

CAMBRIDGE TEXTS IN THE  
HISTORY OF POLITICAL THOUGHT

*Series editors*

RAYMOND GEUSS

*Reader in Philosophy, University of Cambridge*

QUENTIN SKINNER

*Regius Professor of Modern History, University of Cambridge*

Cambridge Texts in the History of Political Thought is now firmly established as the major student textbook series in political theory. It aims to make available to students all the most important texts in the history of western political thought, from ancient Greece to the early twentieth century. All the familiar classic texts will be included, but the series seeks at the same time to enlarge the conventional canon by incorporating an extensive range of less well-known works, many of them never before available in a modern English edition. Wherever possible, texts are published in complete and unabridged form, and translations are specially commissioned for the series. Each volume contains a critical introduction together with chronologies, biographical sketches, a guide to further reading and any necessary glossaries and textual apparatus. When completed, the series will aim to offer an outline of the entire evolution of western political thought.

*For a list of titles published in the series, please see end of book.*

G. W. F. HEGEL

# *Elements of the Philosophy of Right*

EDITED BY

ALLEN W. WOOD

*Professor of Philosophy, Cornell University*

TRANSLATED BY

H. B. NISBET

*Professor of Modern Languages,  
University of Cambridge*

and

*Fellow of Sidney Sussex College*



CAMBRIDGE  
UNIVERSITY PRESS

PUBLISHED BY THE PRESS SYNDICATE OF THE UNIVERSITY OF CAMBRIDGE  
The Pitt Building, Trumpington Street, Cambridge, United Kingdom

CAMBRIDGE UNIVERSITY PRESS

The Edinburgh Building, Cambridge CB2 2RU, UK  
40 West 20th Street, New York, NY 10011-4211, USA  
477 Williamstown Road, Port Melbourne, VIC 3207, Australia  
Ruiz de Alarcón 13, 28014 Madrid, Spain  
Dock House, The Waterfront, Cape Town 8001, South Africa  
<http://www.cambridge.org>

© Cambridge University Press 1991

This book is in copyright. Subject to statutory exception  
and to the provisions of relevant collective licensing agreements,  
no reproduction of any part may take place without  
the written permission of Cambridge University Press.

First published 1991  
Tenth printing 2005

Printed in the United Kingdom at the University Press, Cambridge

*British Library Cataloguing in Publication data*

Hegel, Georg Wilhelm Friedrich 1770-1831

Elements of the philosophy of right – (Cambridge texts in  
the history of political thought).

I. State. Theories

I. Title II. Wood, Allen W. III. Nisbet, H. B. (Hugh  
Barr) 1940- IV. [Grundlinien der Philosophie des Rechts.  
English]

320.101

*Library of Congress Cataloguing in Publication data*

Hegel, Georg Wilhelm Friedrich 1770-1831

[Grundlinien der Philosophie des Rechts. English]

Elements of the philosophy of right/G.W.F. Hegel; edited by Allen W. Wood;  
translated by H. B. Nisbet.

P. cm. – (Cambridge texts in the history of political thought)

Translation of: Grundlinien der Philosophie des Rechts.

ISBN 0 521 34438 7 (hardback) – ISBN 0 521 34888 9 (paperback)

I. Law-Philosophy. 2. Natural law. 3. State, The.

4. Political science. 5. Ethics.

I. Wood, Allen W. II. Nisbet, Hugh Barr. III. Title. IV. Series.

K230.H43G7813 1991

340'.1-dc20 90-21617 CIP

ISBN 0 521 34438 7 hardback

ISBN 0 521 34888 9 paperback

## Contents

<i>Editor's introduction</i>	page vii
<i>Chronology</i>	xxxiii
<i>Translator's preface</i>	xxxv
<i>Key to abbreviations</i>	xlv
<i>Elements of the Philosophy of Right</i>	I
<i>Editorial notes</i>	381
<i>Glossary</i>	481
<i>Select bibliography</i>	496
<i>Index of subjects</i>	501
<i>Index of names</i>	509

## § 269

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 their 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 means 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 fable of the belly and the other members is relevant here.<sup>1</sup> 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 intuited as it is in itself.<sup>2</sup>

## § 270

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 differences 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 wills itself 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,<sup>1</sup> 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 loss. When 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 [Sache] 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 [unrechthlicher] force, and the like, or because such religious advice attempts to retain exclusive validity and claims authority to determine and administer [the process of] right. Although it may seem derisive 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 fetters 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).<sup>2</sup> This phenomenon [Erscheinung] 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 [*vorstellende Erkenntnis*] 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 *Encyclopaedia of the Philosophical Sciences*, § 453).<sup>3</sup> 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.<sup>4</sup> 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,

<sup>3</sup> Hegel's note: Religion, like cognition and science, has as its principle a distinct form which is different from that of the state. All of these therefore enter into the state, partly as *means* to education and the [appropriate] disposition, and partly in so far as they are essentially *ends in themselves* inasmuch as they have an external existence [*Dasein*]. In both respects, the principles of the state are *applicable* to them. A comprehensively concrete treatise on the state would also have to consider these spheres, as well as art, purely natural circumstances, etc., in their relevance [*Beziehung*] to and position within the state. In the present treatise, however, in which it is the principle of the state which is expounded in its *own distinct* sphere and in accordance with its Idea, the principles of these other areas and the *application* of the right of the state to them can be mentioned only in passing.

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 [*bestehende*] 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'.<sup>4</sup> 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 [*Schranken*] 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 [*Vorstellung*], i.e. of *opinion* and the *caprice of the arbitrary will*. — The truth, however — as opposed to this truth which veils itself in the

subjectivity of feeling and representational thinking – is the momentous transition of the inner to the outer, that incorporation [*Einbildung*] 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 [*Das Sein*], 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 volition to discipline so as to elevate it to free obedience, the easiest course is to renounce cognition of objective truth, to nurse 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 indisputable; 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 [*Unrechlichkeit*].<sup>5</sup>

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* [*Zustand*] and *expression* of its own [*für sich*]. The busi-

ness of its worship consists in *actions* 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 fulfils 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 matters [*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 is content if they fulfil their direct duties towards it passively, for example by commutation or substitution [of an alternative service].<sup>7</sup> But in so far as the religious

<sup>7</sup>Hegel's note: Of Quakers, Anabaptists, etc., it may be said that they are active members only of civil society and that, as private persons, they have purely private relations with other people. Even in this context, they have been exempted from taking oaths; they fulfil their direct duties towards the state in a passive manner, and although they reject outright one of the most important of these, namely the defence of the state against its enemies, they may even be allowed to fulfil this duty by substituting another service instead.<sup>6</sup> Towards such sects, the state practises *toleration* in the proper sense of the word, for since they do not recognize their duties towards it, they cannot claim the right to belong to it. When, on one occasion, there was a strong movement in the American Congress to abolish negro slavery, a member from the southern states aptly retorted: 'Leave us our negroes and you can keep your Quakers.' – Only if the state is strong in other respects can it overlook and tolerate such anomalies, relying above all on the power of custom and the inner rationality of its institutions to reduce and overcome the discrepancy if the state does not strictly enforce its rights in this respect. For example, although it may well have been contrary to formal right to grant even civil rights to the *Jews*, on the grounds that the latter should be regarded not just as a particular religious group but also as members of a foreign nation [*Völke*], the outcry which this viewpoint and others produced overlooked the fact that the Jews are primarily *human beings*; this is not just a neutral and abstract quality (see Remarks to § 209), for its consequence is that the

N.B.  
↕

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* [rechtliche] aspect at least is in itself [für sich] a matter [Sache] for the state. (Admittedly, Churches have also contrived to exempt their servants and property from 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-awareness* as recognized *legal* [rechtliche] 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 this would rightly have brought blame [Schuld] and reproach 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 to § 268). 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 honourable.<sup>8</sup>

enjoys 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 forecourt 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 coupled 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 justification. 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 [*Stand*] which they keep separate from the state. It should in the first place be noted that such a relationship is associated with that view [*Vorstellung*] 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 [*Nöth*]. 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 *laity* 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 [of Church and state] referred to above was the main principle of actuality (see § 358).<sup>9</sup> 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 [*an sich*] 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 content 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 witness of his own spirit and heart, as that in which the moment of freedom is contained, is faith and feeling [*Empfindung*]. 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 doctrine 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, right, 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 being 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 *laity*, 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 [ *Gestalt*] of truth, no matter what assurances and authority this truth may carry with it. Since the essential principle

of the form of the state as a universal is 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<sup>10</sup> and forced Galileo to recant on his knees for expounding the Copernican theory of the solar system,<sup>11</sup> etc.).<sup>†</sup> 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 [*Räsonieren aus Gründen*] 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.

<sup>†</sup> Hegel's note. See Laplace, *Exposition of the System of the World* (*Exposition du Système du monde* (Paris, 1796)), Book V, Chapter 4: '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 beyond doubt the movement of the earth itself. But the idea [*Vorstellung*] 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 in order to escape a harsh prison sentence. In a man of intellect [*Geist*], one of the strongest passions is the passion 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 persecution to which he would otherwise certainly have fallen victim, he adopted the stratagem 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 adherents of Ptolemy, he was entitled to expect that he would be left to enjoy unmolested that peace which his advanced years and labours had earned for him. In his seventieth 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 relapsed heretics. He was made to sign the following formula of abjuration: "I, Galileo, having appeared in person before the court in my seventieth year, on bended knee and with the holy Gospels before my eyes and in my hands, abjure, damn, and curse, with sincere heart and true belief, the absurdity, falsity, and heresy of the doctrine of the earth's movement", etc. What a spectacle, to see a venerable old man, famed throughout a long life devoted solely to the study of nature, abjuring on his knees and against the testimony of his own conscience that truth which he had convincingly demonstrated! A judgement of the Inquisition condemned him to imprisonment in perpetuity. A year later, on the intercession of the Grand Duke of Florence, he was set at liberty. He died in 1642. His loss was mourned throughout Europe, which his labours had enlightened and which was incensed at the judgement passed by a hated tribunal on so great a man.'

tion. The principle of this subjectivity of knowledge has already been discussed above (see Remarks to § 140). All that need be mentioned here is that the attitude of the state towards opinion – in so far as it is merely opinion, a subjective content which therefore has no true inner force and power, however grandiose its claims – is on the one hand one of infinite indifference, like that of the painters who stick to the three primary colours on their palettes, regardless of the wisdom of the schools which tells them that there are seven. But on the other hand, when these opinions based on bad principles give themselves a universal existence [*Dasein*] which undermines actuality, the state must protect objective truth and the principles of ethical life; and it must do the same if the formalism of unconditional subjectivity should seek to make science its basis and starting-point, and to turn the state's own educational establishments against it by inciting them to make pretensions akin to those of a Church. And conversely, when confronted with a Church which claims unlimited and unconditional authority, the state must on the whole assert the formal right of self-consciousness to its own insight and conviction, and in general to thoughts concerning what should count as objective truth.

The unity of state and Church, a subject [*Bestimmung*] which has likewise been much discussed and held up as an ultimate ideal in recent times, may also be mentioned here.<sup>12</sup> Although their essential unity lies in the truth of principles and disposition, it is just as essential that, along with this unity, the difference between their forms of consciousness should attain particular existence [*Existenz*]. That unity of Church and state which has so often been wished for is to be found in oriental despotism – but in this case, there is no state in the sense of that self-conscious configuration [*Gestaltung*] of right, of free ethical life, and of organic development which is alone worthy of the spirit. – Furthermore, if the state is to attain existence [*Dasein*] as the self-knowing ethical actuality of spirit, its form must become distinct from that of authority and faith. But this distinction emerges only in so far as the Church for its part becomes divided within itself. Only then, [when it stands] above the particular Churches, can the state attain universality

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 it 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 resolution 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 exists, but it has no actuality.<sup>13</sup> True actuality is necessity: what is actual is necessary in itself. Necessity consists [*besteht*] 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 wills and knows this as an object of thought [*ein Gedachtes*]. Since, then, the seat 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 [*Gebiet*], 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 lack justification, and only through religion can it be sanctified and belong to the infinite. But this view of the matter [*Sache*] 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 spiritless perception can regard it as merely finite. For the state has a

soul which animates it, and this animating soul is subjectivity, which creates distinctions on the one hand but preserves their unity on the other. In the realm [*Reich*] 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 unfree religion are best equipped to obey. The Christian religion, however, is the religion of freedom – although it may come about that this freedom is perverted 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 [*rechtlichen*] 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 inwardness if it imposed its requirements in a religious manner, so also does the Church, if it acts like a state and imposes penalties, degenerate into a tyrannical religion. A third difference, connected with that just mentioned, is that the content of religion is and remains latent [*eingehüllt*], so that emotion, feeling [*Empfindung*], 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 subvert

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 sought to take over all the relations [*Bestehungen*] 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 reasons; 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 determinant; 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.

## § 271

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 [*zum Bestehen*].

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

Addition (H). 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-

MILITARY

ant factor in the history<sup>o</sup> of the state. Sometimes the civil power is completely defunct and based exclusively on the military power, as at the time of the Roman emperors<sup>o</sup> and the praetorians;<sup>1</sup> 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.<sup>2</sup>

<sup>1</sup>Translator's note: The word *Gesinnung* ('disposition'), which appears at this point in all of those editions of the *Rechtsphilosophie* which include Gans's Additions, should read *Geschichte* ('history') as in Hotho's notes, used by Gans as the basis of this Addition (see VPR III, 742). The error is presumably a misreading by Gans.

<sup>2</sup>Translator's note: The remainder of this sentence appears to be Gans's own interpolation, as it has no counterpart in either Hotho's or Griesheim's notes.

## I 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 concept. 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 [*Unterschied*] 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 rapid 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 [*Männer*] sick of the words 'reason', 'enlightenment', 'right', etc., and likewise of the words 'constitution' and 'freedom', and that one is almost ashamed to enter into any further discussion of political constitutions.<sup>1</sup> But it may at least be hoped that such excesses will lead to a more widespread conviction that philosophical cognition of such subjects cannot come from ratiocination or from [the

<sup>1</sup>Translator's note: Literally: 'The Internal Constitution for itself [*für sich*]' – i.e. the internal aspects will be considered here in their own right.

Totalität  
Gans

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 [*nichtiges*] 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 [*Vorstellungen*] now in currency, that of the necessary division [*Teilung*] of powers within the state calls for mention (with reference to § 260).<sup>2</sup> 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 [*Vorstellung*] 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 rational 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 [*auffassen*] 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 [*Übel*], 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 sich*] 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 [*Einzelheit*] – in abstraction can be learned from logic (though not, of course, from the logic commonly in use).<sup>3</sup> At any rate, to take the negative as a starting-point and

to make malevolence and distrust of malevolence 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 executive and legislative powers – attain self-sufficiency, the destruction of the state, as has been witnessed on a grand scale<sup>4</sup> [in our times], is immediately posited; 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* (H). 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 world 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<sup>5</sup> 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<sup>6</sup> intuitions 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 [*Sache*] the reason of intuition, 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 [*für sich*] and in abstraction; on the contrary, the powers should be distinguished only as moments of the concept. On the other

<sup>2</sup>Translator's note: *als ein Irdisch-Göttliches*; Hotho's notes, on which Gans based this Addition, read simply *als ein Göttliches* ('as something divine'); see VPR III, 744.

<sup>3</sup>Translator's note: Hotho's notes read *bestimmtere* ('more specific'); see VPR III, 744.

<sup>4</sup>Translator's note: Hotho's notes read (in translation): 'One must also bring reason to a rational intuition' (VPR III, 744).

hand, if these differences do exist [*bestehen*] independently and in abstraction, it is plain to see that two self-sufficient entities cannot constitute a unity, but must certainly give rise to a conflict whereby either the whole is destroyed or unity is restored by force. Thus, during the French Revolution, the legislative power at times engulfed the so-called executive, and at other times the executive power engulfed the legislative, so that it remains an absurdity in this context to raise, for example, the moral demand for harmony. For if we refer the matter [*Sache*] to the emotions, we admittedly save ourselves all the trouble; but although ethical feeling may be necessary, it is not qualified to determine the powers of the state on its own. Thus, the main point to note is that, just as the determinations of the powers are in themselves the whole, so too do all of them, in their existence [*Existenz*], constitute the entire concept. We usually speak of three powers – the legislative, the executive, and the judiciary. The first of these corresponds to universality and the second to particularity; but the judiciary is not the third constituent of the concept, because its [i.e. the judiciary's] individuality [*Einzelheit*] lies outside the above spheres.

### § 273

The political state is therefore divided into three substantial elements:<sup>1</sup>

- (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 sovereign*, 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 [*Ausbildung*] of the state to constitutional monarchy is the achievement of the modern world, in which the substantial Idea has attained infinite 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

[*besteht*] – the history of this true formation [*Gestaltung*] of ethical life is the concern [*Sache*] of universal world history.

The old classification of constitutions into *monarchy*, *aristocracy*, and *democracy* presupposes a *still undivided 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*.<sup>2</sup> 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 [*Entfaltung*] 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 *Encyclopaedia of the Philosophical Sciences*, § 52).<sup>3</sup> These forms, which in this instance belong to different wholes, are reduced, in constitutional monarchy, to [the status of] moments. The monarch is *one* [individual]; *several* 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 [*Sache*]. There has been much talk in recent times of the democratic and aristocratic elements in *monarchy*, but this is equally 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. 196), ‘are right and proper provided that there is an *ephorate*’ (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 ephorate) is a product of that superficial conception of the state referred to above. If social conditions are quite simple, these differences are admittedly of little or no significance;

<sup>1</sup>Translator's note: The first edition refers to § 82 of the *Encyclopaedia* (first edition), I follow Knox (p. 367) and VPR II, 730 in preferring § 52<sup>2</sup> as more plausible.

totalitäten

273 E.L.  
27399



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 manufactured things.<sup>9</sup>

*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 themselves the principle of free subjectivity and are unable to conform to fully developed reason.

<sup>9</sup>*Translator's note:* In Hotho's notes, on which this *Addition* is based, this word is not *alter* ('all') but *alter* ('ancient'), so that Hegel's observation, which then reads 'the forms of ancient political constitutions are one-sided and cannot sustain [etc.]', applies only to the constitutions of antiquity. Gans has removed the sentence from its context in the notes 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 permeates 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 [*Bildung*] 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 [*Einfall*] 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,G). 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 centuries, 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 [*von Subjekten*]. 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 [*gebildet*]. 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 [*Einzelnen*], but for the entire mass [of people] to be filled with such an idea [*Vorstellung*] is quite another matter, and this does not occur until later. Socrates' principle of morality or inwardness 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 constitution and laws,<sup>1</sup> 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 moment of individuality [*Einzelheit*], for it contains within itself the three moments of the state as a totality. In other words, the 'I' is simultaneously the most individual<sup>2</sup> and the most universal [element]. On the face of it, nature, too, is individual in character, but reality — i.e. non-ideality or mutual externality — is not that which has being with itself [*das Bei-sich-sein*]; for in reality, the various individual units [*Einzelheiten*] subsist 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 character, is the exposition of all its moments, but individuality<sup>3</sup> is at the same

<sup>1</sup>*Translator's note:* Hotho's notes read simply 'the individual' (*das Einzelne*; VPR III, 756).

<sup>2</sup>*Translator's note:* Hotho reads 'ideality' (*die Idealität*; VPR III, 757).

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 *ideality* of its moments. (α) 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 ideality 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 ideality of all the individual estates, powers, and corporations, however much their impulse may be to subsist 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 superseded and sacrificed and passes over into the whole.<sup>1</sup>

## § 277

(β) 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*.<sup>1</sup>

*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.<sup>2</sup>

<sup>1</sup>Translator's note: The second half of this sentence is an extremely free paraphrase of much fuller reflections in Griesheim's notes on the conflict in England between nobility and crown (VPR IV, 668).

## § 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 monarchy* 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 more 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 *idealism* 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 or organic moments whose isolation and separate existence [*Für-sich-Bestehen*] constitute disease (see *Encyclopaedia of the Philosophical Sciences*, § 293).<sup>1</sup> It is the same principle which we encountered (see § 7) 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 [*Berech-*

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 (ochlocracy), 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 [*Sache*] that their selfishness is transformed into a contribution to mutual preservation, and to the preservation of the whole (see § 183). 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

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 [*ausgesonderte*] 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 content* 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 *certainly of itself*. This last [instance], whose simple self super-sedes all particularities, cuts short the weighing of arguments [*Gründe*] 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-referencing, has its *truth* — and indeed its proximate 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 [*für 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 ratiocination – i.e. the reflective approach of the understanding – to grasp, because such ratiocination 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 [*Vorstellung*] 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 [*Vorstellung*] 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 [*Obrigkeit*], 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 [*Vorstellung*] 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 [*Vorstellung*] 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 attained 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 *immanent* 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 [*für sich*], as in monarchies of the type in question, or, as in aristocracies and more particularly in democracies, he 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 altogether 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 [*Existenz*], but its roots lay outside the circle of human freedom which the state encompasses. — This is the origin of the need to derive the *ultimate* decision on major issues and important concerns [*Momente*] of the state from oracles, a *daemon* (in the case of Socrates), the entrails 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 to] § 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 [n 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.

*Addition* (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 content 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 *name* is important: it is the ultimate instance and *non 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 [*Er-scheinungen*] 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 subjectivity, 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 [*Existenz*] in the great edifice of the state. Unfortunately, however, this determination is regarded<sup>a</sup> as merely external and discretionary.

<sup>a</sup>*Translator's note:* Griesheim's notes, from which this Addition is extracted, read 'frequently regarded' (*häufig . . . angesehen*; VPR IV, 676).

## § 280

3. Seen in abstraction, this ultimate self of the will of the state is simple and therefore an *immediate* individuality [*Einzelheit*], so that the determination of *naturalness* 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 vorgestelltes Zweckel*]) 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 itself) into *this* [specific 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).<sup>1</sup> 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 [*Vorstellung*] 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 astute 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 (H).* 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'.<sup>2</sup>

## § 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 *unmoved* by arbitrary will, i.e. the *majesty* 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 ratiocination 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

[*mediis terminis*], 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 (*salut du 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 annuls [*aufhebt*] the nature of majesty in and for itself. — *Elective monarchy*<sup>1</sup> 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,<sup>2</sup> of a contractual relationship between monarch and people, etc., bases itself on the will in the sense of the *caprice*, opinion, and arbitrariness of the *many* — a determination which, as we noticed some time ago,<sup>3</sup> 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 ratiocination to deduce from the *consequences* of elective monarchy that it is the worst of institutions. But these consequences appear to ratiocination 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* [*Wahlkapitulation*], i.e. a surrender of the power of the state at the discretion of the particular [*partikularen*] will; as a result, the particular [*besonderen*] 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.<sup>4</sup>

<sup>4</sup>Translator's note. See, for example, §§ 182–189 above.

*Addition* (G). In order to grasp the Idea of the monarch, it is not enough to say that kings are appointed by God, for God has made everything, including the worst [of things].<sup>5</sup> The point of view of utility does not get us far either, for it is always possible to point to disadvantages. And it is of just as little help to regard monarchy as a positive right. The fact that I have property is necessary, but this [or that] particular possession is contingent, and the right whereby one individual must occupy the highest office appears in a similar light if it is taken in an abstract and positive sense. But this right is present as a felt need and as a need of the thing [*Sache*] in and for itself. Monarchs are not exactly distinguished by their physical powers or intellect [*Geist*], yet millions accept them as their rulers. But it is absurd to say that people allow themselves to be ruled in defiance of their own interests, ends, and intentions, for they are not as stupid as that; it is their need, the inner power of the Idea, which compels them to accept such rule and keeps them in this situation, even if they appear to be consciously opposed to it. Thus, whereas the monarch functions as head of state and as part of the constitution, it has to be said that a conquered people is not constitutionally identical with its sovereign. If a rebellion occurs in a province conquered in war, this is not the same thing as a revolt in a well-organized state. The conquered people are not rebelling against their sovereign prince, and they are not committing a political crime, for they are not linked with their master in terms of the Idea or through the inner necessity of the constitution. There is only a contract, but not a political association. 'Je ne suis pas votre prince, je suis votre maître'<sup>6</sup> was Napoleon's reply to the delegates at Erfurt.<sup>6</sup>

<sup>6</sup>Translator'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 acknowledgements 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]

footnote to the Remarks to § 270). – Another example of such applications is the subsumption under the concept of crime (which we encountered in an earlier context – see §§ 95–102) of injuries [*Verletzungen*] to the state in general, or to the sovereignty, majesty, and personality of the sovereign prince; such injuries are in fact classed as crimes of the *highest order*, and a particular procedure etc. [is applied to them].

*Addition* (H). Pardon is the remission of punishment, but it is not a cancellation of right [*die aber das Recht nicht aufhebt*]. On the contrary, right continues to apply, and the pardoned individual still remains a criminal; the pardon does not state that he has not committed a crime. This cancellation [*Aufhebung*] of punishment may be effected by religion, for what has been done can be undone in spirit by spirit itself. But in so far as it is accomplished in this world, it is to be found only in the majesty [of the sovereign] and is the prerogative of [the sovereign's] ungrounded decision.

## § 283

The *second* moment contained in the power of the sovereign is that of *particularity* or of determinate content and its subsumption under the universal. In so far as this moment attains a particular existence [*Existenz*], it does so in the highest advisory offices and in the individuals who hold them; these individuals submit to the monarch for his decision the content of current affairs of state, or the legal determinations made necessary by present needs, along with their *objective* aspects, grounds for decision, relevant laws, circumstances, etc. The appointment of *individuals* for this purpose and their dismissal from office fall within the [competence of the] unrestricted arbitrary will of the monarch, since the individuals in question are in immediate personal contact with him.

## § 284

The only factors for which people can be made *accountable* – i.e. those which are capable of objective proof and on which advice distinct from the personal will of the monarch as such can appropriately be sought – are the *objective* aspects of decision such as knowledge [*Kenntnis*] of the content and circumstances, and the legal and other

grounds for determination. It is only for matters such as these that the advisory offices and their incumbents can be held accountable. But the distinctive majesty of the monarch, as the ultimate subjectivity of decision, is raised above all accountability for the acts of government.

## § 285

The *third* moment in the power of the sovereign concerns the universal in and for itself, which is present subjectively in the *conscience* of the *monarch* and objectively in the *constitution* and *laws* as a *whole*. To this extent, the power of the sovereign presupposes the other moments, just as it is presupposed by each of them.

## § 286

The *objective guarantee* of the power of the sovereign and of rightful succession to the throne by way of inheritance, etc., lies in the fact that, just as this sphere has its own actuality distinct from that of other rationally determined moments, so also do these other moments have their own distinct rights and duties in accordance with their determination. Each member [of the whole], in maintaining itself independently [*für sich*], thereby also maintains the others in their own distinct character within the rational organism.

One of the more recent achievements of history has been to develop the monarchic constitution to the point where hereditary succession to the throne is firmly based on primogeniture. Monarchy has thereby reverted to the patriarchal principle in which it had its historical origin, although it now has the higher determination whereby the monarch is the absolute apex of an organically developed state. This achievement is of the greatest importance for public freedom and for a rational constitution, although it is often very poorly understood – as we earlier noticed – even if it is treated with respect. Thus, the history of despotisms and of the purely feudal monarchies of earlier times represents a succession of rebellions, acts of violence by rulers, civil wars, the downfall of sovereign princes and dynasties, and in consequence, general devastation and destruction on both internal and external fronts. The reason

for this is that, in conditions such as these, the division [Teilung] of political business is purely mechanical, with its different parts distributed among vassals, pashas, etc., so that the difference [between these elements] is not one of determination and form, but merely of greater or lesser power. Thus, each part maintains *itself alone*, and in so doing, it promotes only itself and not the others along with it, and has within itself the complete set of moments which it requires for independence and self-sufficiency. In an organic relationship, the units in question are not parts but members, and each maintains the others while fulfilling *its own* function; the substantial end and product of each is to maintain the *other* members while simultaneously maintaining *itself*. Such guarantees as are required, whether for the continuity of the succession and of the power of the sovereign in general, or for justice, public freedom, etc., are secured by means of *institutions*. Such factors as the love of the people, character, oaths, coercion, etc. may be regarded as *subjective* guarantees; but when we are dealing with the *constitution*, we are concerned solely with *objective* guarantees or institutions, i.e. with organically linked and mutually conditioning moments. Thus, public freedom in general and a hereditary succession guarantee each other reciprocally, and their association [Zusammenhang] is absolute, because public freedom is the rational constitution, and the hereditary character of the power of the sovereign is, as has already been shown, the moment inherent in its concept.

## b. The Executive Power

## § 287

The execution and application of the sovereign's decisions, and in general the continued implementation and upholding of earlier decisions, existing laws, institutions, and arrangements to promote common ends, etc., are distinct from the decisions themselves. This task of *subsumption* in general belongs to the *executive power*, which also includes the powers of the *judiciary* and the *police*; these have more

immediate reference to the particular affairs of civil society, and they assert the universal interest within these [particular] ends.

## § 288

The *particular* common interests which fall within civil society, and which lie outside the universal interest of the state as the interest which has being in and for itself (see § 256), are administered by the corporations (see § 251) which represent the communities and the various professions [*Gewerbe*] and estates, with their authorities [*Obrigkeiteil*], supervisors, administrators, etc. On the one hand, the business of these administrators is to look after the *private property* and *interests* of these *particular* spheres, and in this respect, their authority [*Autorität*] is based in part on the trust of their fellow-citizens and equals. On the other hand, these circles must be subordinated to the higher interests of the state. Thus, the filling of such offices will in general involve a mixture of popular election by the interested parties, and confirmation and determination by a higher authority.<sup>1</sup>

## § 289

The task of *upholding*, within these particular rights, *legality* and the *universal interest of the state*, and that of bringing these rights back to the universal, need to be performed by delegates of the executive power, i.e. the executive *civil servants* and the higher consultative bodies. The latter necessarily work together in groups, and they converge in their supreme heads who are in touch with the monarch himself.<sup>1</sup>

Just as civil society is the field of conflict in which the private interest of each individual comes up against that of everyone else,<sup>2</sup> so do we here encounter the conflict between private interests and particular concerns of the community, and between both of these together and the higher viewpoints and ordinances of the state. The spirit of the corporation, which arises when the particular spheres gain legal recognition [*Berechtigung*], is now at the same time inwardly transformed into the spirit of the state, because it finds in the state the means of sustaining its particular ends. This is the secret of the patriotism of the citizens in the sense that they know the

state as their substance, for it is the state which supports their particular spheres and the legal recognition, authority, and welfare of these. In so far as the *rooting of the particular in the universal* is contained *immediately* in the spirit of the corporation, it is in this spirit that such depth and strength of *disposition* as the state possesses are to be found.

The administration of a corporation's affairs by its own supervisors will often be inept, for although they know [*kennen*] and have before them their own distinct interests and affairs, they have a less complete grasp of the connection between these and more remote conditions and universal points of view. Besides, further circumstances have a similar effect, e.g. the close personal contact and other kinds of equality between the supervisors and those who should be subordinate to them, the various ways in which they are dependent on others, etc. But this personal [*eigene*] sphere may be seen as belonging to the moment of *formal freedom*, which provides an arena in which personal cognition and personal decisions and their execution, as well as petty passions and imaginings, may indulge themselves. This is all the more acceptable in proportion to the triviality of the business which is thereby vitiated or conducted less efficiently, more laboriously, etc., and to its relative unimportance for the more general concerns of the state; and the same applies the more directly the laborious or foolish conduct of such trifling business is related to the satisfaction and self-esteem [*Meinung von sich*] which are derived from it.

## § 290

The *division* [*Teilung*] of *labour* (see § 198) likewise makes its appearance in the business of the executive. The *organization* of official bodies accordingly faces the formal but difficult task of ensuring that civil life shall be governed in a *concrete* manner from below, where it is concrete, but that the business in question shall be divided into its *abstract* branches and dealt with by distinct bodies; the latter should function as separate centres whose activities should again converge both at the lowest level and in a concrete overview on the part of the supreme executive.<sup>1</sup>

*Addition (C).* The most important issue for the executive power is the division of functions. The executive power is concerned with the transition from the universal to the particular and individual, and its functions must be divided in accordance with its different branches. The difficulty, however, is [that of ensuring] that they also come together again at upper and lower levels. For although the power of the police and that of the judiciary, for example, are divergent, they do converge in every particular case [*Geschäft*]. The expedient which is often employed in these circumstances is to appoint a State Chancellor, Prime Minister, or Cabinet Council in order to simplify the highest level of government. But this may have the result that everything is again controlled from above by ministerial power, and that functions are, to use the common expression, centralized.<sup>2</sup> This is associated with a high degree of facility, speed, and effectiveness in measures adopted for the universal interest of the state. A regime of this kind was introduced by the French Revolution and further developed by Napoleon, and it still exists [*besteht*] in France today. On the other hand, France lacks corporations and communal associations [*Kommunen*] – that is, circles in which particular and universal interests come together. Admittedly, these circles gained too great a degree of self-sufficiency in the Middle Ages, when they became states within the state and behaved in an obdurate manner like independently established bodies.<sup>3</sup> But although this ought not to happen, it can still be argued that the proper strength of states resides in their [internal] communities [*Gemeinden*]. In these, the executive encounters legitimate [*berechtigte*] interests which it must respect; and since the administration can only encourage such interests – although it must also supervise them – the individual finds protection for the exercise of his rights, so that his particular [*partikulares*] interest is bound up with the preservation of the whole. For some time now, organization has always been directed from above, and efforts have been devoted for the most part to this kind of organization, despite the fact that the lower level of the masses as a whole can easily be left in a more or less disorganized state. Yet it is extremely important that the masses should be organized, because only then do they constitute a power or force; otherwise, they are merely an aggregate, a collection of scattered atoms. Legitimate power is to be found only when the particular spheres are organized.

<sup>1</sup>Translator's note: Gans's version, as translated by the nine preceding words, reads *gerieten sich auf harte Weise als für sich bestehende Körperschaften*. Griesheim's original, of which Gans's text is a paraphrase, reads *gerieten auf eine harte Weise die Ausübung allgemeiner Zwecke*, i.e. 'obstructed the implementation of universal ends in an obdurate manner' (VPR IV, 691). Gans appears to have misread *gerieten* as *geri(e)ren*.

compelled the ministers to wage it. The popularity of Pitt arose from the fact that he knew how to comply with the nation's current wishes.<sup>4</sup> Only later, when emotions had cooled, did people realize that the war was useless and unnecessary, and that it had been entered into without calculating the cost.<sup>2</sup> Besides, the state has relations not just with *one* other state, but with several; and the complexities of these relations become so delicate that they can be handled only by the supreme authority.

<sup>4</sup>Translator's note: The preceding sentence has no equivalent in Griesheim's notes, on which this Addition is based (see VPR IV, 738f.).

### B. International Law [Das äußere Staatsrecht]

#### § 330

International law [das äußere Staatsrecht] applies to the relations between independent states. What it contains *in and for itself* therefore assumes the form of an *obligation*, because its actuality depends on *distinct and sovereign wills*.

*Addition* (H). States are not private persons but completely independent totalities in themselves, so that the relations between them are not the same as purely moral relations or relations of private right. Attempts have often been made to apply private right and morality to states, but the position of private persons is that they are subject to the authority of a court which implements what is right in itself. Now a relationship between states ought also to be inherently governed by right, but in worldly affairs, that which has being in itself ought also to possess power. But since no power is present to decide what is right in itself in relation to the state and to actualize such decisions, this relation [Beziehung] must always remain one of obligation. The relationship between states is a relationship of independent units which make mutual stipulations but at the same time stand above these stipulations.

#### § 331

The nation state [das Volk als Staat] is the spirit in its substantial rationality and immediate actuality, and is therefore the absolute power on earth; each state is consequently a sovereign and independent entity in relation to others. The state has a primary and

absolute entitlement to be a sovereign and independent power in the eyes of others, i.e. to be recognized by them. At the same time, however, this entitlement is purely formal, and the requirement that the state should be recognized simply because it is a state is abstract. Whether the state does in fact have being in and for itself depends on its content – on its constitution and [present] condition; and recognition, which implies that the two [i.e. form and content] are identical, also depends on the perception and will of the other state.

Without relations [Verhältnisse] with other states, the state can no more be an actual individual [Individuum] than an individual [der Einzelne] can be an actual person without a relationship [Relation] with other persons (see § 322). On the other hand, the legitimacy of a state, and more precisely – in so far as it has external relations – of the power of its sovereign, is a purely internal matter (one state should not interfere in the internal affairs of another). On the other hand, it is equally essential that this legitimacy should be supplemented by recognition on the part of other states. But this recognition requires a guarantee that the state will likewise recognize those other states which are supposed to recognize it, i.e. that it will respect their independence; accordingly, these other states cannot be indifferent to its internal affairs. – In the case of a nomadic people, for example, or any people at a low level of culture, the question even arises of how far this people can be regarded as a state. The religious viewpoint (as in former times with the Jewish and Mohammedan nations [Völkern]) may further entail a higher opposition which precludes that universal identity that recognition requires.

*Addition* (G). When Napoleon said before the Peace of Campo Formio 'the French Republic is no more in need of recognition than the sun is,'<sup>4</sup> his words conveyed no more than that strength of existence [Existenz] which itself carries with it a guarantee of recognition, even if this is not expressly formulated.

<sup>4</sup>Translator's note: The remainder of this sentence has no equivalent in Griesheim's notes, on which this Addition is based (see VPR IV, 741).

## § 332

The immediate actuality in which states coexist is particularized into various relations which are determined by the independent arbitrary wills of both parties, and which accordingly possess the formal nature of *contracts* in general. The subject-matter [*Stoff*] of these contracts, however, is infinitely less varied than it is in civil society, in which individuals [*die Einzelnen*] are mutually interdependent in innumerable respects, whereas independent states are primarily wholes which can satisfy their own needs internally.

## § 333

The principle of *international law* [*Völkerrecht*], as that *universal right* which ought to have international validity in and for itself (as distinct from the particular content of positive treaties), is that *treaties*, on which the mutual obligations of states depend, *should be observed*. But since the sovereignty of states is the principle governing their mutual relations, they exist to that extent in a state of nature in relation to one another, and their rights are *actualized* not in a universal will with constitutional powers over them, but in their own particular wills. Consequently, the universal determination of international law remains only an *obligation*, and the [normal] condition will be for relations governed by treaties to alternate with the suspension [*Aufhebung*] of such relations.

There is no praetor to adjudicate between states, but at most arbitrators and mediators, and even the presence of these will be contingent, i.e. determined by particular wills. Kant's idea [*Vorstellung*] of a *perpetual peace* guaranteed by a federation of states which would settle all disputes and which, as a power recognized by each individual state, would resolve all disagreements so as to make it impossible for these to be settled by war presupposes an *agreement* between states. But this agreement, whether based on moral, religious, or other grounds and considerations, would always be dependent on particular sovereign wills, and would therefore continue to be tainted with contingency.

## § 334

Consequently, if no agreement can be reached between particular wills, conflicts between states can be settled only by *war*. Since the sphere of the state is extensive and its relations [*Beziehungen*] through its citizens are extremely varied, it may easily suffer injuries [*Verletzungen*] on many occasions. But which of these injuries should be regarded as a specific breach of treaties or as an injury to the recognition and honour of the state remains *inherently* [*an sich*] indeterminate; for a state may associate its infinity and honour with any one of its individual interests, and it will be all the more inclined to take offence if it possesses a strong individuality which is encouraged, as a result of a long period of internal peace, to seek and create an occasion [*Stoff*] for action abroad.

## § 335

Furthermore, the state, as a wholly spiritual entity, cannot confine itself simply to noting that an *injury* has actually taken place. On the contrary, a further cause of discord arises in the *idea* [*Vorstellung*] of such an injury as a *danger* threatening from another state, in changing estimates of greater and lesser degrees of probability, in conjectures as to the other state's intentions, etc.

## § 336

The relationship of states to one another is a relationship between independent entities and hence between *particular wills*, and it is on this that the very validity of treaties depends. But the *particular will* of the whole, *as far as its content is concerned*, is its own *welfare* in general. Consequently, this welfare is the supreme law for a state in its relations with others, especially since the Idea of the state is precisely that the opposition between right as abstract freedom and the particular content which fills it, i.e. the state's own welfare, should be superseded within it, and it is on this Idea as a *concrete whole* that the initial recognition of states is based (see § 331).

## § 337

The substantial welfare of the state is its welfare as a *particular* state in its specific interest and condition and in its equally distinctive external circumstances in conjunction with the particular treaties which govern them. Its government is accordingly a matter of *particular wisdom*, not of universal providence (cf. Remarks to § 324), just as its end in relation to other states and its principle for justifying wars and treaties is not a universal (philanthropic) thought, but its actually offended or threatened welfare in its *specific particularity*.

There was at one time a great deal of talk about the opposition between morality and politics and the demand that the latter should conform to the former. In the present context, we need only remark in general that the welfare of a state has quite a different justification from the welfare of the individual [*des Einzelnen*]. The immediate existence [*Dasem*] of the state as the ethical substance, i.e. its right, is directly embodied not in abstract but in concrete existence [*Existenz*], and only this concrete existence, rather than any of those many universal thoughts which are held to be moral commandments, can be the principle of its action and behaviour. The allegation that, within this alleged opposition, politics is always wrong is in fact based on superficial notions [*Vorstellungen*] of morality, the nature of the state, and the state's relation to the moral point of view.

## § 338

The fact that states reciprocally recognize each other as such remains, even in war – as the condition of rightlessness [*Rechtlosigkeit*], force, and contingency – a bond whereby they retain their validity for each other in their being in and for themselves, so that even in wartime, the determination of war is that of something which ought to come to an end. War accordingly entails the determination of international law [*Völkerrecht*] that it should preserve the possibility of peace' – so that, for example, ambassadors should be respected and war should on no account be waged either on internal institutions and the peace of private and family life, or on private individuals.

*Addition (G)*. Modern wars are accordingly waged in a humane manner, and persons do not confront each other in hatred. At most, personal enmities will arise at military outposts, but in the army as such, hostility is something indeterminate which takes second place to the duty which each respects in the other.

## § 339

Otherwise, the conduct of states towards one another in wartime (e.g. in the taking of prisoners), and concessions of rights in peacetime to the citizens of another state for the purpose of private contacts, etc. will depend primarily on national *customs*, for these are the universal aspect of behaviour which is preserved under all circumstances.

*Addition (G)*. The European nations [*Nationen*] form a family with respect to the universal principle of their legislation, customs, and culture [*Bildung*], so that their conduct in terms of international law is modified accordingly in a situation which is otherwise dominated by the mutual infliction of evils [*Übeln*]. The relations between states are unstable, and there is no praetor to settle disputes; the higher praetor is simply the universal spirit which has being in and for itself, i.e. the world spirit.

## § 340

Since states function as *particular* entities in their mutual relations, the broadest view of these relations will encompass the ceaseless turmoil not just of external contingency, but also of passions, interests, ends, talents and virtues, violence [*Gewalt*], wrongdoing, and vices in their inner particularity. In this turmoil, the ethical whole itself – the independence of the state – is exposed to contingency. The principles of the *spirits of nations* [*Völkegeister*] are in general of a limited nature because of that particularity in which they have their objective actuality and self-consciousness as *existent* individuals, and their deeds and destinies in their mutual relations are the manifest [*erscheinende*] dialectic of the finitude of these spirits. It is through this dialectic that the *universal spirit, the spirit of the world*, produces itself in its freedom from all limits, and it is this spirit which exercises its right – which is the highest right of all – over finite spirits in *world history* as the *world's court of judgement* [*Weltgericht*].

## C. World History

## § 341

The *element* of the *universal spirit's* existence [*Dasein*] is intuition and image in art, feeling and representational thought in religion, and pure and free thought in philosophy. In *world history*, it is spiritual actuality in its entire range of inwardness and externality. World history is a court of judgement [*Gericht*] because, in its *universality* which has being in and for itself, the *particular* – i.e. the Penates, civil society, and the spirits of nations [*Völkergeister*] in their multifarious actuality – is present only as *ideal*, and the movement of spirit within this element is the demonstration of this fact.

## § 342

Furthermore, it is not just the *power* of spirit which passes judgement in world history – i.e. it is not the abstract and irrational necessity of a blind fate. On the contrary, since spirit in and for itself is *reason*, and since the being-for-itself of reason in spirit is knowledge, world history is the necessary development, from the *concept* of the freedom of spirit alone, of the *moments* of reason and hence of spirit's self-consciousness and freedom. It is the exposition and the *actualization* of the *universal spirit*.

## § 343

The history of spirit is its own *deed*; for spirit is only what it does, and its deed is to make itself – in this case as spirit – the object of its own consciousness, and to comprehend itself in its interpretation of itself to itself. This comprehension is its being and principle, and the *completion* of an act of comprehension is at the same time its alienation [*Entäußerung*] and transition. To put it in formal terms, the spirit which comprehends this comprehension *anew* and which – and this amounts to the same thing – returns into itself from its alienation, is the spirit at a stage higher than that at which it stood in its earlier [phase of] comprehension.

The question of *perfectibility*<sup>1</sup> and of the *education* of the *human*

*race* arises here.<sup>2</sup> Those who have proclaimed this perfectibility have had some inkling of the nature of spirit, which is to have Γνώθῃ σεαυτόν<sup>3</sup> as the law of its *being*,<sup>3</sup> and, as it comprehends what *it is*, to assume a higher shape than that in which its being originally consisted. But for those who reject this thought, spirit has remained an empty word, and history has remained a superficial play of *contingent* and allegedly 'merely human' aspirations and passions. Even if they at the same time profess their faith in a higher power by references to *providence* and a providential *plan*, these remain empty ideas [*Vorstellungen*], for they also declare explicitly that the plan of providence is beyond their cognition and comprehension.

<sup>1</sup>Translator's note: 'Know thyself.'

## § 344

The states, nations [*Völker*], and individuals involved in this business of the world spirit emerge with their own *particular* and *determinate principle*, which has its interpretation and actuality in their *constitution* and throughout the whole *extent* of their *condition*. In their consciousness of this actuality and in their preoccupation with its interests, they are at the same time the unconscious instruments and organs of that inner activity in which the shapes which they themselves assume pass away, while the spirit in and for itself prepares and works its way towards the transition to its next and higher stage.

## § 345

Justice and virtue, wrongdoing, violence [*Gewalt*], and vice, talents and their [expression in] deeds, the small passions and the great, guilt and innocence, the splendour of individual and national life [*Volkslebens*], the independence, fortune, and misfortune of states and individuals [*der Einzelnen*] – all of these have their determinate significance and value in the sphere of conscious actuality, in which judgement and justice – albeit imperfect justice – are meted out to them. World history falls outside these points of view; in it, that necessary moment of the Idea of the world spirit which constitutes *its* current stage attains its *absolute right*, and the nation [*Volk*] which lives at this

point, and the deeds of that nation, achieve fulfilment, fortune, and fame.'

## § 346

Since history is the process whereby the spirit assumes the shape of events and of immediate natural actuality, the stages of its development are present as *immediate natural principles*; and since these are natural, they constitute a plurality of separate entities [*eine Vielheit auseinander*] such that *one of them is allotted to each nation* [*Völke*] in its *geographical* and *anthropological* existence [*Existenz*].

## § 347

The nation [*Volk*] to which such a moment is allotted as a *natural principle* is given the task of implementing this principle in the course of the self-development of the world spirit's self-consciousness. This nation is the *dominant* one in world history for this epoch, *and only once in history can it have this epoch-making role* (see § 346). In contrast with this absolute right which it possesses as bearer of the present stage of the world spirit's development, the spirits of other nations are without rights, and they, like those whose epoch has passed, no longer count in world history.

The particular history of a world-historical nation contains, on the one hand, the development of its principle from its latent [*eingehüllten*] childhood phase until it blossoms out in free ethical self-consciousness and makes its mark in universal history, and on the other, the period of its decline and fall – for these denote the emergence within it of a higher principle which is simply the negative of its own.' This signifies the spirit's transition to the higher principle and hence the transition of world history to *another* nation. From this period onwards, the previous nation has lost its absolute interest, and although it will also positively absorb the higher principle and incorporate it in its own development, it will react to it as to an extraneous element rather than with immanent vitality and vigour. It will perhaps lose its independence, or it may survive and eke out its existence as a particular state or group of states

and struggle on in a contingent manner with all kinds of internal experiments and external conflicts.

## § 348

At the forefront of all actions, including world-historical actions, are *individuals* as the subjectivities by which the substantial is actualized (see Remarks to § 279).<sup>1</sup> Since these individuals are the living expressions of the substantial deed of the world spirit and are thus immediately identical with it, they cannot themselves perceive it and it is not their object [*Objekt*] and end (see § 344). They receive no *honour* or thanks on its account, either from their contemporaries (see § 344) or from the public opinion of subsequent generations; all that they are accorded by this opinion is *undying fame* [in their role] as formal subjectivities.<sup>2</sup>

## § 349

In its initial stage, a nation [*Volk*] is not a state, and the transition of a family, tribe, kinship group, mass [of people], etc. to the condition of a state constitutes the *formal* realization of the Idea in general within it. If the nation, as ethical substance – and this is what it is *in itself* – does not have this form, it lacks the objectivity of possessing a universal and universally valid existence [*Dasein*] for itself and others in [the shape of] laws as determinations of thought, and is therefore not recognized; since its independence has no objective legality or firmly established rationality for itself, it is merely formal and does not amount to sovereignty.

Even in the context of ordinary ideas [*Vorstellung*], we do not describe a patriarchal condition as a constitution, nor do we describe a people living in this condition as a state, or its independence as sovereignty. Consequently, the actual beginning of history is preceded on the one hand by dull innocence which lacks all interest, and on the other by the valour of the formal struggle for recognition and revenge (cf. § 331 and Remarks to § 57).

## § 350

It is the absolute right of the Idea to make its appearance in legal determinations and objective institutions, beginning with marriage and agriculture (see Remarks to § 203), whether the form in which it is actualized appears as divine legislation of a beneficial kind, or as violence [*Gewalt*] and wrong. This right is the *right of heroes* to establish states.<sup>1</sup>

## § 351

The same determination entitles civilized nations [*Nationen*] to regard and treat as barbarians other nations which are less advanced than they are in the substantial moments of the state (as with pastoralists in relation to hunters, and agriculturalists in relation to both of these), in the consciousness that the rights of these other nations are not equal to theirs and that their independence is merely formal.

Consequently, in the wars and conflicts which arise in these circumstances, the feature which lends them significance for world history is the fact [*Moment*] that they are struggles for recognition with reference to a specific content [*Gehalt*].

## § 352

The concrete Ideas of national spirits [*Völkergeister*] have their truth and destiny [*Bestimmung*] in the concrete Idea as *absolute universality*, i.e. in the world spirit, around whose throne they stand as the agents of its actualization and as witnesses and ornaments of its splendour. As spirit, it is simply the movement of its own activity in gaining absolute knowledge of itself and thereby freeing its consciousness from the form of natural immediacy and so coming to itself. The *principles* behind the configurations [*Gestaltungen*] which this self-consciousness assumes in the course of its liberation – i.e. the world-historical realms – are accordingly *four* in number.

## § 353

In its *first* and *immediate* revelation, the spirit has as its principle the shape of the *substantial* spirit as the identity in which individuality

[*Einzelheit*] is submerged in its essence, and in which it does not yet have legitimacy for itself.

The *second* principle is *knowledge* on the part of this substantial spirit, so that the latter becomes a positive content and fulfilment of spirit and its *being-for-itself* as its own living *form* – i.e. *beautiful* ethical individuality [*Individualität*].

The *third* principle is the self-absorption of this knowing being-for-itself to the point of *abstract universality*; it thereby becomes the infinite *opposite* of the objective world which has at the same time likewise been abandoned by the spirit.

The principle of the *fourth* configuration [*Gestaltung*] is the transformation of this spiritual opposition in such a way that the spirit attains its truth and concrete essence in its own inwardness, and becomes at home in and reconciled with the objective world; and since this spirit, having reverted to its original substantiality, is the spirit which has *returned from infinite opposition*, it produces and knows its own truth as thought and as a world of legal actuality.

## § 354

In accordance with these four principles, the world-historical realms are four in number: 1. the Oriental, 2. the Greek, 3. the Roman, 4. the Germanic.

## § 355

## 1. The Oriental Realm

The world-view of this first realm is inwardly undivided and substantial, and it originates in the natural whole of patriarchal society. According to this view, the secular government is a theocracy, the ruler is also a high priest or a god, the constitution and legislation are at the same time religion, and religious and moral commandments – or rather usages – are also laws of right and of the state. Within this magnificent whole, the individual personality has no rights and disappears altogether, external nature is immediately divine or an adornment of the god, and the history of the actual world is poetry. The distinctions which develop between the various aspects of customs, government, and the state take the place of laws, and even where customs are simple, these distinctions become ponderous, elaborate,

and superstitious ceremonies – the accidents [*Zufälligkeiten*] of personal power and arbitrary rule – and the divisions of social estates harden into a natural system of castes. Consequently, the Oriental state lives only in its movement, and since nothing in it is stable and what is firmly established is fossilized, this movement turns outwards and becomes an elemental rage and devastation. The inner calm [of such a state] is that of private life and of submersion in weakness and exhaustion.

The moment in the state's development [*Staatsbildung*] at which *spirituality* is still *substantial and natural* constitutes, as a *form*, the absolute beginning of every state's history. This has been emphasized and demonstrated with learning and profound perception, and with reference to the history of particular states, by Dr Stuhr in his work *The Downfall of Natural States* (Berlin, 1812), which has cleared the way for a rational view of constitutional history and of history in general.<sup>1</sup> The author has likewise shown that the principle of subjectivity and self-conscious freedom is present in the Germanic nation; but since his treatise goes no further than the downfall of natural states, this principle is followed only up to the point where it either appears as restless mobility, human arbitrariness, and corruption, or assumes the particular shape of *emotion* without having developed to the objectivity of *self-conscious substantiality* or to organized *legality*.

## § 356

## 2. The Greek Realm

In this realm, the substantial unity of the finite and the infinite is present, but only as a mysterious substratum, banished as a dim recollection into the recesses [*Höhlen*]<sup>2</sup> and images of tradition. Reborn from the self-differentiating spirit into individual spirituality and the daylight of knowledge, this substratum is modified and transfigured to become beauty and a free and serene ethical life. Within this determination, the principle of personal individuality accordingly emerges, though it is not yet engrossed in itself [*in sich selbst befangen*] but still retains its ideal unity. Consequently, the whole

<sup>1</sup>Translator's note: Literally 'caves'.

splits up into a series of particular national spirits [*Volksgeister*], and on the one hand, the ultimate decision of the will is not yet assigned to the subjectivity of self-consciousness which has being for itself, but to a power which stands above and outside it (see Remarks to § 279), while on the other, the particularity associated with needs has not yet become part of [the realm of] freedom, but is confined to a class of slaves [*Sklavenstand*].

## § 357

## 3. The Roman Realm

In this realm, [the process of] differentiation comes to an end with the infinite diremption [*Zerfällung*] of ethical life into the extremes of *personal* or private self-consciousness and *abstract universality*. This opposition, which begins with a collision between the substantial intuition of an aristocracy and the principle of free personality in democratic form, develops into superstition and the assertion of cold and acquisitive power on the one hand, and into a corrupt rabble on the other. The dissolution of the whole ends in universal misfortune and the demise of ethical life, in which the individualities of nations [*Völker*] perish in the unity of a pantheon, and all individuals [*Einzelnen*] sink to the level of private persons with an *equal* status and with formal rights, who are accordingly held together only by an abstract and arbitrary will of increasingly monstrous proportions.

## § 358

## 4. The Germanic Realm

Having suffered this loss of itself and its world and the infinite pain which this entails (and for which a particular people, namely the *Jews*,<sup>1</sup> was held in readiness), the spirit is pressed back upon itself at the extreme of its absolute *negativity*. This is the *turning point* which has being in and for itself. The spirit now grasps the *infinite positivity* of its own inwardness, the principle of the unity of divine and human nature and the reconciliation of the objective truth and freedom which have appeared within self-consciousness and subjectivity. The task of accomplishing this reconciliation is assigned to the Nordic principle of the *Germanic peoples*.<sup>2</sup>

↳ by whom?

## § 359

The inwardness of this principle is the – as yet abstract – reconciliation and resolution of all opposition, and it exists in feeling [*Empfindung*] as faith, love, and hope. It reveals its content in order to raise it to actuality and self-conscious rationality, to [make it into] a secular realm based on the emotions, loyalty, and companionship of free individuals – although it is also, in this subjectivity, a realm of ethical barbarism and of crude arbitrariness which has being for itself. This stands in opposition to an otherworldly and intellectual realm whose content, although it is indeed the truth of the spirit within it, has not yet been *thought* and is therefore still veiled in the barbarism of representational thinking; as a spiritual power set over the actual emotions, this realm adopts the role of an unfree and terrible force in relation to these.<sup>1</sup>

## § 360

In the hard struggle between these two realms – whose difference has now reached the stage of absolute opposition, despite the fact that both are rooted in a *single* unity and Idea – the spiritual realm brings the existence [*Existenz*] of its heaven down to earth in this world,<sup>1</sup> to the ordinary secularity of actuality and representational thought. The secular realm, on the other hand, develops its abstract being-for-itself to the level of thought and to the principle of rational being and knowing, i.e. to the rationality of right and law. As a result, their opposition has faded away *in itself* and become an insubstantial shape. The present has cast off its barbarism and unjust [*unrechliche*] arbitrariness, and truth has cast off its otherworldliness and contingent force, so that the true reconciliation, which reveals the *state* as the image and actuality of reason, has become objective. In the *state*, the self-consciousness finds the actuality of its substantial knowledge and volition in organic development; in *religion*, it finds the feeling and representation [*Vorstellung*] of this truth as ideal essentiality; but in *science*, it finds the free and comprehended cognition of this truth as one and the same in all its complementary manifestations, i.e. in the *state*, in *nature*, and in the *ideal world*.

## Editorial notes

## Preface

1 Hegel lectured on the topics in *The Philosophy of Right* seven times:

- 1 Heidelberg, 1817–1818. Text: EH (see note 2 below). Transcription: P. Wannenmann, a law student VPR17 35–202).
- 2 Berlin, 1818–1819. Text: EH. Transcription: C. G. Homeyer, VPR I, 217–352; cf. VPR17 203–285). By this time Hegel probably had completed a manuscript version of PR, which the sudden imposition of censorship (see note 18 below) caused him to withdraw and revise.
- 3 Berlin, 1819–1820. Text: EH. Transcription: anonymous (VPR19). PR was completed in 1820 and appeared early in 1821.
- 4 Berlin, 1821–1822. Text: PR. Transcription: None extant.
- 5 Berlin, 1822–1823. Text: PR. Transcription: H. G. Hotho (VPR III, 87–841).
- 6 Berlin, 1824–1825. Text: PR. Transcription: K. G. von Griesheim (VPR IV, 67–752).
- 7 Berlin, 1831. Text: PR. Transcription: David Friedrich Strauss (the Young Hegelian theologian) (VPR IV, 905–925). (Hegel had barely begun this series of lectures on PR when he was stricken with cholera and died on 14 November 1831.)

Throughout most of the 1820s, Hegel preferred not to lecture on PR himself, leaving this task to his younger colleague Eduard Gans (1798–1839). The transcriptions by Hotho (1822–1823) and Griesheim (1824–1825) were used by Gans as the basis for the ‘Additions’ to PR, first published with the 1833 edition; cf. Eduard