Elements of the Philosophy of Right

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Preface

The immediate occasion for me to publish this outline is the need to provide my audience with an introduction to the lectures on the Philosophy of Right which I deliver in the course of my official duties. The textbook is a more extensive, and in particular a more systematic, exposition of the same basic concepts which, in relation to this part of philosophy, are already contained in a previous work designed to accompany my lectures, namely my Encyclopaedia of the Philosophical Sciences (Heidelberg, 1838). The fact that this outline was due to appear in print and thus to come before a wider public gave me the opportunity to amplify in it some of those Remarks whose primary purpose was to comment briefly on ideas [Vorstellungen] akin to or divergent from my own, on further consequences of my argument, and on other such matters as would be properly elucidated in the lectures themselves. I have amplified them here so as to clarify on occasion the more abstract contents of the text and to take fuller account of related ideas [Vorstellungen] which are current at the present time. As a result, some of these Remarks have become more extensive than the aim and style of the compendium would normally lead one to expect. A genuine compendium, however, has as its subject-matter what is considered to be the entire compass of a science; and what distinguishes it – apart, perhaps, from a minor addition here or there – is above all the way in which it arranges and orders the essential elements [Momente] of a content which has long been familiar and accepted, just as the form in which it is presented has its rules and conventions which have long been agreed. But a philosophical outline is not expected to conform to
this pattern, if only because it is imagined that what philosophy puts forward is as ephemeral a product as Penelope’s weavings, which is begun afresh every day.\(^1\)

It is certainly true that the primary difference between the present outline and an ordinary compendium is the method which constitutes its guiding principle. But I am here presupposing that the philosophica\nal manner of progressing from one topic to another and of conduct-
ing a scientific proof – this entire speculative mode of cognition – is essentially different from other modes of cognition.\(^2\) The realization that such a difference is a necessary one is the only thing which can save philosophy from the shameful decline into which it has fallen in our times. It has indeed been recognized that the forms and rules of the older logic – of definition, classification, and inference – which include the rules of the understanding’s cognition\(^3\), are inadequate for speculative science. Or rather, their inadequacy has not so much been recognized as merely felt, and then the rules in question have been cast aside, as if they were simply fetters, to make way for the arbitrary pronouncements of the heart, of fantasy, and of contingent intuition; and since, in spite of this, reflection and relations of thought inevitably also come into play, the despised method of commonplace deduction and rationalization is unconsciously adopted. – Since I have fully developed the nature of speculative knowledge in my Science of Logic,\(^4\) I have only occasionally added an explanatory comment on procedure and method in the present outline. Given that the subject-matter is concrete and inherently of so varied a nature, I have of course omitted to demonstrate and bring out the logical progression in each and every detail. But on the one hand, it might have been considered super-
fluous to do so in view of the fact that I have presupposed a familiarity with scientific method; and on the other, it will readily be noticed that the work as a whole, like the construction\(^5\) of its parts, is based on the logical spirit. It is also chiefly from this point of view that I would wish this treatise to be understood and judged. For what it deals with is science, and in science, the content is essentially insepar-
able from the form.

It is true that we may bear it in mind that it is not comprehended, or that the content which is already rational in itself may also gain a rational form and thereby appear justified to the empirical observer. For such thinking does not stop at what is given, whether the latter is supported by the external positive authority of the state or of mutual agreement among human beings, or by the authority of inner feeling and the heart and by the testimony of the spirit which immediately concurs with this, but starts out from itself and thereby demands to know itself as united in its innermost being with the truth.

The simple reaction \*[Verhalten] of ingenious emotion is to adhere with trusting conviction to the publicly recognized truth and to base one’s conduct and fixed position in life on this firm foundation. But this simple reaction may well encounter the supposed difficulty of how to distinguish and discover, among the infinite variety of opinions, what is universally acknowledged and valid in them; and this perplex-

\(^3\) Verstandesrechnen

\(^4\) Science of Logic

\(^5\) Fasshild
not supposed to be happy in the knowledge that it is reason itself which has in fact gained power and authority [Gesellschaft] within this element, and which assures itself there and remains inherent within it."

*Addition (B): There are two kinds of laws, laws of nature and laws of right: the laws of nature are simply there and are valid as they stand: they suffer no diminution, although they may be infringed in individual cases. To know what the law of nature is, we must familiarize ourselves with nature, for these laws are correct and it is only our notions [Vorstellungen] concerning them which may be false. The measure of these laws is external to us, and our cognition adds nothing to them and does not advance them: it is only our cognition of which they can expand. Knowledge [Kenntnis] of right is in one respect similar to this and in another respect different. We get to know the laws of right in just the same way, simply as they are: the citizen knows them more or less in this way, and the positive jurist also stops short at what is given. But the difference is that, with the laws of right, the spirit of reflection comes into play and their very diversity draws attention to the fact that they are not absolute. The laws of right are something laid down**, something derived from human beings. It necessarily follows that our inner voice may either come into collision with them or concur with them. The human being does not stop short at the existent [dam Dasein], but claims to have within himself the measure of what is right; he may be subjected to the necessity and power of external authority, but never in the same way as to natural necessity, for his inner self always tells him how things ought to be, and he finds within himself the confirmation or repudiation of what is accepted as valid. In nature, the highest truth is that a law exists at all; in laws of right, however, the thing [Sache] is not valid because it exists; on the contrary, everyone demands that it should match his own criterion. Thus a conflict may arise between what is and what ought to be, between the right which has being in and for itself, which remains unaltered, and the arbitrary determination of what is supposed to be accepted as right. A disjunction and conflict of this kind is found only in the sphere [Modus] of the spirit, and since the prerogative of the spirit thus seems to lead to discord and unhappiness, we often turn away from the arbitrariness of life to the contemplation of nature and are inclined to take the latter as a model. But these very discrepancies [Gegensatzen] between that right which has being in and for itself and what arbitrariness proclaims as right make it imperative for us to learn to recognize precisely what right is. In right,
The spiritual universe is supposed rather to be at the mercy of contingency and arbitrariness, to be \( p e r f a r a b l e \), so that, according to this atheism of the ethical world, \textit{truth} lies \textit{outside} it, and at the same time, since reason is nevertheless \textit{also} supposed to be present in it, \textit{truth} is nothing but a problem. But, we are told, this very circumstance justifies, indeed obliges, every thinker to take his own initiative, though not \textit{in search} of the philosopher's stone, for this search is made superfluous by the philosophizing of our times and everyone, whatever his condition, can be assured that he has this stone in his grasp. Now it does admittedly happen that those who live within the actuality of the state and are able to satisfy their knowledge and volition within it -- and there are many of them, more in fact than think or know it, for basically this includes everyone -- or at least those who consciously find satisfaction within the state, laugh at such initiatives and assurances and regard them as an empty game, now more amusing, now more serious, now pleasing, now dangerous. This restless activity of vain reflection, along with the reception and response to the human being must encounter his own reason; he must therefore consider the rationality of right, and this is the business of our science, in contrast with positive jurisprudence, which is often concerned only with contradictions. Besides, the present-day world has a more urgent need of such an investigation, for in olden times there was still respect and veneration for the existing [bestes] law, whereas the culture [Bildung] of the present age has taken a new direction, and thought has adopted a leading role in the formation of values. Theories are put forward in opposition to what already exists [denn Dasein], theories which seek to appear correct and necessary in and for themselves. From now on, there is a more special need to recognize and comprehend the thoughts of right. Since thought has set itself up as the essential form, we must attempt to grasp right, too, in terms of thought. If thought is to take precedence over right, this would seem to throw open the door to contingent opinions; but genuine thought is not an opinion about something [was Sache], but the concept of the thing [Sache] itself. The concept of the thing does not come to us by nature. Everyone has fingers and can take a brush and paint, but that does not make him a painter. It is precisely the same with thinking. The thought of right is not, for example, what everybody knows at first hand; on the contrary, correct thinking is knowing [als Kenen] and recognizing the thing, and our cognition should therefore be scientific.

encounters, might be regarded as a separate issue [Sache], developing independently in its own distinct way, were it not that philosophy in general has incurred all kinds of contempt and discredit as a result of such behaviour. The worst kind of contempt it has met with is, as already mentioned, that everyone, whatever his condition, is convinced that he knows all about philosophy in general and can pass judgement upon it. No other art or science is treated with this ultimate degree of contempt, namely the assumption that one can take possession of it outright.

In fact, what we have seen the philosophy of recent times proclaiming with the utmost pretension in relation to the state has no doubt entitled anyone who wishes to have a say in such matters to the belief that he could just as well do the same thing on his own account, and thereby prove to himself that he was in possession of philosophy. In any case, this self-styled philosophy has expressly stated that \textit{truth} itself cannot be known [erkennen], but that truth consists in what \textit{will} up from each individual's heart, emotion, and enthusiasm in relation to ethical subjects, particularly in relation to the state, government, and constitution. What has not been said in this connection to flatter the young in particular? And the young have certainly taken note of it. The saying "for he giveth to his own in sleep" has been applied to science, so that all sleepers have counted themselves among the chosen; but the concepts they have acquired in their sleep have of course borne the marks of their origin. A leader of this superficial brigade of so-called philosophers, Herr Fries, has had the temerity, at a solemn public occasion which has since become notorious, to put forward the following idea [Forstelling] in an address on the subject of the state and constitution: "In a people among whom a genuine communal spirit prevails, all business relating to public affairs would gain its \textit{life from below}, from the people itself; living societies, steadfastly united by the sacred bond of friendship, would dedicate themselves to every single project of popular education and popular service; and so on. -- The chief tendency of this superficial philosophy is to base science not on the development of thought and the concept, but on immediate perception and contingent imagination, and likewise, to reduce the complex inner articulation of the ethical, i.e. the state, the architecture of its rationality -- which, through determinate distinct-

\footnote{Hegel's note: I have testified elsewhere to the superficiality of his science: see my \textit{Science of Logic} (Nürnberg, 1812), Introduction, p. xvi.}
tions between the various spheres of public life and the rights [Berechtigungen] they are based on, and through the strict proportions in which every pillar, arch, and buttress is held together, produces the strength of the whole from the harmony of its parts — to reduce this reified [gebildete] structure to a mesh of 'heart, friendship, and enthusiasm.' According to this notion [Fortsetzung], the ethical world, like the universe of Epicurus, should be given over to the subjective contingency of opinions and arbitrariness; but of course this is not the case. 

By the simple household remedy of attributing to feeling what reason and its understanding have laboured to produce over several thousand years, all the trouble involved in rational insight and cognition, guided by the thinking concept, can of course be avoided. Grece's Mephistopheles — a good authority — says much the same thing in lines which I have also quoted elsewhere:

Do but decide reason and science,
The height of all human gifts —
Then you have surrendered to the devil
And must surely perish. 

The next step is for this view to assume the guise of piety as well, for what lengths has such behaviour not gone to in order to lend itself authority! By means of godliness and the Bible, however, it has presumed to gain the supreme justification for despising the ethical order and the objectivity of the laws. For it is surely also piety which envelopes in the simpler intuition of feeling that truth which, in the world itself, is diversified into an organic realm. But if it is the right kind of piety, it abandons the form of this [emotional] region as soon as it emerges from [the condition of] inwardness into the daylight of the Idea's full development [Entfaltung] and manifest abundance, and it brings with it, from its inner worship of God, a reverence for the laws and for a truth which has being in and for itself and is exalted above the subjective form of feeling.

The particular form of bad conscience which betrays itself in the vainglorious eloquence of this superficial philosophy may be remarked on here; for in the first place, it is precisely where it is at its most spiritless that it has most to say about spirit, where its talk is driest and most lifeless that it is freest with the words 'life' and 'enlighten', and where it shows the utmost selfishness of empty arrogance that it most often refers to the 'people'. But the distinctive mark which it carries on its brow is its hatred of law. That right and ethics, and the actual world of right and the ethical, are grouped by means of thought and give themselves the form of rationality — namely universality and determinacy — by means of thoughts, is what constitutes the law, and it is this which is justifiably regarded as the main enemy by that feeling which reserves the right to do as it pleases, by that conscience which identifies right with subjective conviction. The form of right as a duty and a law is felt by it to be a dead, cold letter and a shackle; for it does not recognize itself in the law and thereby recognize its own freedom in it, because the law is the reason of the thing [Sache] and reason does not allow feeling to warm itself in the glow of its own particularity [Partikularität]. The law is therefore, as I have remarked elsewhere in the course of this textbook, the chief shibboleth by which the false brethren and friends of the so-called 'people' give themselves away.

Since this arbitrary sophistry has usurped the name of philosophy and persuaded a wide public that such activities are philosophy, it has almost become dishonourable to continue to speak philosophically about the nature of the state; and right-minded [rechtsbewu ß] men cannot be blamed if they grow impatient as soon as they hear talk of a philosophical science of the state. There is even less cause for surprise that governments have at last directed their attention to such philosophizing, for philosophy with us is not in any case practised as a private art, as it was with the Greeks, for example, but has a public existence [Existenz], impinging upon the public, especially — or solely — in the service of the state. Governments have had enough confidence in those of their scholars who have devoted themselves to this subject to leave the development [Ausbildung] and import of philosophy entirely to them — granted that here and there, they may have done so not so much out of confidence in science as out of indifference towards it, retaining teaching posts in philosophy only for reasons of tradition (just as in France, to the best of my knowledge, chairs of metaphysics at least have been allowed to lapse). But their confidence has frequently been ill repaid, or alternatively, if they are thought to be motivated by indifference, the resultant decay of thorough knowledge [Erkenntnis] should be regarded as the penalty for this indifference. It may initially appear that this superficial philosophy is eminently compatible at least with outward peace and order, in that it never manages to touch the substance of things [Substanz],
even to suspect its existence; it would thus have no cause to fear police intervention, at least initially, if it were not that the state also contained the need for a deeper education and insight, and demanded that this need be satisfied by science. But superficial philosophy leads automatically, as far as the ethical world and right and duty in general are concerned, to those principles which constitute super- ficiality in this sphere, namely the principles of the Sophists as we find them so clearly described by Plato. These principles identify what is right with subjective ends and opinions, with subjective feeling and partic- ular [partikuläres] conviction, and they lead to the destruction of inner ethics and the upright conscience, of love and right among private persons, as well as the destruction of public order and the laws of the state. The significance which such phenomena [Erkenntnissen] must acquire for governments can scarcely be reduced, for example, by the claim that the very confidence shown by the state and the authority of an official position are enough to warrant the demand that the state should accept and give free rein to what corrupts the substantial source of all deeds, namely universal principles, and should even allow itself to be defiled, as if such defilement were entirely proper. If God gives someone an office, he also gives him sense [Verstand]; 18 is an old chestnut which will scarcely be taken seriously by anyone nowadays.

In the importance which circumstances have again led governments to attach to the way in which philosophers conduct their business, there is no mistaking the fact that the study of philosophy now seems in many other respects to require an element [Moment] of protection and encouragement. For in so many publications in the field of the positive sciences, as well as in works of religious edification and other indeterminate literature, the reader encounters not only that contempt for philosophy which I have already referred to, in that the very people who reveal that their intellectual development [Geistesschöpfung] is extremely retarded and that philosophy is com- pletely alien to them also treat it as something they have finished and done with; beyond this, we also find that such writers expressly impugn philosophy and declare its content, the conceptual cognition of God and of physical and spiritual nature, the cognition of truth, to be a foolish, indeed sinful presumption, and that reason, and again reason, and in endless repetition reason is arraigned, belittled, and con- demned. Or at the very least, they let us see how, for a large propor-

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dition of those engaged in supposedly scientific study, the claims of the concept constitute an embarrassment from which they are nevertheless unable to escape. If I say, one is confronted with such phenomena [Erkenntnissen], one might almost begin to suspect that tradition is from this point of view no longer worthy of respect nor sufficient to guarantee tolerance and a continued public existence [Existenz] to the study of philosophy. The declamations and presumptuous outbursts against philosophy which are so common in our time afford the peculiar spectacle on the one hand of being in the right, by virtue of that superficiality to which philosophical science has been degraded, and on the other of themselves being rooted in the very element against which they so ungratefully turn. For by declaring the cognition of truth to be a futile endeavour, this self-styled philosophizing has reduced all thoughts and all topics to the same level, just as the depictions of the Roman emperors removed all distinctions between partisans and slaves, virtue and vice, honour and dishonour, and knowledge [Kenntnisse] and ignorance. As a result, the concepts of truth and the laws of ethics are reduced to mere opinions and subjective convictions, and the most criminal principles — since they, too, are assertions — are accorded the same status as those laws; and in the same way, all objects, however barren and particular [partikulär], and all materials, however arid, are accorded the same status as what constitutes the interest of all thinking people and the bonds of the ethical world.

It should therefore be considered a stroke of good fortune for science — although in fact, as I have already mentioned, 19 it is a necessary consequence of the thing [Sache] itself — that this philosophizing, which could well have continued to spin itself into its own web of scholastic wisdom, has come into closer contact with actuality, in which the principles of rights and duties are a serious matter, and which lives in

18 Riegels' note: I was reminded of such views on reading a letter of Johannes von Müller (Werke [Frankfurt, 1837], pp. 120—13), Part viii, p. 115, where he says of the condition of floor in 1841 when the city was under French rule: "A professor replied: "On les tolerance comme les boulangers.""]166 One can still even hear people recommending so-called "national theory" [Volkstheorie], i.e., logic, perhaps in the belief that no one in any case bothers about it any longer as a dry and unfounded science; or that, if this does happen now and again, those who study it will find only various formulas, neither beneficial nor detrimental, so that the recommendation cannot possibly do any harm, even if it does no good either.

19 Theodore's note: "They are inferred, like the boulangers."
the light of its consciousness of these principles, and that a public split has consequently resulted between the two. It is this very relation of philosophy to actuality which is the subject of misunderstandings, and I accordingly come back to my earlier observation that, since philosophy is exploration of the rational, it is for that very reason the comprehension of the present and the actual, not the setting up of a world beyond which exists God knows where— or rather, of which we can very well say that we know where it exists, namely in the errors of a one-sided and empty rationalisation. In the course of the following treatise, I have remarked that even Plato’s Republic, a proverbial example of an empty ideal, is essentially the embodiment of nothing other than the nature of Greek ethics; and Plato, aware that the ethics of his time were being penetrated by a deeper principle which, within this context, could appear immediately only as an as yet unsatisfied longing and hence only as a destructive force, was obliged, in order to counteract it, to seek the help of that very longing itself. But the help he required had to come from above, and he could seek it at first only in a particular external form of Greek ethics. By this means, he imagined he could overcome the destructive force, and he thereby inflicted the greatest damage on the deeper drive behind it, namely free infinite personality. But he proved his greatness of spirit by the fact that the very principle on which the distinctive character of his Idea turns is the pivot on which the impending world revolution turned.

What is rational is actual; and what is actual is rational. 22

This conviction is shared by every ingenious consciousness as well as by philosophy, and the latter takes it as its point of departure in considering both the spiritual and the natural universe. If reflection, feeling, or whatever form the subjective consciousness may assume regards the present as new and looks into it in a spirit of superior knowledge, it finds itself in a vain position; and since it has actually only in the present, it is itself mere vanity. Conversely, if the Idea is seen as “only an idea”, a representation [Forstellung] in the realm of opinion, philosophy affords the opposite insight that nothing is actual except the Idea. For what matters is to recognize in the semblance of the temporal and transient the substance which is immanent and the eternal which is present. For since the rational, which is synonymous with the Idea, becomes actual by entering into external existence

[Existent], it emerges in an infinite wealth of forms, appearances, and shapes and surrounds its core with a brightly coloured covering in which consciousness at first resides, but which only the concept can penetrate in order to find the inner pulse, and detect its continued beat even within the external shapes. But the infinitely varied circumstances which take shape within this externality as the essence manifests itself within it, this infinite material and its organization, are not the subject-matter of philosophy. To deal with them would be to interfere in things [Dingen] with which philosophy has no concern, and it can save itself the trouble of giving good advice on the subject. Plato could well have refrained from recommending nurses never to stand still with children but to keep rocking them in their arms; and Fichte likewise need not have perfected his passport regulations to the point of ‘constructing’, as the expression ran, the requirement that the passports of suspect persons should carry not only their personal description but also their painted likeness. 23 In deliberations of this kind, no trace of philosophy remains, and it can the more readily abstain from such ultra-wisdom because it is precisely in relation to this infinite multitude of subjects that it should appear at its most liberal. In this way, philosophical science will also show itself furthest removed from the hatred which the vanity of superior wisdom displays towards a multitude of circumstances and institutions—a hatred in which pettiness takes the greatest of pleasure, because this is the only way in which it can attain self- esteem [Selbstgeftalt].

This treatise, therefore, in so far as it deals with political science, shall be nothing other than an attempt to comprehend and portray the state as an inherently rational entity. As a philosophical composition, it must distance itself as far as possible from the obligation to construct a state as it ought to be; such instruction as it may contain cannot be aimed at instructing the state on how it ought to be, but rather at showing how the state, as the ethical universe, should be recognized.

Thos Rhodon, his salus. 24

To comprehend what is the task of philosophy, for what it is reason. As far as the individual is concerned, each individual is in any case a child of his time; thus philosophy, too, is in its true time comprehended in thought. It is just as foolish to imagine that any philosophy can transcend its contemporary world as that an individual can overlap

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his own time or leap over Rhades. If his theory does indeed transcend his own time, if it builds itself a world as it ought to be, then it certainly has an existence, but only within his opinions — a plant medium in which the imagination can construct anything it pleases.

With little alteration, the saying just quoted would read:

Here is the rose, dance here.

What lies between reason as self-conscious spirit and reason as present actuality, what separates the former from the latter and prevents it from finding satisfaction in it, is the letter of some abstraction or other which has not been liberated into [the form of] the concept. To recognize reason as the rose in the cross of the present and thereby to delight in the present — this rational insight is the reconciliation with actuality which philosophy grants to those who have received the inner call to comprehend, to preserve their subjective freedom in the realm of the substantial, and at the same time to stand with their subjective freedom not in a particular and contingent situation, but in what has being in and for itself.

This is also what constitutes the more concrete sense of what was described above in more abstract terms as the unity of form and content. For form in its most concrete significance is reason as conceptual cognition, and content is reason as the substantial essence of both ethical and natural actuality; the conscious identity of the two is the philosophical Idea. — It is a great obstinacy, the kind of obstinacy which does honour to human beings, that they are unwilling to acknowledge in their attitudes [Geistigung] anything which has not been justified by thought — and this obstinacy is the characteristic property of the modern age, as well as being the distinctive principle of Protestantism. What Luther inaugurated as faith in feeling and in the testimony of the spirit is the same thing that the spirit, at a more mature stage of its development, endeavours to grasp in the concept as to free itself in the present and thus find itself therein. It has become a famous saying that 'half-philosophy leads away from God' — and it is the same half-measure which defines cognition as an approximation to the truth — 'whereas true philosophy leads to God'; the same applies to philosophy and the state. Reason is not content with an approximation which, as something 'neither cold nor hot', it 'spews out of its mouth'; and it is as little content with that cold despair which confesses that, in this temporal world, things are bad or

at best indifferent, but that nothing better can be expected here, so that for this reason alone we should live at peace with actuality. The peace which cognition establishes with the actual world has more warmth in it than this.

A further word on the subject of issuing instructions on how the world ought to be: philosophy, at any rate, always comes too late to perform this function. As the thought of the world, it appears only at a time when actuality has gone through its formative process and attained its completed state. This lesson of the concept is necessarily also apparent from history, namely that it is only when actuality has reached maturity that the ideal appears opposite the real and reconstructs this real world, which it has grasped in its substance, in the shape of an intellectual realm. When philosophy paints its grey in grey, a shape of life has grown old, and it cannot be rejuvenated, but only recognised, by the grey in grey of philosophy; the owl of Minerva begins its flight only with the onset of dusk.

But it is time to conclude this foreword, as a foreword, its function was in any case merely to make external and subjective comments on the point of view of the work to which it is prefixed. If a content is to be discussed philosophically, it will bear only scientific and objective treatment; in the same way, the author will regard any criticism expressed in a form other than that of scientific discussion of the matter (Sache) itself merely as a subjective preface and random assertion, and will treat it with indifference.

Berlin, 25 June 1820