the author comes to the so-called natural liberalism, i.e., the juridical and constitutional laws of nations. (In this wider sense, every legally determined right may be described as a liberty.) He says of these laws, among other things, that their current is usually very stipulated, even if great power may be placed in books such as these. When we use the term that the author is here referring to the natural liberty of the German Imperial Estates, of the English nation (such as the Magna Charta which is a little read, however, and now less understood as an anchor of the Empire, the Bill of Rights etc.), of the Hungarian nation, etc., we are about to discover that these once as highly prized possessions are of no significance, and that it is only in books that nations place any value on their laws, which have had as effect as every guardian the individual rights and every bound of legal acts, and whose effects are daily and hourly present in everything. (If we may then mention the General Legal Code of Practice, Herr von Haller speaks of it with particular distinctiveness [Vol. I, p. 125] because of its common character [though not, of course, the Saxon philosophy, to which Herr von Haller refers with particular finiteness] has exercised an invaluable influence on us, and above all because it relies, among other things, in the state, the commons and the state, the law of the state, the duties of the state, servants of the state, etc. Word of it, in Herr von Haller's opinions, in the right to impose taxes on the private resources of individuals, their trade, their production, or their consumption in order to pay for the needs of the state; for this means that both the dead hand (taking the resources of the state itself and the Prevent citizens having nothing of their own, neither their persons nor their assets, and all subjects are well in the house of the tax, because they may see information from the source of the state). On top of all this incredible stupidity, perhaps the most moving much the creation [perhaps with which Herr von Haller describes his inexpressible pleasure at his discovery, Vol. I, Premiere [pp. 312-317]—"I say such as only the friend of truth can feel when, after honest enquiry, he attains the certainty that... he, as a good (yes, 'to speak' indeed), found the object of nature, the word of God itself." (On the contrary, the word of God quite expressly distinguishes its revelation from the utterances of man and of natural man.) He tells us how he could follow on his knees in sheer wonderment, how a flood of joyful tears passed from his eyes, and being religiously assisted by that moment within him. —Herr von Haller's originary ought rather to have been bemoaned as it the harshest punishment imposed by God (for it is the hardest judgment human beings can experience) that he had stood so far from thought and rationality, from respect for the laws, and from the knowledge [Erfahrung] of how infinitely important and desirable it is for the duties of the state and the rights of the citizens to be determined by law — that he had stayed so far from all that blemish could be able to point off his eye in the word of God. ([Freidrich's note: Herr von Haller's text reads nachsächsische Erläuterungen version of modern philosophy.)

Philosophy of Right

Ethical Life

§ 258-259

The Idea of the state

(a) has immediate actuality and is the individual state as a self-related organism — the constitution or constitutional law [Sasows, Staatsrecht];

(b) passes over into the relationship of the individual state to other states — International law [Sasows, Staatsrecht];

(c) is the universal idea as a genus [Gattung] and as an absolute power in relation to individual states — the spirit which gives itself its actuality in the process of world history.

Addition (G). The state as actual is essentially an individual state, and beyond that an individual state. Individually should be distinguished from
particularity; it is a moment within the very Idea of the state, whereas
particularity belongs to history. States as such are independent of one
another, and their relationship can consequently only be an external one,
so that there must be a third factor above them to link them together. This
third factor is in fact the spirit which gives itself actuality in world history
and is the absolute judge of states. Admittedly, several states may form a
league and sit in judgement, as it were, on other states, or they may enter
into alliances (like the Holy Alliance, for example), but these are always
purely relative and limited, like [the ideal of] perpetual peace. The one
and only absolute judge which always asserts its authority over the par-
ticular is the spirit which has been in and for itself, and which reveals
itself as the universal and as the active genius in world history.

A. Constitutional Law

§ 260

The state is the actuality of concrete freedom. But concrete freedom
requires that personal individuality [Einheit] and its particular
interests should reach their full development and gain recognition of their
right for itself (within the system of the family and of civil society), and
also that they should, on the one hand, pass over of their own accord
into the interest of the universal, and on the other, knowingly and
willingly acknowledge this universal interest even as their own sub-
stantial spirit, and actively pursue it as their ultimate end. The effect
of this is that the universal does not attain validity or fulfillment without
the interest, knowledge, and volition of the particular, and that
individuals do not live as private persons merely for these particular
interests without at the same time directing their will to a universal end
[so und für das Allgemeine unmittelbar] and acting in conscious aware-
ness of this end. The principle of modern states has enormous
strength and depth because it allows the principle of subjectivity to
attain fulfillment in the self-sufficient essence of personal particularity,
while at the same time bringing it back to substantial unity and so
preserving this unity in the principle of subjectivity itself.

Addition (HLG). The Idea of the state in modern times has the distinctive
characteristic that the state is the actualization of freedom not in
accordance with subjective caprices, but in accordance with the concept of
the will, i.e. in accordance with its universality and dignity. Imperfect
states are those in which the Idea of the state is still invisible [einehälft] and
where the particular determinations of this Idea have not yet reached
free self-sufficiency. In the states of classical antiquity, universality was
indeed already present, but particularity [Partikularität] had not yet been
elevated and set at liberty and brought back to universality, i.e. to the
universal end of the whole. The essence of the modern state is that the
universal should be linked with the complete freedom of particularity
(Rassendelei) and the well-being of individuals, and hence that the inter-
est of the family and of civil society must become focused on the state; but
the universality of the end cannot make further progress without the
personal [person] knowledge and volition of the particular individuals [der
Rassenindividual], who must retain their rights. Thus, the universal must be
acknowledged, but subjectivity on the other hand must be developed as a living
whole. Only when both moments are present [inhalten] in full measure
can the state be regarded as articulated and truly organized.

§ 261

In relation to the spheres of civil law [Privatrecht] and private welfare,
the spheres of the family and civil society, the state is on the one hand
an external necessity and the higher power to whose nature their laws
and interests are subordinate and on which they depend. But on the
other hand, it is their inmanent end, and its strength consists in the
unity of its universal and ultimate end with the particular interest of
individuals, in the fact that they have duties towards the state to the
same extent as they also have rights (see § 155).

As has already been noted (in the Remarks to § 3 above), it was above all Montesquieu who, in his celebrated work
l'Esprit des Lois, focused on and attempted to express in detail both the thought that laws, including those of civil law
in particular, are dependent on the specific character of the state, and the philosophical view that the part should be con-
sidered only with reference to the whole. - Duty is primarily an attitude towards something which, for me, is substantial
and universal in and for itself. Rights, on the other hand, is in general the existence [Dasein] of this substantial element, and is
consequently the latter's particular aspect and that of my own
particular freedom. - Thus, on a formal level, right and duty appear to belong to different aspects or persons. In the state, as
an ethical entity and as the interpretation of the substantial

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and the particular, my obligation towards the substantial is at the same time the existence of my particular freedom; that is, duty and right are united within the state in one and the same relation [Beziehung]. But further, since the distinct moments also attain their characteristic shape and reality within the state, so that the distinction between right and duty again arises at this point, these moments, although identical in themselves (i.e. in a formal sense) are at the same time different in content. In the realm of civil law and morality, the relation [between right and duty] lacks actual necessity, so that only an abstract equality of content is present; in these abstract spheres, what is right for one person ought also to be right for another, and what is one person’s duty ought also to be another person’s duty. That absolute identity of duty and right [referred to above] occurs here only as an equivalent identity of content, in that the determination of the content is itself wholly universal; that is, there is a single principle for both duty and right, namely the personal freedom of human beings. Consequently, slaves have no duties because they have no rights, and vice versa. (Religious duties do not concern us here) — But in the internal development of the concrete Idea, its moments become differentiated, and their determinacy becomes at the same time a different content: in the family, the rights of the son do not follow the same in content as the son’s duties towards his father, and the rights of the citizen are not the same in content as the citizen’s duties towards the sovereign and government. — The above concept of the union of duty and right is a factor [Bestimmung] of the greatest importance, and the inner strength of states is embodied in it. — The abstract aspect of duty consists simply in disregarding and excluding particular interests as an inessential and even unworthy moment. But if we consider the concrete aspect, i.e. the Idea, we can see that the moment of particularity is also essential, and that its satisfaction is therefore entirely necessary; in the process of fulfilling his duty, the individual must somehow attain his own interest and satisfaction or settle his own account, and from his situation within the state, a right must accrue to him whereby the universal cause [Sache] becomes its own particular cause. Particular interests should certainly not be set aside, let alone suppressed; on the contrary, they should be harmonized with the universal, so that both they themselves and the universal are preserved. The individual, whose duties give him the status of a subject [Unterordnung], finds that, in fulfilling his duties as a citizen, he gains protection for his person and property, consideration for his particular welfare, satisfaction of his substantial essence, and the consciousness and self-awareness of being a member of a whole. And through his performance of his duties as services and tasks undertaken on behalf of the state, the state itself is preserved and secured. Viewed in the abstract, the sole interest of the universal would be [no ensure] that the tasks and services which it requires are performed as duties.

Addition (II). Everything depends on the unity of the universal and the particular within the state. In the states of antiquity, the subjective end was entirely identical with the will of the state; in modern times, however, we expect to have our own views, our own will, and our own conscience. The ancients had none of these in the present sense; for them, the ultimate factor was the will of the state. Whereas, under the despotic regimes of Asia, the individual has no inner life and no justification within himself, in the modern world human beings expect their inner life to be respected. The association of duty and right has a dual aspect, in that what the state requires as a duty should also in an immediate sense be the right of individuals, for it is nothing more than the organization of the concept of freedom. The determinations of the will of the individual acquire an objective existence through the state, and it is only through the state that they attain their truth and actualization. The state is the sole precondition of the attainment of particular ends and welfare.

§ 262

The actual Idea is the spirit which divides itself up into the two ideal spheres of its concept — the family and civil society — as its finite mode, and thereby emerges from its ideality to become infinite and actual spirit for itself. In so doing, it allocates the material of its finite actuality, i.e. individuals as a mass, to these two spheres, and in such a way that, in each individual case [as Einzahlen], this allocation
appears to be mediated by circumstances, by the individual’s arbitrary will and personal [eigen] choice of vocation [Berufung] (see § 263; and the appended Remarks).¹

Addition (H). In Plato’s Republic, subjective freedom is not yet recognized, because individuals still have their tasks assigned to them by the authorities [Obrigkeiten].² In many oriental states, this assignment is governed by birth. But subjective freedom, which must be respected, requires freedom of choice on the part of individuals.

§ 263

In these spheres in which its moments, individuality [Einzelheit] and particularity, have their immediate and reflected reality, spirit is present as their objective universality which manifests itself in them [als ihre in sie scheinende objektive Allgemeinheit] as the power of the rational in necessity (see § 264), i.e., as the institutions considered above.

Addition (H). The state, as spirit, is divided up into the particular determinations of its concept or mode of being. If we take an example from nature, the nervous system is, properly speaking, the system of sensation: it is the abstract moment of being with oneself [bei sich] and of thereby having one’s own identity. But the analysis of sensation reveals two aspects, and these are divided in such a way that both of them appear as complete systems: the first is abstract feeling or self-containment; dull internal movement, reproduction, inner self-nourishment, growth [Produktion], and digestion. The second moment is that this being-with-one’self stands in opposition to the moment of difference [Differenzen] or outward movement. This is irritability, the outward movement of sensation, which constitutes a system of its own, and there are lower classes of animals which have developed this system exclusively as distinct from the soul-governed unity of inner sensation. If we compare these natural relations [Naturbeziehungen] with those of spirit, we must liken the family to sensibility and civil society to irritability. Then the third factor is the state, the nervous system itself [bei sich], with its internal organization; but it is alive only in so far as both moments – in this case, the family and civil society – are developed within it. The laws which govern them are the institutions of that rationality which manifests itself within them [als es sie scheinenden Vernunft]. But the ground and ultimate truth of these institutions is the spirit, which is their universal end and known object [Gegenstand]. The family, too, is ethical, but its end is not a known end; in civil society, however, separation is the determining factor.
§ 266
But the spirit is objective and actual to itself not only as this necessity and as a realm of appearance, but also as the ideality and inner dimension of these. Thus, this substantial universality becomes its own object [Gegenstand] and end, with the result that the necessity in question similarly becomes its own object and end in the shape of freedom.

§ 267
The necessity in ideality is the development of the idea within itself; as subjective substantiality, it is the individual’s political disposition, and as objective substantiality – in contrast with the former – it is the organism of the state, the political state proper and its constitution.

Addition (I). The unity of freedom which wills and knows itself is present in the first instance as necessity. Here, the substantial is present as the subjective existence [Existenz] of individuals; but the other mode of necessity is the organism, i.e., the spirit is a process within itself which is internally articulated, and which posits differences within itself through which it completes its cycle.

§ 268
The political disposition, i.e., patriotism in general, is certainty based on truth (whereas merely subjective certainty does not originate in truth, but is only opinion) and a volition which has become habitual. As such, it is merely a consequence of the institutions within the state, a consequence in which rationality is actually present, just as rationality receives its practical application through action in conformity with the state’s institutions. This disposition is in general one of trust (which may pass over into more or less educated insight), or the consciousness that my substantial and particular interest is preserved and contained in the interest and end of another (in this case, the state), and in the latter’s relation to me as an individual [als Einzelnen]. As a result, this other immediately ceases to be an other for me, and in my consciousness of this, I am free.

Patriotism is frequently understood to mean only a willingness to perform extraordinary sacrifices and actions. But in essence,

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it is that disposition which, in the normal conditions and circumstances of life, habitually knows that the community is the substantial basis and end. It is this same consciousness, tried and tested in all circumstances of ordinary life, which underlies the willingness to make extraordinary efforts. But just as human beings often prefer to be guided by magnanimity instead of by right, so also do they readily convince themselves that they possess this extraordinary patriotism in order to exempt themselves from the genuine disposition, or to excuse their lack of it. Furthermore, if we take this disposition to be something which can originate independently [für sich] and arise out of subjective representations [Fertstellungen] and thoughts, we are confusing it with opinion; for in this interpretation, it is deprived of its true ground, i.e., objective reality.

Addition (II). Uneducated people delight in argument [Büßerlehen] and fault-finding; for it is easy to find fault, but difficult to recognize the good and its inner necessity. Education in its early stages always begins with fault-finding, but when it is complete, it sees the positive element in everything. In religion, it is equally easy to say that this or that is superstitious, but it is infinitely more difficult to comprehend the truth which it contains. Thus people’s apparent political disposition should be distinguished from what they genuinely will; for inwards, they in fact will the thing [Sache], but they fixate on its details and details in the vanity of claiming superior insight. They trust that the state [Staat] will continue to exist [bleiben] and that particular interests can be fulfilled within it alone; but habit blinds us to the basis of our entire existence [Existenz]. It does not occur to someone who walks the streets in safety at night that this might be otherwise, for this habit of living [in] safety has become second nature, and we scarcely stop to think that it is solely the effect of particular institutions. Representational thought often imagines that the state is held together by force; but what holds it together is simply the basic sense of order which everyone possesses.

*Freisler’s note: The equivalent term in Heidegger’s notes (V FR in 7455 is das der Staat (‘the state’), as in Grun’s version here, but das Sache (‘the thing’).
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The [political] disposition takes its particularly determined content from the various aspects of the organism of the state. This organism is the development of the idea in its differences and its objective actuality. These different aspects are accordingly the various powers [within the state] with their corresponding tasks and functions, through which the universal continually produces itself. It does so in a necessary way, because these various powers are determined by the nature of the concept and it preserves itself in so doing, because it is itself the presupposition of its own production. This organism is the political constitution.

Addition (G). The state is an organism, i.e. the development of the idea in its differences. These different aspects are accordingly the various powers with their corresponding tasks and functions, through which the universal continually produces itself in a necessary way and thereby preserves itself, because it is itself the presupposition of its own production. This organism is the political constitution; it proceeds perpetually from the state, just as it is the measure by which the state preserves itself. If the two diverge and the different aspects break free, the unity which the constitution produces is no longer established. The failure of the belly and the other members is relevant here. It is in the nature of an organism that all its parts must perish if they do not achieve identity and if one of them seeks independence. Predicates, principles, and the like get us nowhere in assessing the state, which must be apprehended as an organism, just as predicates are of no help in comprehending the nature of God, whose life must instead be imputed as it is in itself.

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The fact that the end of the state is both the universal interest as such and the conservation of particular interests within the universal interest as the substance of these constitutes (1) the abstract actuality or substantiality of the state. But this substantiality is (2) the necessity of the state, for it divides itself up into the conceptual difference within the state’s functions; and these differences, by virtue of this substantiality, are likewise actual and fixed determinations or powers. (3) But this very substantiality is the spirit which knows and whose self as having passed through the form of education. The state therefore knows what it wills, and knows it in its universality as something thought. Consequently, it acts and functions in accordance with known ends and recognized principles, and with laws which are laws not only in themselves but also for the consciousness; and it likewise acts in determinate knowledge (Kenntnis) of existing circumstances and relations in so far as its actions have relevance to these.

This is the point at which we must touch on the state’s relation to religion, because it has repeatedly been maintained in recent times that religion is the foundation of the state, and has even been presumed that this assertion constitutes the whole of political science. No assertion is more apt to produce so much confusion, or indeed to set up confusion itself as the political constitution and the form which cognition ought to take. – It may at first seem suspicious that people recommend and resort to religion above all in times of public distress, disruption, and oppression, and that they are referred to it for consolation in the face of wrong and for hope as a compensation for it. Whom it is further regarded as a precept of religion that we ought to treat worldly interests and the course of actual events with indifference, despite the fact that the state is the spirit which is present in the world, this religious advice does not seem calculated to promote the interest and business of the state as an essential and serious end. On the contrary, it seems to represent the entire political regime as a matter [Suche] of indifference and arbitrariness, either because it is formulated in such a way as to suggest that the state is dominated by the ends of passion, unjust [ungerichteter] force, and the like, or because such religious advice attempts to retain exclusive validity and claims authority to determine and administer [the process of rights]. Although it may seem decisive to dismiss all resentment towards tyranny by declaring that the oppressed find consolation in religion, it should not be forgotten that religion can take on a form which leads to the harshest servitude within the letters of superstition and to the debasement of human beings to a level below that of the animals (as among the Egyptians and Indians, who venerate animals as higher beings). This phenomenon [Erfordernis] may at least draw our attention to the fact that we ought not to
speak of religion in wholly general terms, and that we instead require a power to rescue us from it in some of the shapes it assumes and to champion the rights of reason and self-consciousness. But the essential determinant of the relationship between religion and the state can be discovered only if we recall the concept of religion. The content of religion is absolute truth, and it is therefore associated with a disposition of the most exalted kind. As intuition, feeling, and representational cognition (Vorstellungskraft) whose concern is with God as the unlimited foundation and cause on which everything depends, it contains the requirement that everything else should be seen in relation (Beziehung) to this and should receive confirmation, justification, and the assurance of certainty from this source. It is within this relationship that the state, laws, and duties all receive their highest endorsement as far as the consciousness is concerned, and become supremely binding upon it; for even the state, laws, and duties are in their actuality something determinate which passes over into the higher sphere as that in which its foundation lies (see *Encyclopedia of the Philosophical Sciences*, § 145.3). Religion therefore also contains that point which, in spite of all change, failure of actual ends and interests, and loss of possessions, affords a consciousness of immutability and of the highest freedom and satisfaction. If, then, religion constitutes the foundation which embodies the ethical realm in general, and, more specifically, the nature of the state as the divine will, it is at the same time only a foundation; and this is where the two (i.e. the state and religion) diverge. The state is the divine will as present spirit, unfolding as the actual shape and organization of a world. Those who refuse to go beyond the form of religion when confronted by the state behave like those who...

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in the cognitive realm, claim to be right even if they invariably stop at the essence instead of proceeding beyond this abstraction to existence [Dasein], or like those who (see Remarks to § 140 above) will only the abstract good and leave it to the arbitrary will to determine what is good. Religion is the relation to the absolute in the form of feeling, representational thought, and faith, and within its all-embracing centre, everything is merely accidental and transient. If, then, we also adhere to this form in relation [Beziehung] to the state and act as if it were the essentially valid and determining factor in this [political] context, too, we thereby expose the state, as an organism within which lasting [beständig] differences, laws, and institutions have developed, to instability, insecurity, and disruption. The laws, as the objective and universal element [within the state], no longer have a lasting and valid determination, but take on a negative determination in relation to that form [of religion] which veils over everything determinate and thereby assumes a subjective character. The consequence for human behaviour is [such advice as] 'To the righteous, no law is given', 'Be pious, and you may otherwise do as you please', or 'You may abandon yourselves to your own arbitrariness and passion, and refer others who thereby suffer wrong to the solace and hope of religion, or (even worse) dismiss and condemn them as irreligious'. If, however, this negative attitude does not simply remain an inward disposition and viewpoint, but turns instead to the actual world and asserts itself within it, it leads to religious fanaticism which, like political fanaticism, repudiates all political institutions and legal order as restrictive limitations (Schränkung) on the inner emotions and as incommensurate with the infinity of these, and hence also rejects private property, marriage, the relationships and tasks of civil society, etc. as unworthy of love and the freedom of feeling. Since, however, decisions still have to be made in relation to actual existence [Dasein] and action, the same thing happens as in the case of that subjectivity of the will in general which knows itself to be absolute (see § 140), namely that the decisions are made on the basis of subjective representations (Vorstellungen), i.e. of opinion and the caprice of the arbitrary will. The truth, however – as opposed to this truth which veils itself in the
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subjectivity of feeling and representational thinking — the momentous transition of the inner to the outer, that incorporation [Erkennen] of reason into reality which the whole of world history has worked to achieve. Through this work, educated humanity has actualized and become conscious of rational existence [Dasein], political institutions, and laws. Those who seek the Lord and assure themselves, in their uneducated opinion, that they possess everything immediately instead of undertaking the work of raising their subjectivity to cognition of the truth and knowledge of objective right and duty, can produce nothing but folly, outrage, and the destruction of all ethical relations. These are necessary consequences of that religious disposition which insists exclusively on its form, and so turns against actuality and the truth which is present in universal form within the laws. But this disposition need not necessarily proceed to actualize itself in this way. With its negative point of view, it may well retain its inward character, conform to [social] institutions and laws, and simply resign itself to these with sighs, or with contempt and longing. It is not strength, but weakness which, in our times, has turned religiosity into a polemical kind of piety, whether this is associated with a genuine need or merely with unsatisfied vanity. Instead of mastering one's opinions by the labour of study and subjecting one's volitions to discipline so as to elevate it to free obedience, the easiest course is to renounce cognition of objective truth, to name a sense of grievance and hence also of self-conceit, and to find in one's own godliness all that is required in order to see through the nature of the laws and of political institutions, to pass judgement on them, and to lay down what their character should and must be. And indeed, since these are the findings of a pious heart, they must be infallible and indispensible; for if we make religion the basis of our intentions and assertions, these cannot be faulted on account of either their shallowness or their injustice [Unrechtlichkeit].

But if the religion in question is of a genuine kind and does not have this negative and polemical attitude towards the state, but acknowledges and endorses it, it will also have a status [Geltung] and expression of its own [Urheil]. The busi-ness of its worship consists in action and in doctrine, for these, it requires possessions and property, as well as individuals dedicated to the service of the community. A relationship thus arises between the state and the religious community, and its determination is a simple one. It is in the nature of the case [Sache] that the state fulfills a duty by giving the [religious] community every assistance and protection in the pursuit of its religious end. Indeed, since religion is that moment which integrates the state at the deepest level of the disposition [of its citizens], the state ought even to require all its citizens to belong to such a community — but to any community they please, for the state can have no say in the content [of religious belief] in so far as this relates to the internal dimension of representational thought. A state which is strong because its organization is fully developed can adopt a more liberal attitude in this respect, and may completely overlook individual nuances [Einzelheiten] which might affect it, or even tolerate communities whose religion does not recognize even their direct duties towards the state (although this naturally depends on the numbers concerned). It is able to do this by entrusting the members of such communities to civil society and its laws, and in content if they fulfill their direct duties towards it passively, for example by commutation or substitution of an alternative service. But in so far as the religious


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community owns property and otherwise performs acts of worship with the help of individuals employed for this purpose, it emerges from the inner realm into that of worldly affairs and hence into the province of the state, thereby placing itself immediately under its laws. It is true that the oath and the ethical realm in general, including the marriage relationship, involve that inner penetration and elevation of the disposition which is confirmed at the profoundest level by religion. [But since ethical relations are essentially relations of actual rationality, the rights of this rationality must first be asserted within them, and the confirmation of the Church is then added to these rights as their purely inward and more abstract aspect.]

As for the other ways in which the Church community expresses itself, the inward [dimension] predominates over the outward to a greater extent in matters of doctrine than in acts of worship and other related kinds of behaviour, in which it is at once apparent that the legal [stituted] aspect at least is in itself [für ich] a matter [Sache] for the state. (Admittedly, Churches have also contrived to exempt their servants and primarily the authority [Macht] and jurisdiction of the state, and have even acquired jurisdiction over laymen in matters such as divorce proceedings, the taking of oaths, etc., in which religion plays a part.) The role of the police with regard to such actions is, of course, more indeterminate, but this lies in the nature of their function and applies equally to other purely civil activities (see § 234 above). Whenever individuals of the same religious persuasion join together to form a community or corporation, the latter will in general be subject to the policing and supervision of the state. — Doctrine itself, however, has its province within the conscience, and granting of civil rights gives those who receive them a self-assertion as recognized legal [stituted] persons in civil society, and it is from this root, infinite and free from all other influences, that the desired assimilation in terms of attitude and disposition arises. [If they had not been granted civil rights, the Jews would have remained in that isolation with which they have been reproached, and would rightly have brought Maimon [Maimonides] and remiss upon the state which excluded them; for the state would thereby have failed to recognize its own principle as an objective institution with a power of its own (cf. the end of the Remarks on § 250). While the demand for the exclusion of the Jews claimed to be based on the highest right, it has proved in practice to be the height of folly, whereas the way in which governments have acted has proved wise and honorable.]

Enjoying the right of the subjective freedom of self-consciousness, that sphere of inwardness which is not, as such, the province of the state. Nevertheless, the state, too, has its doctrine, for its institutions and whatever it recognizes as valid in relation to right, to the constitution, etc. are present essentially in the form of thought as law. And since the state is not a mechanism but the rational life of self-conscious freedom and the system of the ethical world, the disposition [of its citizens], and so also their consciousness of this disposition in principles, is an essential moment in the actual state. But the doctrine of the Church is in turn not just an internal matter for the conscience; as doctrine, it is in fact an expression, indeed the expression of a content which is intimately connected, or even directly concerned, with ethical principles and with the laws of the state. Thus, state and Church are at this point either in direct agreement or in direct opposition. The Church may go so far as to present the difference between their respective provinces as an abrupt opposition, for it may take the view that, since the Church embodies the absolute content of religion, the spiritual in general and hence also the ethical element are part of its concern, whereas the state is a mechanical framework serving non-spiritual and external ends. The Church may look on itself as the kingdom of God, or at least as the road and forerun which lead to it, yet regard the state as the kingdom of the world, i.e. of the transitory and finite; in other words, it may see itself as an end in itself, but the state purely as a means. And as far as doctrinal instruction is concerned, these claims may be couched with the demand that the state should not only grant the Church complete freedom in such matters, but should also treat its teachings, as doctrines, with unconditional respect, regardless of what they may contain, on the grounds that the Church is alone responsible for determining them. But while the Church bases these claims on the far-reaching argument [Gründe] that the spiritual element in general is its property, science and cognition in general are also represented in this province and, like a Church, develop into a totality with its own distinct principle which may consider itself as occupying the same position as the Church, but with even greater justifications. Thus, science
may also demand the same independence from the state, and treat the latter simply as a means which should provide for it as an end in itself. Furthermore, it makes no difference to this relationship [between Church and state] whether the individuals and heads of congregations who devote themselves to the service of the religious community have gone so far as to lead an existence [Existenz] separate from the state, so that only the other members of their community are subject to its control, or whether they remain in other respects within the state and regard their ecclesiastical vocation [Bestimmung] merely as one aspect of their social status [Staats] which they keep separate from the state. It should in the first place be noted that such a relationship is associated with that view [Vorstellungen] of the state according to which its sole function [Bestimmung] is to protect and secure the life, property, and arbitrary will of everyone, in so far as the latter does not infringe the life, property, and arbitrary will of others; in this view, the state is merely an arrangement dictated by necessity [Nötel]. In this way, the higher spiritual element of what is true in and for itself is placed, as subjective religiosity or theoretical science, beyond the confines of the state which, as the lie in and for itself, should merely show respect [for this element] and is thus completely deprived of its proper ethical character. We do indeed know from history that there have in the past been periods and conditions of barbarism in which all higher spirituality had its seat in the Church, while the state was merely a secular regime of violence, arbitrariness, and passion and the abstract opposition [Church and state] referred to above was the main principle of actuality (see § 358). But to claim that this situation is the one which truly corresponds to the idea is to proceed too blindly and superficially. On the contrary, the development of this idea has established the truth [of the proposition] that spirit, as free and rational, is inherently [see itself] ethical, that the true idea is actual rationality, and that it is this rationality which exists as the state. It has further emerged just as plainly from this idea that the ethical truth which it embodies is present for thinking consciousness as a context on which the form of universality has been conferred—i.e., as law—and that the state in general knows its ends, and recognizes and implements them with a determinate consciousness and in accordance with principles. Now religion, as already remarked, has the truth as its universal object [Gegenstand], but as a given content whose basic determinations have not been recognized in terms of concepts and thought. In the same way, the relation of the individual to this object is an obligation based on authority, and the servant of his own spirit and heart, as that in which the moment of freedom is contained, is faith and feeling [Eingefühlung]. It is philosophical insight which recognizes that Church and state are not opposed to each other as far as their content is concerned, which is truth and rationality, but merely differ in form. Thus, when the Church proceeds to put forward doctrines (although there are and have been Churches which confine themselves to worship, and others in which worship is the principal concern, and doctrines and a more educated consciousness are merely secondary), and its doctrines relate to objective principles, to ethical and rational thoughts, its expression of these doctrines immediately brings it into the province of the state. In contrast with the faith and authority of the Church in relation to ethics, rights, laws, and institutions, and with its subjective conviction, the state possesses knowledge. Within its principle, the content is no longer essentially confined to the form of feeling and faith, but belongs to determinate thought. When the content which has been in and for itself appears in the shape of religion as a particular content, as the doctrines peculiar to the Church as a religious community, they remain outside the domain of the state. (In Protestantism, there is no lie, so that there is likewise no clergy to act as an exclusive depository of Church doctrine.) Since ethical principles and the organization of the state in general may be drawn into the province of religion and not only may, but also should, be framed with reference to the latter, this reference gives the state itself its religious accreditation. On the other hand, the state retains the right and form of self-conscious, objective rationality, the right to enforce the latter and to defend it against assertions based on the subjective variety [Genau] of truth, no matter what examine and authority this truth may carry with it. Since the essential principle
of the form of the state as a universal in thought, it was in fact from the state that freedom of thought and science first emerged (whereas it was a Church which burned Giordano Bruno\textsuperscript{10} and forced Galileo to recant on his knees for expanding the Copernican theory of the solar system,\textsuperscript{11} etc.).\textsuperscript{12} Thus, science, too, is to be found on the side of the state, for it has the same element of form as the state, and its end is cognition, by means of thought, of objective truth and rationality. Thinking cognition may admittedly fall from the level of science to that of opinion and deductive reasoning \([\textit{Raisonner aux Grèndes}]\) and, turning its attention to ethical subjects and the organization of the state, set itself up in contradiction to their principles. And it may in so doing make the same pretensions as the Church makes for its own distinctive sphere, namely by presenting its opinions as reason, and as the right of the subjective self-consciousness to freedom of opinion and conviction.\textsuperscript{13}

\textsuperscript{10} For Lapierre, \textit{Exposition of the System of the World} \([\textit{Exposition du système du monde}]\) (Paris, 1625), p. 74. When Galileo announced the discoveries he had made with the telescope the phases of Venus, etc., he showed at the same time that they proved his point in the movement of the earth itself. But the idea \([\textit{Veritàfondamentale}]\) of this movement was pronounced heretical by an assembly of cardinals, and Galileo, its most famous advocate, was summoned before the court of the Inquisition and compelled to recant it in order to escape a heresy pension sentence. In a manuscript \([\textit{Grail}]\), one of the strongest partisan in the pension for truth, Galileo, convinced of the earth's movement by his own observations, reflected for a long time over a new work in which he intended to develop all the proofs in its favour. But in order to avoid that presentation in which he would otherwise certainly have fallen victim, he adopted the strategy of presenting these proofs in the form of dialogues between three individuals. It is obvious enough that the advocate of the Copernican system has the advantage; but since Galileo did not pronounce a verdict, and since he gave as much weight as possible to the objections advanced by the adversaries of Ptolemy, he was obliged to express that he would be left to enjoy unembarrassed that peace which his advanced years and labours had earned for him. In his seventeenth year, he was again summoned before the tribunal of the Inquisition, he was put in prison, and there required to recant his opinions for a second time, under threat of the penalty laid down for recanted heretics. He was made to sign the following formula of recantation: \"I, Galileo, being appeared in person before the court in my seventeenth year, on the hundred knees and with the holy Gospel before my eyes and in my hands, abyss, earth, and curse, with sincere heart and true belief, the absurdity, falsity, and heresy of the doctrines of the earth's movement, etc.\" When a spectacled, to see a venerable old man, famed throughout a long life devoted solely to the study of nature, affixing on his knees and against the unyielding of his own conscience that truth which he had conscientiously demonstrated, A judgment of the Inquisition condemned him to imprisonment in perpetuity. A year later, on the instigation of the Grand Duke of Tuscany, he was set at liberty. He died in 1643. His lessons were recited throughout Europe, which his labours had enlightened and which was increased by the judgment passed by a stent tribunal on so great a man.\textsuperscript{12}

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of thought as its formal principle and bring it into existence [Existenz]; but in order to recognize this, one must know not only what universality is in itself, but also what its existence [Existenz] is. Consequently, far from being, or ever having been, a misfortune for the state if the Church is divided, it is through this division alone that the state has been able to fulfill its destiny [Bestimmung] as self-conscious rationality and ethical life. This division is likewise the most fortunate thing which could have happened to the Church and to thought as far as their freedom and rationality are concerned.

Addition (H). The state is actual, and its actuality consists in the fact that the interest of the whole realizes itself through the particular ends. Actuality is always the unity of universality and particularity, the realization of universality into particularity; the latter then appears to be self-sufficient, although it is sustained and supported only by the whole. If this unity is not present, nothing can be actual, even if it may be assumed to have existence [Existenz]. A bad state is one which merely exists; a sick body also exists, but it has no true reality. A hand which has been cut off still looks like a hand and is a hand by its formal characteristics; it has no actuality. The actuality of necessity is not what is actual but necessity in itself. Necessity consists [liegt] in the division of the whole into the distinctions within the concept, and in the fact that this divided whole exhibits a fixed and enduring determinacy which is not dead and unchanging but continues to produce itself in its dissolution. An essential part of the fully developed state is consciousness or thought; the state accordingly knows what it stills and knows this as an object of thought [ein Gedächtnis]. Since, then, the state of knowledge is within the state, science also has its seat here and not within the Church. This notwithstanding, there has been much talk in recent times to the effect that the state should grow out of religion. The state is [fully] developed spirit and it displays its moments in the light of consciousness; and the fact that what lies within the idea emerges into the sphere of objectivity [Gegenständlichkeit] means that the state appears as a finite entity and is thereby shown to be a secular realm [Geister], whereas religion presents itself as a realm of infinity. The state consequently seems subordinate, and since the finite cannot exist on its own [für sich bestehen], it allegedly requires the Church as its basis. As a finite entity, it is said to feel [fühlen], and religious thought are the ground on which it rests. But this view of the matter [Schild] is extremely one-sided. The state is indeed essentially secular and finite, and has particular ends and particular powers; but its secularity is only one of its aspects, and only a spiritual perception can regard it as merely finite. For the state has a

result which animates it, and this animating result is subjectivity, which creates distinctions on the one hand but preserves their unity on the other. In the realm [Boule] of religion, distinctions and finite elements are also present. God, it is said, is three in one; there are accordingly three determinations, and it is only the unity of these which constitutes the spirit. Consequently, if we apprehend the divine nature in concrete terms, this can be done only by means of distinctions. Thus, finite elements are to be found in the divine realm as well as in the secular, and [to contend] that the secular spirit, i.e., the state, is purely finite is a one-sided view, for actuality is not irrational. A bad state, of course, is purely secular and finite, but the rational state is infinite within itself. Secondly, it is argued that the state should derive its justification from religion. The Idea, within [the context] of religion, is spirit internalized in emotion, but it is this same idea which gives itself secular expression in the state and secures an existence [Dasein] and actuality for itself in knowledge and volition. Thus, to say that the state must be founded on religion may mean that it should be based on and grow out of rationality. But the same proposition can also be misunderstood to mean that those human beings whose spirit is fettered by an unfeeling religion are best equipped to obey. The Christian religion, however, is the religion of freedom — although it may come about that this freedom is pervaded into unfreedom under the influence of superstition. If, then, the above proposition means that individuals must have religion in order that their fettered spirit can be more effectively oppressed within the state, its sense is a bad one; but if it is meant that human beings should have respect for the state as that whole of which they are the branches, the best way of achieving this is, of course, through philosophical insight into its essence. But if this insight is lacking, the religious disposition may lead to the same result. Consequently, the state may have need of religion and faith. But the state remains essentially different from religion, for what it requires has the shape of a legal [rechlichen] duty, and it is indifferent to the emotional attitude with which this duty is performed. The field of religion, on the other hand, is inwardness; and just as the state would prejudice the right of inwardsness if it imposed its requirements in a religious manner, so also does the Church, if it acts like a state and imposes penalties, degenerates into a technical religion. A third difference, connected with that just mentioned, is that the content of religion is and remains latent [ungeschöpft], so that emotion, feeling [Gefühl], and representational thought are the ground on which it rests. On this ground, everything has the form of subjectivity, whereas the state actualizes itself and gives its determinations a stable existence [Dasein]. Thus, if religiosity sought to assert itself in the state in the manner which it usually adopts on its own ground, it would subtend...
the organization of the state; for the differences within the state are far apart, whereas everything in religion invariably has reference to the totality. And if this totality is ever to take over all the relations [Bestehen] of the state, it would become fanaticism; it would wish to find the whole in every particular, and could accomplish this only by destroying the particular, for fanaticism is simply the refusal to admit particular differences. If we may so put it, the saying 'Laws are not made for the pious' is no more than an expression of this fanaticism. For when piety adopts the role of the state, it cannot endure anything determinate, but simply destroys it. It is also in keeping with this if piety leaves decisions to the conscience, to inwardness, and is not determined by reason; for inwardness does not develop reasons and is not accountable to itself. Thus, if piety is to count as the actuality of the state, all laws are swept aside and it is subjective feeling which legislates. This feeling may be pure arbitrariness, and it is only by its actions that we can tell whether or not this is so. But in so far as they are actions or precepts, they assume the shape of laws, and this is in direct contradiction to the subjective feeling referred to. God, as the object [Gegenstand] of this feeling, might also be made the determinate; but God is the universal idea which remains indeterminate within this feeling, and which is not sufficiently mature to determine what exists in developed form within the state. The very fact that everything in the state is stable and secure is a defence against arbitrariness and positive opinion. Thus, religion as such should not hold the reins of government.

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The political constitution is, first, the organization of the state and the process of its organic life with reference to itself, in which it differentiates its moments within itself and develops them to established existence [Bestehen].

Secondly, the state in its individuality is an exclusive unit which accordingly has relations with others; it thereby turns its differentiation outward and, in accordance with this determination, posits its existing [Bestehen] differences within itself in its ideality.

Addition (B). Just as irritability in the living organism is itself in one respect an inward quality which belongs to the organism as such, so also in the present case is the outward reference directed towards inwardness. The inward aspect of the state as such is the civil power, and its outward direction is the military power, although the latter is also a specific aspect within the state itself. The equilibrium of these two aspects is an import-

ant factor in the history of the state. Sometimes the civil power is completely defused and based exclusively on the military power, as at the time of the Roman emperors and the praetorians and at other times—as in the modern period—the military power is solely a product of the civil power, as when all citizens are eligible for conscription.\footnote{Frederic's note: 'The word Gegenstand [opposition], which appears at this point in all of these editions of the Rechtphilosophie which include Gius's Additions, should read Gegenstand (opposition) as in Herder's note, used by Gius as the basis of this Addition (see YRB 1, 142). The error is presumably a mistranslating by Gius.}

\footnote{Frederic's note: 'The rebuttal of this sentence appears to be Gius's own interpolation, as it has no counterpart in either Herder's or Gius's notes.}

The Internal Constitution

§ 272

The constitution is rational in so far as the state differentiates and determines its activity within itself in accordance with the nature of the asymptotically. It does so in such a way that each of the powers in question is in itself the totality, since each contains the other moments and has them active within it, and since all of them, as expressions of the differentiation [Unterscheidung] of the concept, remain wholly within its ideality and constitute nothing but a single individual whole.

In recent times, we have heard an endless amount of empty talk both about the constitution and about reason itself. The most vapid of this has come from those in Germany who have persuaded themselves that they have a better understanding than anyone else—especially governments—of what a constitution is, and who believe that all their superficialities are irrefutably justified because they are allegedly based on religion and piety. It is no wonder that such talk has made reasonable men sick of the words 'reason', 'enlightenment', 'right', etc., and likewise of the words 'constitution' and 'freedoms', and that one is almost ashamed to enter into any further discussion of political constitutions.\footnote{Frederic's note: Literally, 'The Internal Constitution for itself [for itself]—i.e. the internal aspects will be considered here in their own right.}

But it may at least be hoped that such excesses will lead to a more widespread conviction that philosophical acquisition of such subjects cannot come from rationalization or from the
consideration of ends, grounds, and utilities – let alone from emotionality, love, and enthusiasm – but only from the concept; and it is also to be hoped that those who believe that the divine is incomprehensible and that cognition of the truth is a futile [nichtig] enterprise will take no further part in the discussion. At any rate, neither the undigested chatter nor the edifying sentiments which their emotions and enthusiasm generate can claim to merit the attention of philosophy.

Among ideas [Versteckungen] now in currency, that of the necessary division [Teilung] of powers within the state calls for mention (with reference to § 260). This is a highly important determination which, if understood in its true sense, could rightly be regarded as the guarantee of public freedom; but it is also an idea [Versteckung] of which those very people who believe that they speak out of love and enthusiasm know nothing and wish to know nothing, for it is in this very idea that the moment of national determinacy lies. In other words, the principle of the division of powers contains the essential moment of difference, of real rationality; but such is the view of the abstract understanding that, on the one hand, it attributes to this principle the false determination of the absolute self-sufficiency of each power in relation to the others, and on the other hand, it one-sidedly interprets assimilation the relation of these powers to one another as negative, as one of mutual limitation. In this view, the reaction of each power to the others is one of hostility and fear, as if to an evil [Gesäß], and their determination [bestimmung] is such that they oppose one another and produce, by means of this counterpoise, a general equilibrium rather than a living unity. It is only the self-determination of the concept within itself, not any other ends or utilities, which contains the absolute origin of the different powers, and it is solely because of this that the organization of the state is inherently [in sick] rational and the image of eternal reason. – How the concept and subsequently, in concrete fashion, the idea, become determined in themselves and thereby posit their moments – universality, particularity, and individuality [Einheit] – in abstraction from logic (though not, of course, from the logic commonly in use). At any rate, to take the negative as a starting-point and to make malfeasance and distrust of malfeasance the primary factor, and then, on this assumption, to devise ingenious defences whose efficiency depends merely on corresponding counter-defences is, as far as thought is concerned, characteristic of the negative understanding and, as far as the disposition is concerned, characteristic of the outlook of the rabble (see § 244 above). – If the powers – e.g. what have been called the coercive and legislative powers – attain self-sufficiency, the destruction of the state, as has been witnessed on a grand scale [in our times], is immediately posed; or if the state is essentially preserved, a unity of one kind or another is established for the time being by means of a conflict whereby one power subjugates the others, and it is by this means alone that the essential [object], the survival [Bestehen] of the state, is achieved.

Addition (II). One should expect nothing from the state except what is an expression of rationality. The state is the world which the spirit has created for itself; it therefore follows a determinate course which has being in and for itself. How often do we hear talk of the wisdom of God in nature? But we must not for a moment imagine that the physical work of nature is of a higher order than the world of the spirit; for the state is as far above physical life as spirit is above nature. We should therefore venerate the state as an earthly divinity and realize that, if it is difficult to comprehend nature, it is an infinitely more arduous task to understand the state. It is of the utmost significance that, in recent times, we have attained specific initiatives concerning the state in general and have been so much occupied with discussing and framing constitutions. But this still does not resolve the problem; it is also necessary to bring to a rational matter [dashed the reason of initiatives], to know what its essence is, and [to realize] that its most conspicuous aspect is not always the essential. Thus, while the powers of the state must certainly be distinguished, each must form a whole in itself and contain the other moments within it. When we speak of the distinct activities of these powers, we must not fall into the monumental error of taking this to mean that each power should exist independently [for sick] and in abstraction; on the contrary, the powers should be distinguished only as moments of the concept. On the other
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§ 273

The political state is therefore divided into three substantial elements:

(a) the power to determine and establish the universal – the legislative power;

(b) the subsumption of particular spheres and individual cases under the universal – the executive power;

(c) subjectivity as the ultimate decision of the will – the power of the legislature, in which the different powers are united in an individual unity which is thus the apex and beginning of the whole, i.e. of constitutional monarchy.

The development [Entwicklung] of the state to constitutional monarchy is the achievement of the modern world, in which the substantial idea has attained its full form. The history of this immersion of the world spirit in itself or – and this amounts to the same thing – this free development in which the Idea releases its moments (and they are only its moments) from itself as totalities, and in so doing contains them in that ideal unity of the concept in which real rationality consists.

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[Note] – the history of this true formation [Entwicklung] of ethical life is the concern [Studie] of universal world history.

The old classification of constitutions into monarchy, aristocracy, and democracy presupposes a still undecided and substantial unity which has not yet attained its inner differentiation (as an organization developed within itself) and which consequently still lacks depth and concrete rationality. From the point of view of the ancient world, therefore, this classification is the true and correct one; for in the case of a unity which is still substantial and has not yet progressed to its absolute development [Entwicklung] within itself, the difference is essentially external and appears primarily as a difference in the number of those in whom that substantial unity is supposed to be immanent (see Encyclopedia of the Philosophical Sciences, § 52).

These forms, which in this instance belong to different wholes, are reduced, its constitutional monarchy, to [the status of] moments. The monarch is an individual; royal participate in the executive power, and the many at large participate in the legislative power. But as already mentioned, such purely quantitative differences are merely superficial and do not convey the concept of the thing [Studie]. There has been much talk in recent times of the democratic and aristocratic elements in monarchy, but this is equality beside the point; for in so far as the determinations in question do occur in monarchy, they have lost their democratic and aristocratic character. Some representations [Vorstellungen] of constitutions merely set up the state as an abstraction which governs and issues commands, and leave it undecided – or regard it as immaterial – whether this state is headed by one or several or all. – All these forms, says Fichte in his Natural Law (Part i, p. 176), “are right and proper provided that there is an ephorat” (an institution devised by Fichte as a counterweight to the supreme power), “and may promote and preserve universal right within the state.” – Such a view (like the device of an ephorat) is a product of that superficial conception of the state referred to above. If social conditions are quite simple, these differences are admitted of little or no significance;

[Note] – The first edition refers to §§ 614 of the Encyclopedia (first edition); 1 Weber Kranz (p. 385) and VFR ii, 730 in preferring § 57 as more plausible.
of developed particularity their positive as well as negative rights. In the same way, we must avoid the misunderstanding of imagining that, since the disposition of virtue is the substantial form in a democratic republic, this disposition thereby becomes superfluous, or may even be totally absent, in a monarchy; and will less should we imagine that virtue and the legally determined activity of an articulated organization are mutually opposed and incompatible. — The view that modernism is the principle of aristocracy27 entails an incipient divergence between public power and private interest, which at the same time affect each other so directly that this constitution is intrinsically liable at any moment to turn immediately into the harshest condition of tyranny or anarchy — as witness the history of Rome — and so to destroy itself. — The fact that Montesquieu recognizes honour as the principle of monarchy is enough to indicate that the monarchy he has in mind is neither the patriarchal or ancient variety nor that which has developed an objective constitution, but feudal monarchy as that in which the relationships covered by its constitutional law [Mittleren Staatsrechte] have become firmly established as rights of private property and privileges of individuals and corporations. Since the life of the state is based, under this constitution, on privileged personalities to whose discretion a large part of what has to be done for the preservation [Büsthone] of the state is entrusted, the objective aspect of their services consists not in duties but in representations [Verstellung] and opinions; consequently, the state is held together not by duty but merely by honour.

Another question naturally presents itself here: who is to draw up the constitution? This question seems clear enough, but closer inspection at once shows that it is nonsensical. For it presupposes that no constitution can exist, so that only an atomistic aggregate of individuals is present. How such an aggregate could arrive at a constitution, whether by its own devices or with outside help, through altruism [Güte], thought, or force, would have to be left to it to decide; for the concept is not applicable to an aggregate. — But if the above question presupposes that a constitution is already present, to draw up a constitution can only mean to change it, and the very fact that...
a constitution is presupposed at once implies that this change could take place only in a constitutional manner. — But it is at
any rate utterly essential that the constitution should not be
regarded as something made, even if it does have an origin in
time. On the contrary, it is quite simply that which has being
in and for itself, and should therefore be regarded as divine
and enduring, and as exalted above the sphere of all manufac-
tured things.9

Addition (H). The principle of the modern world at large is freedom of
subjectivity, according to which all essential aspects present in the
spiritual totality develop and enter into their right. If we begin with this
point of view, we can scarcely raise the idle question of which form,
monarchy or democracy, is superior. We can only say that the forms of all
political constitutions are one-sided if they cannot sustain within them-
sew the principle of free subjectivity and are unable to conform to fully
developed reason.

*Translator’s note: In Heidegger’s notes, on which this Addition is based, this word is not after all "Ethik", but also "Praxis", so that Hegel’s observation, which then reads "the forms of
current political constitutions are one-sided and cannot remain [see I], applies only to the
constitutions of antiquity. Greece has removed the sentence from its context in the text
and given it a more general application.

§ 274
Since spirit is actual only as that which it knows itself to be, and since
the state, as the spirit of a nation [Volk], is both the law which
permutes all relations within it and also the customs and consciousness
of the individuals who belong to it, the constitution of a specific nation
will in general depend on the nature and development [Hilfszwe] of its
self-consciousness; it is in this self-consciousness that its subjective
freedom and hence also the actuality of the constitution lie.

The wish to give a nation a constitution a priori, even if its
content were more or less rational, is an idea [Einsicht] which
overlooks the very moment by virtue of which a constitution is
more than a product of thought. Each nation accordingly has
the constitution appropriate and proper to it.

Addition (H.C). The constitution of a state must permeate all relations
within it. Napoleon, for example, tried to give the Spanish a constitution a
priori, but the consequences were bad enough. For a constitution is not
simply made; it is the work of cemeteries, the idea and consciousness of the
rational (in so far as that consciousness has developed in a nation). No
constitution can therefore be created purely subjectively [see Sprach]
What Napoleon gave to the Spanish was more rational than what they had
before, and yet they rejected it as something alien, because they were not yet
sufficiently cultivated [gekult]. The constitution of a nation must
embody the nation’s feeling for its rights and [present] condition;
otherwise it will have no meaning or value, even if it is present in an
external sense. Admittedly, the need and longing for a better constitution
may often be present in individuals [Einzelwesen], but for the entire mass of
people to be filled with such an idea [Inhahung] is quite another matter,
and this does not occur until later. Socrates’ principle of morality or
inscrutability was a necessary product of his age, but it took time for this to
become [part of] the universal self-consciousness.

a. The Power of the Sovereign

§ 275
The power of the sovereign itself contains the three moments of the
totality within itself (see § 272), namely the universality of the constitu-
tion and laws,9 consultation as the reference of the particular
to the universal, and the moment of ultimate decision as the self-
determination to which everything else reverts and from which its
actuality originates. This absolute self-determination constitutes the
distinguishing principle of the power of the sovereign as such, and
will accordingly be dealt with first.

Addition (H). We begin with the power of the sovereign, i.e. with the
assumption of individuality [Einzelhand], but it contains within itself the three
moments of the state as a totality. In other words, the “I” is simultaneously
the most individual and the most universal [Element]. On the face of it,
nature, too, is individual in character, but reality – i.e. non-idealality or
mutual externality – is not that which has being with itself [den Bezie-
ungslosen]; for in reality, the various individual units [Einzelheiten] stand
side by side. In the spirit, on the other hand, all the various elements
are present only ideally and as a unity. Thus, the state, as spiritual in charac-
ter, is the exposition of all its moments, but individuality9 is at the same

9Translator’s note: Heidegger’s notes read simply ‘the individual’ (das Einzelne); VPR 21, 750.
9Translator’s note: Heidegger reads ‘idealität’ (idee Lezian); VPR 23, 753.
time its inner soul and animating principle, and this takes the form of sovereignty, which contains all differences within itself.

§ 276
1. The basic determination of the political state is the substantial unity or identity of its moments. (a) In this unity, the particular powers and functions of the state are both dissolved and preserved. But they are preserved only in the sense that they are justified not as independent entities, but only in such a way and to such an extent as is determined by the Idea of the whole; their source is the latter's authority [Macht] and they are its fluid members, just as it is their simple self.

Addition (G). This identity of the moments [in the state] is like life in an organic body: it is present at every point, there is only one life in all of them, and there is no resistance to it. Separated from it, each point must die. The same applies to the identity of all the individual estates, powers, and corporations, however much their impulse may be to subside and have being for themselves. In this respect, they resemble the stomach of an organism which also posits itself as independent [für sich] but is at the same time supported and connected and passes over into the whole.'

§ 277
(b) The particular functions and activities of the state belong to it as its own essential moments, and the individuals who perform and implement them are associated with them not by virtue of their immediate personalities, but only by virtue of their universal and objective qualities. Consequently, the link between these functions and particular personalities as such is external and contingent in character. For this reason, the functions and powers of the state cannot be private property.'

Addition (G). The activity of the state is associated with individuals. The latter, however, are not entitled by nature to perform these tasks, but only by virtue of their objective qualities. Ability, skill, and character are particular qualities of an individual, who must be trained and educated for a particular occupation. For this reason, an office can neither be sold nor inherited. In France, seats in parliament were formerly sold, as are officers' commissions up to a certain rank in the English army to this day, but this practice was (or still is) connected with the medieval constitutions of certain states, and these constitutions are now gradually disappearing.'

"Translator's note: The second half of this sentence is extremely free paraphrase of much fuller reflections in Grotius's notes on the conflict in England between nobility and crown (OPR iv, 468).

§ 278
The above two determinations – i.e. that the particular functions and powers of the state are not self-sufficient and fixed, either on their own account [für sich] or in the particular will of individuals, but are ultimately rooted in the unity of the state as their simple self – constitute the sovereignty of the state.

This is internal sovereignty. The second aspect is external sovereignty (see below). – In the feudal remnant of earlier times, the state certainly had external sovereignty, but internally, neither the monarch himself nor the state was sovereign. On the one hand (cf. Remarks to § 273), the particular functions and powers of the state and civil society were vested in independent corporations and communities, so that the whole was aware of an aggregate than an organism; and on the other hand, they (i.e. these functions and powers) were the private property of individuals, so that what the latter had to do in relation to the whole was left to their own opinion and discretion. – The ideation which constitutes sovereignty is the same determination as that according to which the so-called parts of an animal organism are not parts, but members of organic moments whose isolation and separate existence [Für-sich-Bestehen] constitute disease (see Encyclopaedia of the Philosophical Sciences, § 203). It is the same principle which we encountered (see § 2) in the abstract concept of the will (see Remarks to § 279) as self-referring negativity, and hence as universality determining itself to individuality [Einzelheit], in which all particularity and determinacy are superseded – i.e. the absolute and self-determining ground. In order to grasp this, one must first have understood the whole conception of the substance and true subjectivity of the concept. – Since sovereignty is the ideality of every particular authority [Für-sich-
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ting], it is easy to fall into the very common misunderstanding of regarding this ideality as mere power and empty arbitrariness, and of equating sovereignty with despotism. But despotism signifies the condition of lawlessness in general, in which the particular will as such, whether of a monarch or of the people (ostracism), counts as law (or rather replaces law), whereas sovereignty is to be found specifically under lawful and constitutional conditions as the moment of ideality of the particular spheres and functions [within the state]. In other words, these spheres are not independent or self-sufficient in their ends and modes of operation, nor are they solely immersed in themselves; on the contrary, in these same ends and modes of operation, they are determined by and dependent on the end of the whole (to which the indeterminate expression 'the welfare of the state' has in general been applied). This ideality manifests itself in two different ways. — In times of peace, the particular spheres and functions [within the state] pursue the course of satisfying themselves and their ends, and it is in part only as a result of the unconscious necessity of the thing [Sieden] that their selfishness is transformed into a contribution to mutual preservation, and to the preservation of the whole (see § 185). But it is also in part a direct influence from above which constantly brings them back to the end of the whole and limits them accordingly (see 'The Executive Power', § 289), and at the same time urges them to perform direct services for the preservation of the whole. — But in a situation of crisis [Not] — whether in internal or external affairs — it is around the simple concept of sovereignty that the organism and all the particular spheres of which it formerly consisted rally, and it is to this sovereignty that the salvation of the state is entrusted, while previously legitimate functions [dieses sonst Berechtigte] are sacrificed; and this is where that idealism already referred to attains its distinct actuality (see § 321 below).

§ 279
2. Sovereignty, which is initially only the universal thought of this ideality, can exist only as subjectivity which is certain of itself, and as

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the will's abstract — and to that extent ungrounded — self-determination in which the ultimate decision is vested. This is the individual aspect of the state as such, and it is in this respect alone that the state itself is one. But subjectivity attains its truth only as a subject, and personality only as a person, and in a constitution which has progressed to real rationality, each of the three moments of the concept has its distinctive [angesendete] shape which is actual for itself. This absolutely decisive moment of the whole, therefore, is not individuality in general, but one individual, the monarch.

The immanent development of a science, the derivation of its entire outset from the simple concept — and without such a derivation it certainly does not deserve the name of a philosophical science — has the following distinctive feature. One and the same concept — in this case the will — which begins by being abstract (because it is itself the beginning), retains its character yet [at the same time] consolidates its determinations, again through its own exclusive agency, and thereby acquires a concrete content. Thus, it is the basic moment of personality, initially abstract in [the sphere of] immediate right, which has continued to develop through its various forms of subjectivity until at this point, in [the sphere of] absolute right, in the state, and in the completely concrete objectivity of the will, it becomes the personality of the state, its certainty of itself. This last instance, whose simple self-suffices all particularities, cuts short the weighing of arguments [Grtikde] and counter-arguments (between which vacillations in either direction are always possible) and resolves them by its 'I will', thereby initiating all activity and actuality. — But personality (and subjectivity in general), as infinite and self-referential, has its truth — and indeed its preeminent and immediate truth — simply and solely as a person, i.e. as a subject which has being for itself; and that which has being for itself is also simply one. The personality of the state has actuality only as a person, as the monarch. — Personality expresses the concept as such, whereas the person also embodies the actuality of the concept, and only when it is determined in this way [i.e. as a person] is the concept idea or truth. — A so-called moral person, such as a society, community, or family, however concrete it
may be in itself, contains personality only abstractly as one of its moments. In such a person, personality has not yet reached the truth of its existence [Existenz]. The state, however, is precisely this totality in which the moments of the concept attain actuality in accordance with their distinctive truth. — All these determinations, both in themselves [bei sich] and in the particular shapes which they assume, have been discussed throughout this entire treatise; but they are repeated here because, although they are readily accepted when they assume a particular shape, they are no longer recognized and apprehended precisely when they reappear in their true position, i.e. no longer in isolation, but in their truth as moments of the Idea. — The concept of the monarch is therefore extremely difficult for rationalization — i.e. the reflective approach of the understanding — to grasp, because such rationalization stops short at isolated determinations, and consequently knows only individual reasons [Gründe], finite viewpoints, and deduction from such reasons. It accordingly presents the dignity of the monarch as derivative, not only in its form but also in its determination, whereas the very concept of monarchy is that it is not deduced from something else but entirely self-originating.

The idea [Verstehens] that the right of the monarch is based on divine authority is therefore the closest approximation to this concept, because it conveys the unconditional aspect of the right in question. But the misunderstandings associated with this idea are familiar enough, and the task of philosophical enquiry consists precisely in comprehending this divine quality.

The term 'popular sovereignty' may be used to indicate that a people is self-sufficient for all external purposes and constitutes a state of its own, like the people of Great Britain — as distinct from the peoples of England, Scotland, or Ireland, or of Venice, Genoa, Ceylon, etc., who are now no longer sovereign because they have ceased to have sovereign princes or supreme governments of their own. — We may also say that internal sovereignty lies with the people, but only if we are speaking of the whole [state] in general, in keeping with the above demonstration (see §§ 277 and 278) that sovereignty belongs to the state. But the usual sense in which the term 'popular sovereignty' has begun to be used in recent times is to denote the opposite of that sovereignty which exists in the monarch. In this oppositional sense, popular sovereignty is one of those confused thoughts which are based on a garbled notion [Verstehens] of the people. Without its monarch and that articulation of the whole which is necessarily and immediately associated with monarchy, the people is a formless mass. The latter is no longer a state, and none of those determinations which are encountered only in an internally organized whole (such as sovereignty, government, courts of law, public authorities [Ohneheit], estates, etc.) is applicable to it. It is only when moments such as these which refer to an organization, to political life, emerge in a people that it ceases to be that indeterminate abstraction which the purely general idea [Verstehens] of the people denotes. — If 'popular sovereignty' is taken to mean a republican form of government, or more specifically democracy (for the term 'republic' covers many other empirical combinations which are in any case irrelevant in a philosophical discussion), then all that needs to be said has already been said above (see Remarks to § 273), apart from which there can be no further discussion of such a notion [Verstehens] in face of the developed Idea. — If a people is represented neither as a patriarchal tribe [Stamm], nor as existing in an undeveloped condition in which democratic or aristocratic forms are possible (see Remarks to § 273) — or indeed in any other arbitrary and inorganic condition — but is envisaged as an internally developed and truly organic totality, its sovereignty will consist in the personality of the whole, which will in turn consist in the reality appropriate to its concept, i.e. the person of the monarch.

At that stage referred to above at which constitutions were divided into democracy, aristocracy, and monarchy — i.e. the point of view of substantial unity which remains within itself and which has not yet attested its infinite differentiation and immersion in itself — the moment of the ultimate and self-determining decision of the will does not emerge for itself in its own distinct actuality as an inmanent organic moment of the state. Admittedly, even when the state assumes these less advanced shapes, there must always be an individual at its
head. This individual is either already present as such [for
itself], as in monarchies of the type in question, or, as in
aristocracies and more particularly in democracies, be may
rise up from among the statesmen or generals in a contingent
manner and as particular circumstances require; for all actions
and all actuality are initiated and implemented by a leader as
the decisive unit. But enclosed in a union of powers which is
still undifferentiated, this subjectivity of decision must either
be contingent in its origin and emergence or occupy an alto-
gether subordinate position. So long as heads of state were
subject to such conditions, it was only in a sphere beyond their
own that a pure and unalloyed decision could be found in the
shape of a fate which determined [events] from without. As a
moment within the Idea, this decision had to come into
existence [Existent], but its roots lay outside the circle of
human freedom which the state encompasses. — This is the
origin of the need to derive the ultima decision on major
issues and important concerns [Monuments] of the state from
arbiters, a daemon (in the case of Socrates), the envoys of
animals, the feeding and flight of birds, etc.: for when human
beings had not yet fathomed the depths of self-consciousness
or emerged from the undifferentiated condition of substantial
unity to attain being for themselves, they were not yet strong
enough to perceive this decision within their own being. — In
the daemon of Socrates (cf. [Remarks] 10 § 138 above), we can
see how the will which in the past had simply projected itself
beyond itself began to turn in upon itself and to recognize itself
from within, which is the beginning of a self-knowing and
hence genuine freedom. Since this real freedom of the Idea
consists precisely in giving each of the moments of rationality
its own present and self-conscious actuality, it is through its
agency that the ultimate self-determining certainty which
constitutes the apex of the concept of the will is allotted the
function of a[individual] consciousness. But this ultimate
self-determination can fall within the sphere of human
freedom only in so far as it occupies this supreme position,
isolated for itself and exalted above everything particular and
conditional; for only thus does its actuality accord with its concept.

Addthis (G). In the organization of the state (which in this case means
constitutional monarchy), the one thing which we must bear in mind is
the internal necessity of the Idea; all other considerations are irrelevant.
The state must be regarded as a great architectonic edifice, a hieroglyph
of reason which becomes manifest in actuality. All considerations of mere
utility, externality, and the like must therefore be excluded from a
philosophical treatment [of this subject]. Representational thought can
easily comprehend that the state is the self-determining and completely
sovereign will, the ultimate source of decisions. But it is more difficult to
grasp this 'I will' as a person, for this [formula] does not imply that the
monarch may act arbitrarily: on the contrary, he is bound by the concrete
context of the advice he receives, and if the constitution is firmly
established, he often has nothing more to do than to sign his name. But
this same is important: it is the ultimate instance and not plus ultra. It
could be said that an organic articulation was already present in the
beautiful democracy of Athens, but we can see at once that the Greeks
based the ultimate decision on completely external phenomena [Fre-
derungen] such as oracles, the entrails of sacrificial animals, and the
flight of birds, and that they regarded nature as a power which proclaimed
and expressed by these means what was good for human beings. At that
time, self-consciousness had not yet arrived at the abstraction of sub-
jectivity, nor had it yet realized that an 'I will' must be pronounced by man
himself on the issue to be decided. This 'I will' constitutes the great
difference between ancient and modern worlds, so that it must have its
own distinct existence [Existent] in the great edifice of the state.
Unfortunately, however, this determination is regarded as merely
external and discretionary.

Frederic's note: Gellenbier's note, from which this Addition is extracted, read
'Seemingly regarded' (bidi) "secondary" (VPP 19, 626).

§ 280
3. Seen in abstraction, this ultimate self of the will of the state is
simple and therefore an immediate individuality [Einheitlich], so that the
determination of nature is inherent in its very concept. The
monarch, therefore, is essentially determined as this individual, in
abstraction from every other content, and this individual is destined
[bestimmt] in an immediate and natural way, i.e. by his natural birth, to
hold the dignity of the monarch.

This transition from the concept of pure self-determination to
the immediacy of being, and hence to the natural realm, is of a purely speculative nature, and its cognition accordingly belongs to logical philosophy. Furthermore, it is, on the whole, the same transition as that which is already familiar to us from the nature of the will in general, as the process which translates a content from subjectivity (as an end in view [als vervollkommnet Zweck]) into existence [Dasein] (see § 8). But the distinctive form of the Idea and of the transition here in question is the immediate transformation of the pure self-determination of the will (i.e., of the simple concept [Idee]) into this [specie of entity], into natural existence, without the mediation of a particular content (such as the end of an action). — In the so-called ontological proof of the existence of God, it is this same transformation of the absolute concept into being which has given the Idea its profundity in the modern age. But this has recently been declared incomprehensible, which amounts to renouncing all cognition of the truth, for truth is simply the unity of the concept and existence (see § 23). Since this unity is not to be found in the consciousness of the understanding, which continues to regard these two moments of the truth as separate, this consciousness may perhaps, in the present religious context, concede the possibility of a faith in this unity. But since the Idea [Vernunft] of the monarch is regarded as entirely within the scope of ordinary consciousness, the understanding insists all the more firmly on its separation [of the two moments] and on the consequences which its attune reasoning can deduce from this. It accordingly denies that the moment of ultimate decision in the state is linked in and for itself (i.e., in the concept of reason) with the immediate and natural, and concludes from this, first, that this link is contingent, and secondly — since it equates rationality with the absolute distinctness of the two moments — that such a link is irrational. From this, further devastating consequences ensue for the Idea of the state.

Addition (6). A frequent objection to monarchy is that it makes the affairs of the state subject to contingency — since the monarch may be ill-educated or unworthy of holding the highest office — and that it is absurd for such a situation to be regarded as rational. But this objection is based on the invalid assumption that the monarch's particular character is of vital importance. In a fully organized state, it is only a question of the highest instance of formal decision, and all that is required in a monarch is someone to say 'yes' and to dot the 'i'; for the supreme office should be such that the particular character of its occupant is of no significance. Whatever other qualities the monarch has in addition to his role of ultimate decision belong to the sphere of particularity [Partikularität], which must not be allowed to affect the issue. There may indeed be circumstances in which this particularity plays an exclusive part, but in that case the state is either not yet fully developed, or it is poorly constructed. In a well-ordered monarchy, the objective aspect is solely the concern of the law, to which the monarch merely has to add his subjective 'I will.'

§ 281

The two moments in their undivided unity — i.e., the ultimate ungrounded self of the will, and its existence [Existenz] which is consequently also ungrounded (and which belongs by definition [Bestimmung] to nature) — constitute the Idea of something annulled by arbitrary will, i.e., the majority of the monarch. In this unity lies the actual unity of the state, and it is only by virtue of its inward and outward immediacy that this unity is saved from being dragged down into the sphere of particularity with its arbitrariness, ends, and attitudes, from the strife of factions round the throne, and from the enervation and destruction of the power of the state.

The rights of birth and inheritance constitute the basis [Grund] of legitimacy, i.e., the basis not just of a purely positive right but also of a right contained in the Idea. — If the mode of succession is clearly defined — i.e., if the throne is inherited — the formation of factions is prevented when the throne falls vacant; this circumstance has long been cited, and rightly so, in support of hereditary succession. Nevertheless, this aspect is merely a consequence, and if it is made into a ground [Grund], it debases the monarch's majesty to the sphere of rationalization and, regardless of its character of ungrounded immediacy and ultimate inward being, grounds it not upon the Idea of the state which is immanent within it, but on something outside it, on some thought of a different character such as the welfare of the state or of the people. From a determination of this kind, it is indeed possible, by using middle terms
[medius terminus], to deduce [the need for] hereditary succession; but other middle terms, and hence other consequences, are equally possible, and the consequences which have been drawn from this welfare of the people (bien de peuple) are only too familiar. — For these reasons, philosophy alone is in a position to consider this majesty [of the monarch] by means of thought, for every method of enquiry other than the speculative method of the infinite and self-grounded idea amounts [aufhor] the nature of majesty in and for itself. — Elective monarchy may well seem the most natural idea [Vorstellung], i.e., the one most obvious to superficial thinking; for since it is the concerns and interests of the people that the monarch must look after, it can be argued that the people must also be left to choose whom they wish to entrust their welfare to, and that it is from this trust alone that the right to rule arises. This view, like the ideas [Vorstellungen] of the monarch as the first servant of the state, of a contractual relationship between monarch and people, etc., bases itself on the will in the sense of the captive, opinion, and arbitrariness of the monarchy — a determination which, as we noticed some time ago, is of primary importance in civil society (or merely seeks to assert itself as such), but is not the [basic] principle of the family, let alone of the state, and is completely opposed to the idea of ethical life. — Indeed, it is even possible for rationalization to deduce from the consequences of elective monarchy that it is the worst of institutions. But these consequences appear to rationalization only as a possibility or probability, although they are in fact an essential concomitant of this institution. That is to say, the nature of the situation in an elective monarchy whereby the particular will is made the ultimate source of decisions means that the constitution becomes an electoral contract [Wahlkapitalismus], i.e., a surrender of the power of the state at the discretion of the particular [partikular] will; as a result, the particular [besondere] powers of the state are turned into private property, the sovereignty of the state is weakened and lost, and the state is dissolved from within and destroyed from without.²

²(Napoleon's note: 'I am not your prince, I am your master.')

§ 282

The sovereignty of the monarch is the source of the right to pardon criminals, for only the sovereign is entitled to actualize the power of the spirit to undo what has been done and to nullify crime by forgiving and forgetting.

The right of pardon is one of the highest acknowledgments of the majesty of the spirit. — Furthermore, this right is one of those instances in which a determination from a higher sphere is applied to, or reflected in, a lower one. — But such applications are the concern of particular science, which must deal with the entire empirical range of its subject (cf. [the first]