Elements of the Philosophy of Right
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Preface

THE immediate occasion for publishing these outlines is the need of placing in the bands of my hearers a guide to my professional lectures upon the Philosophy of Right. Hitherto I have used as lectures that portion of the Encyclopaedia of the Philosophic Sciences (1817) which deals with this subject. The present work covers the same ground in a more detailed and systematic way.

But now that these outlines are to be printed and given to the general public, there is an opportunity of explaining points which in lecturing would be commented on orally. Thus the notes are enlarged in order to include cognate or conflicting ideas, further consequences of the theory advocated, and the like. These expanded notes will, it is hoped, throw light upon the more abstract substance of the text, and present a more complete view of some of the ideas currant in our own time. Moreover, there is also subjoined, as far as was compatible with the purpose of a compendium, a number of notes, ranging over a still greater latitude. A compendium proper, like a science, has its subject-matter accurately laid out. With the exception, possibly, of one or two slight additions, its chief task is to arrange the essential phases of its material. This material is regarded as fixed and known, just as the form is assumed to be governed by well-ascertained rules. A treatise in philosophy is usually not expected to be constructed on such a pattern, perhaps because people suppose that a philosophical product is a Penelope's web which must be started anew every day.

This treatise differs from the ordinary compendium mainly in its method of procedure. It must be understood at the outset that the philosophic way of advancing from one matter to another, the general speculative method, which is the only kind of scientific proof available in philosophy, is essentially different from every other. Only a clear insight into the necessity for this difference can snatch philosophy out of the ignominious condition into which it has fallen in our day. True, the logical rules, such as those of definition, classification, and inference are now generally recognised to be inadequate for speculative science. Perhaps it is nearer the mark to say that the inadequacy of the rules has been felt rather than recognised, because they have been counted as mere fetters, and thrown aside to make room for free speech from the heart, fancy and random intuition. But when reflection and relations of thought were required, people unconsciously fell back upon the old-fashioned method of inference and formal reasoning. In my Science of Logic I have developed the nature of speculative science in detail. Hence in this treatise an explanation of method will be added only here and there. In a work which is concrete, and presents such a diversity of phases, we may safely neglect to display at every turn the logical process, and may take for granted an acquaintance with the scientific procedure. Besides, it may readily be observed that the work as a whole, and also the construction of the parts, rest upon the logical spirit. From this standpoint, especially, is it that I would like this treatise to be understood and judged. In such a work as this we are dealing with a science, and in a science the matter must not be separated from the form.

Some, who are thought to be taking a profound view, are heard to say that everything turns upon the subject-matter, and that the form may be ignored. The business of any writer, and especially of the philosopher, is, as they say, to discover, utter, and diffuse truth and adequate conceptions. In actual practice this business usually consists in warming up and distributing on all sides the same old cabbage. Perhaps the result of this operation may be to fashion and arouse the feelings; though even this small merit may be regarded as superfluous, for "they have Moses and the prophets: let them hear them." Indeed, we have great cause to be amazed at the pretentious tone of those who take this view. They seem to suppose that up till now the dissemination of truth throughout the world has been feeble. They think that the warmed-up cabbage contains new truths, especially to be laid to heart at the present time. And yet we see that what is on one side announced as true, is driven out and swept away by the same kind of worn-out truth. Out of this hurly-burly of opinions, that which is neither new nor old, but permanent, cannot be rescued and preserved except by science.

Further, as to rights, ethical life, and the state, the truth is as old as that in which it is openly displayed and recognised, namely, the law, morality, and religion. But as the thinking spirit is not satisfied with possessing the truth in this simple way, it must conceive it, and thus acquire a rational form for a content which is already rational implicitly. In this way the substance is justified before the bar of free thought. Free thought cannot be satisfied with what is given to it, whether by the external positive authority of the state or human agreement, or by the authority of internal feelings, the heart, and the witness of the spirit, which coincides unquestioningly with the heart. It is the nature of free thought rather to proceed out of its own self, and hence to demand that it should know itself as thoroughly one with truth.

The ingenuous mind adheres with simple conviction to the truth which is publicly acknowledged. On this foundation it builds its conduct and way of life. In opposition to this naive view of things rises the supposed difficulty of detecting amidst the endless differences of opinion anything of universal application. This trouble may easily be supposed to spring from a spirit of earnest inquiry. But in point of fact those who pride themselves upon the existence of this obstacle are in the plight of him who cannot see the woods for the trees. The confusion is all of their own making. Nay, more: this confusion is an indication. that they are in fact not seeking for what is universally valid in right and the ethical order. If they were at pains to find that out, and refused to busy themselves with empty opinion and minute detail, they would adhere to and act in accordance with substantive right, namely the commands of the state and the claims of society. But a further difficulty lies in the fact that man thinks, and seeks freedom and a basis for conduct in thought. Divine as his right to act in this way is, it becomes a wrong, when it takes the place of thinking. Thought then regards itself as free only when it is conscious of being at variance with what is generally recognised, and of setting itself up as something original.

The idea that freedom of thought and mind is indicated only by deviation from, or even hostility to what is everywhere recognised, is most persistent with regard to the state. The essential task of a philosophy of the state would thus seem to be the discovery and publication of a new and original theory.

When we examine this idea and the way it is applied, we are almost led to think that no state or constitution has ever existed, or now exists. We are tempted to suppose that we must now begin and keep on beginning afresh for ever. We are to fancy that the founding of the social order has depended upon present devices and discoveries. As to nature, philosophy, it is admitted, has to

understand it as it is. The philosophers' stone must be concealed somewhere, we say, in nature itself, as nature is in itself rational. Knowledge must, therefore, examine, apprehend and conceive the reason actually present in nature. Not with the superficial shapes and accidents of nature, but with its eternal harmony, that is to say, its inherent law and essence, knowledge has to cope. But the ethical world or the state, which is in fact reason potently and permanently actualised in self-consciousness, is not permitted to enjoy the happiness of being reason at all.

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

On the contrary, the spiritual universe is looked upon as abandoned by God, and given over as a prey to accident and chance. As in this way the divine is eliminated from the ethical world, truth

must be sought outside of it. And since at the same time reason should and does belong to the ethical world, truth, being divorced from reason, is reduced to a mere speculation. Thus seems to arise the necessity and duty of every thinker to pursue a career of his own. Not that he needs to seek for the philosophers' stone, since the philosophising of our day has saved him the trouble, and every would-be thinker is convinced that he possesses the stone already without search. But these erratic pretensions are, as it indeed happens, ridiculed by all who, whether they are aware of it or not, are conditioned in their lives by the state, and -find their minds and wills satisfied in it. These, who include the majority if not all, regard the occupation of philosophers as a game, sometimes playful, sometimes earnest, sometimes entertaining, sometimes dangerous, but always as a mere game. Both this restless and frivolous reflection and also this treatment accorded to it might safely be left to take their own course, were it not that betwixt them philosophy is brought into discredit and contempt. The most cruel despite is done when every one is convinced of his ability to pass judgment upon, and discard philosophy without. any special study. No such scorn is heaped upon any other art or science.

In point of fact the pretentious utterances of recent philosophy regarding the state have been enough to justify anyone who cared to meddle with the question, in the conviction that he could prove himself a philosopher by weaving a philosophy out of his own brain. Notwithstanding this conviction, that which passes for philosophy has openly announced that truth cannot be known. The truth with regard to ethical ideals, the state, the government and the constitution ascends, so it declares, out of each man's heart, feeling and enthusiasm. Such declarations have been poured especially into the eager ears of the young. The words "God giveth truth to his chosen in sleep" have been applied to science ; hence every sleeper has numbered himself amongst the chosen. But what he deals with in sleep is only the wares of sleep. Mr. Fries, one of the leaders of this shallow-minded host of philosophers, on a public festive occasion, now become celebrated, has not hesitated to give utterance to the following, notion of the state and constitution: "When a nation is ruled by a common spirit, then from below, out of the people, will come life sufficient for the discharge of all public business. Living associations, united indissolubly by the holy bond of friendship, will devote themselves to every side of national service, and every means for educating the people." This is the last degree of shallowness, because in it science is looked upon as developing, not out of thou-ht or conception, but out of direct perception and random fancy. Now the organic connection of the manifold branches of the social system is the architectonic of the state's rationality, and in this supreme science of state architecture the strength of the whole, is made to depend upon the harmony of all the clearly marked phases of public life, and the stability of every pillar, arch, and buttress of the social edifice. And yet the shallow doctrine, of which we have spoken permits this elaborate structure to melt and lose itself in the brew and stew of the "heart, friendship, and inspiration." Epicurus, it is said, believed that the world generally should be given over to each individual's opinions and whims and according to the view we are criticising, the ethical fabric should be treated in the same way. By this old wives' decoction, which consists in founding upon the feelings what has been for many centuries the labour of reason and understanding, we no longer need the guidance of any ruling conception of thought. On this point Goethe's Mephistopheles, and the poet is a good authority, has a remark, which I have already used elsewhere:

"Verachte nur Verstand und Wissenschaft,
des Menschen allerhöchste Gaben –
So hast dem Teufel dich ergben
und musst zu Grunde gehn."

It is no surprise that the view just criticised should appear in the form of piety. Where, indeed, has this whirlwind of impulse not sought to justify itself? In godliness and the Bible it has imagined itself able to find authority for despising order and law. And, in fact, it is piety of the sort which has reduced the whole organised system of truth to elementary intuition and feeling. But piety of the right kind leaves this obscure region, and comes out into the daylight, where the idea unfolds and reveals itself. Out of its sanctuary it brings a reverence for the law and truth which are absolute and exalted above all subjective feeling.

The particular kind of evil consciousness developed by the wishy-washy eloquence already alluded to, may be detected in the following way. It is most unspiritual, when it speaks most of the spirit. It is the most dead and leathern, when it talks of the scope of life. When it is exhibiting the greatest self-seeking and vanity it has most on its tongue the words "people" and "nation." But its peculiar mark, found on its very forehead, is its hatred of law.

Right and ethical principle, the actual world of right and ethical life are apprehended in thought, and by thought are given definite, general, and rational form, and this reasoned right finds expression in law. But feeling, which seeks its own pleasure, and conscience, which finds right in private conviction, regard the law as their most bitter foe. The right, which takes the shape of law and duty, is by feeling looked upon as a shackle or dead cold letter. In this law it does not recognise itself and does not find itself free. Yet the law is the reason of the object, and refuses to feeling the privilege of warming itself at its private hearth. Hence the law, as we shall occasionally observer is the Shibboleth, by me us of which are detected the false brethren and friends of the so-called people.

Inasmuch as the purest charlatanism has won the name of philosophy, and has succeeded in convincing the public that its practices are philosophy, it has now become almost a disgrace to speak in a philosophic way about the state. Nor can it be taken ill, if honest men become impatient, when the subject is broached. Still less is it a surprise that the government has at last turned its attention to this false philosophising.

With us philosophy is not practised as a private art, as it was by the Greeks, but has a public place, and should therefore be employed only in the service of the state. The government has, up till now, shown such confidence in the scholars in this department as to leave the subject matter of philosophy wholly in their hands. Here and there, perhaps, has been shown to this science not confidence - so much as indifference, and professorships have been retained as a matter of tradition. In France, as far as I am aware, the professional teaching of metaphysics at least has fallen into desuetude. In any case the confidence of the state has been ill requited by the teachers of this subject. Or, if we prefer to see in the state not confidence, but indifference, the decay of fundamental knowledge must be looked upon as a severe penance. Indeed, shallowness is to all appearance most endurable and most in harmony with the maintenance of order and peace, when it does not touch or hint at any real issue.

Hence it would not be necessary to bring it under public control, if the state did not require deeper teaching and insight, and expect science to satisfy the need. Yet this shallowness, notwithstanding its seeming innocence, does bear upon social life, right and duty generally, advancing principles which are the very essence of superficiality. These, as we have learned so decidedly from Plato, are the principles of the Sophists, according to which the basis of right is subjective aims and opinions,

subjective feeling and private conviction. The result of such principles is quite as much the destruction of the ethical system, of the upright conscience, of love and right, in private persons, as of public order and the institutions of the state. The significance of these facts for the authorities will not be obscured by the claim that the bolder of these perilous doctrines should be trusted, or by the immunity of office.

The authorities will not be deterred by the demand that they should protect and give free play to a theory which strikes at the substantial basis of conduct, namely, universal principles, and that they should disregard insolence on the ground of its being the exercise of the teacher's function. To him, to whom God gives office, He gives also understanding is a well-worn jest, which no one in our time would like to take seriously.

In the methods of teaching philosophy, which have under the circumstances been reanimated by the government, the important element of protection and support cannot be ignored. The study of philosophy is in many ways in need of such assistance. Frequently in scientific, religious, and other works may be read a contempt for philosophy. Some, who have no conspicuous education and are total strangers to philosophy, treat it as a cast-off garment. They even rail against it, and regard as foolishness and sinful presumption its efforts to conceive of God and physical and spiritual nature. They scout its endeavour to know the truth. Reason, and again reason, and reason in endless iteration is by them accused, despised, condemned. Free expression, also, is given by a large number of those, who are supposed to be cultivating scientific research, to their annoyance at the unassailable claims of the conception. When we, I say, are confronted with such phenomena as these, we are tempted to harbour the thought that old traditions of tolerance have fallen out of use, and no longer assure to philosophy a, place and public recognition.

Footnote: The same finds expression in a letter of Joh. v. Müller (Works, Part VIII., p. 56), who, speaking of the condition of Rome in the year 1803, when the city was under French rule, writes, "A professor, asked how the public academies were doing, answered, 'On les tolère comme les bordels!' Similarly the so-called theory of reason or logic we may still hear commended, perhaps under the belief that it is too dry and unfruitful a science to claim any one's attention, or, if it be pursued here and there, that its formulae are without content, and, though not of much good, can be of no great harm. Hence the recommendation, so it is thought, if useless, can do no injury.

These presumptuous utterances, which are in vogue in our time, are, strange to say, in a measure justified by the shallowness of the current philosophy. Yet, on the other hand, they have sprung from the same root as that against which they so thanklessly direct their attacks. Since that self-named philosophising has declared that to know the truth is vain, it has reduced all matter of thought to the same level, resembling in this way the despotism of the Roman Empire, which equalised noble and slave, virtue and vice, honour and dishonour, knowledge and ignorance. In such a view the conceptions of truth and the laws of ethical life are simply opinions and subjective convictions, and the most criminal principles, provided only that they are convictions, are put on a level with these laws. Thus, too, any paltry special object, be it never so flimsy, is given the same value as au interest common to all thinking men and the bonds of the established social world.

Hence it is for science a piece of good fortune that that kind of philosophising, which might, like scholasticism, have continued to spin its notions within itself, has been brought into contact with reality. Indeed, such contact was, as we have said, inevitable. The real world is in earnest with the

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

What is rational is real;

And what is real is rational.

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

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

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

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

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

With little change the above, saying would read:

Here is the rose, *here* dance

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

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

It is a self-assertion, which does honour to man, to recognise nothing in sentiment which is not justified by thought. This self-will is a feature of modern times, being indeed the peculiar principle of Protestantism. What was initiated by Luther as faith in feeling and the witness of the spirit, the more mature mind strives to apprehend in conception. In that way it seeks to free itself in the present, and so find there itself. It is a celebrated saying that a half philosophy leads away from God, while a true philosophy leads to God. (It is the same halfness, I may say in passing which regards knowledge as an approximation to truth.) This saying is applicable to the science of the state. Reason cannot content itself with a mere approximation, something which is neither cold not hot, and must be spewed out of the mouth. As little can it be contented with the cold scepticism that in this world of time things go badly, or at best only moderately well, and that we must keep the peace with reality, merely because there is nothing better to be had. Knowledge creates a much more vital peace.

Only one word more concerning the desire to teach the world what it ought to be. For such a purpose philosophy at least always comes too late. Philosophy, as the thought of the world, does not

appear until reality has completed its formative process, and made itself ready. History thus corroborates the teaching of the conception that only in the maturity of reality does the ideal appear as counterpart to the real, apprehends the real world in its substance, and shapes it into an intellectual kingdom. When philosophy paints its grey in grey, one form of life has become old, and by means of grey it cannot be rejuvenated, but only known. The owl of Minerva, takes its flight only when the shades of night are gathering.

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

Introduction

THE philosophic science of right has as its object the idea of right, i.e., the conception of right and the realisation of the conception.

Remark: Philosophy has to do with ideas or realised thoughts, and hence not with what we have been accustomed to call mere conceptions. It has indeed to exhibit the one-sidedness and untruth of these mere conceptions, and to show that, while that which commonly bears the name "conception," is only an abstract product of the understanding, the true conception alone has reality and gives this reality to itself. Everything, other than the reality which is established by the conception, is transient surface existence, external attribute, opinion, appearance void of essence, untruth, delusion, and so forth. Through the actual shape, which it takes upon itself in actuality, is the conception itself understood. This shape is the other essential element of the idea, and is to be distinguished from the form, which exists only as conception.

Addition: The conception and its existence are two sides, distinct yet united, like soul and body. The body is the same life as the soul, and yet the two can be named independently. A soul without a body would not be a living thing, and *vice versa.* Thus the visible existence of the conception is its body, just as the body obeys the soul which produced it. Seeds contain the tree and its whole power, though they are not the tree itself ; the tree corresponds accurately to the simple structure of the seed. If the body does not correspond to the soul, it is defective. The unity of visible existence and conception, of body and soul, is the idea. It is not a mere harmony of the two, but their complete interpenetration. There lives nothing, which is not in some way idea. The idea of right is freedom, which, if it is to be apprehended truly, must be known both in its conception and in the embodiment of the conception.

§ 2.

The science of right is a part of philosophy. Hence it must develop the idea, which is the reason of an object, out of the conception. It is the same thing to say that it must regard the peculiar internal development of the thing itself. Since it is a part, it has a definite beginning, which is the result and truth of what goes before, and this, that goes before, constitutes its so-called proof. Hence the origin of the conception of right falls outside of the science of right. The deduction of the conception is presupposed in this treatise, and is to be considered as already given.

Addition: Philosophy forms a circle. It has, since it must somehow make a beginning, a primary, directly given matter, which is not proved and is not a result. But this starting-point is simply relative, since, from another point of view it appears as a result. Philosophy is a consequence, which does not hang in the air or form a directly new beginning, but is self-enclosed.
According to the formal unphilosophic method of the sciences, definition is the first desideratum, as regards, at least, the external scientific form. The positive science of right, however, is little concerned with definition, since its special aim is to give what it is that is right, and also the particular phases of the laws. For this reason it has been said as a warning, Omnis definitio in jure civili periculosa; and in fact the more disconnected and contradictory the phases of a right are, the less possible is a definition of it.

A definition should contain only universal features; but these forthwith bring to light contradictions, which in the case of law are injustice, in all their nakedness. Thus in Roman law, for instance, no definition of man was possible, because it excluded the slave. The conception of man was destroyed by the fact of slavery. In the same way to have defined property and owner would have appeared to be perilous to many relations. But definitions may perhaps be derived from etymology, for the reason, principally, that in this way special cases are avoided, and a, basis is found in the feeling and imaginative thought of men.

The correctness of a definition would thus consist in its agreement with existing ideas. By such a method everything essentially scientific is cast aside. As regards the content there is cast aside the necessity of the self-contained and self-developed object, and as regards the form there is discarded the nature of the conception. In philosophic knowledge the necessity of a, conception is the main thing, and the process, by which it, as a result, has come into being is the proof and deduction. After the content is seen to be necessary independently, the second point is to look about for that which corresponds to it in existing ideas and modes of speech. But the way in which a conception exists in its truth, and the way it presents itself in random ideas not only are but must be different both in form and structure. If a notion is not in its content false, the conception can be shown to be contained in it and to be already there in its essential traits.

A notion may thus be raised to the form of a conception. But so little is any notion the measure and criterion of an independently necessary and true conception, that it must accept truth from the conception, be justified by it, and know itself through it. If the method of knowing, which proceeds by formal definition, inference and proof, has more or less disappeared, a worse one has come to take its place. This new method maintains that ideas, as, e.g., the idea of right in all its aspects, are to be directly apprehended as mere facts of consciousness, and that natural feeling or that heightened form of it which is known as the inspiration of one’s own breast, is the source of right. This method may be the most convenient of all, but it is also the most unphilosophic. Other features of this view, referring not merely to knowledge but directly to action, need not detain us here. While the first or formal method went so far as to require in definition the form of the conception, and in proof the form of a necessity of knowledge, the method of the intuitive consciousness and feeling takes for its principle the arbitrary contingent consciousness of the subject. In this treatise we take for granted the scientific procedure of philosophy, which has been set forth in the philosophic logic.

§ 3
Right is positive in general **(a)** in its form, since it has validity in a state; and this established authority is the principle for the knowledge of right. Hence we have the positive science of right.

(b) On the side of content this right receives a positive element **[a]** through the particular character of a nation, the stage of its historical development, and the interconnection of all the relations which are necessitated by nature: **[b]** through the necessity that a system of legalised right must contain the application of the universal conception to objects and cases whose qualities are given externally. Such an application is not the speculative thought or the development of the conception, but a subsumption made by the understanding: **[c]** through the ultimate nature of a decision which has become a reality.

Remark: Philosophy at least cannot recognise the authority of feeling, inclination and caprice, when they are set in opposition to positive right and the laws. It is an accident, external to the nature of positive right, when force or tyranny becomes an element of it. It will be shown later (**§§ 211 - 214**), at what point right must become positive. The general phases which are there deduced, are here only mentioned, in order to indicate the limit of philosophic right, and also to forestall the idea or indeed the demand that by a systematic development of right should be produced a law-book, such as would be needed by in actual state. To convert the differences between right of nature and positive right, or those between philosophic right and positive right, into open antagonism would be a complete misunderstanding.

Natural right or philosophic right stands to positive right as institutions to pandects. With regard to the historical element in positive right, referred to in the paragraph, it may be said that the true historical view and genuine philosophic standpoint have been presented by Montesquieu. He regards legislation and its specific traits not in an isolated and abstract way, but rather as a dependent element of one totality, connecting it with all the other elements which form the character of a nation and an epoch. In this interrelation the various elements receive their meaning and justification. The purely historical treatment of the phases of right, as they develop in time, and a comparison of their results with existing relations of right have their own value; but they are out of place in a philosophic treatise, except in so far as the development out of historic grounds coincides with the development out of the conception, and the historical exposition and justification can be made to cover a justification which is valid in itself and independently.

This distinction is as manifest as it is weighty. A phase of right may be shown to rest upon and follow from the circumstances and existing institutions of right, and yet may be absolutely unreasonable and void of right. This is the case in Roman law with many aspects of private right, which were the logical results of its interpretation of paternal power and of marriage. Further, if the aspects of right are really right and reasonable, it is one thing to point out what with regard to them can truly take place through the conception, and quite another thing to portray the manner of their appearance in history, along with the circumstances, cases, wants and events, which they have called forth. Such a demonstration and deduction from nearer or more remote historic causes, which is the occupation of pragmatic history, is frequently called exposition, or preferably conception, under the opinion that in such an indication of the historic elements is found all that is essential to a conception of law and institutions of right. In point of fact that which is truly essential, the conception of the matter, has not been so much as mentioned. So also we are accustomed to hear of Roman or German conceptions of right, and of conceptions of right as they are laid down in this or that statute-book, when indeed nothing about conceptions can be found in them, but only general phases of right, propositions derived from the understanding, general maxims, and laws.

By neglect of the distinction, just alluded to, the true standpoint is obscured and the question of a valid justification is shifted into a justification based upon circumstances; results are founded on presuppositions, which in themselves are of little value; and in general the relative is put in place of the absolute, and external appearance in place of the nature of the thing. When the historical vindication substitutes the external origin for the origin from the conception, it unconsciously does the opposite of what it intends. Suppose that an institution, originating under definite circumstances, is shown to be necessary and to answer its purpose, and that it accomplishes all that is required of it by the historical standpoint. When such a proof is made to stand for a justification of the thing itself, it follows that, when the circumstances are removed, the institution has lost its meaning and its right. When, e.g., it is sought to support and defend cloisters on the grounds that they have served to clear and people the wilderness and by teaching and transcribing to preserve scholarship, it follows that just in so far as the circumstances are changed, cloisters have become aimless and superfluous.
In so far as the historic significance, or the historical exposition and interpretation of the origin of anything is in different spheres at home with the philosophic view of the origin and conception of the thing one might tolerate the other. But, in illustration of the fact that they neither here nor in science, preserve this peaceful attitude, I quote from Mr. Hugo's Textbook of the History of Roman Law. In this work Mr. Hugo says (5th edition § 53) that "Cicero praises the twelve tables with a side glance at philosophy, ... but the philosopher Phavorinus treats them exactly as many a great philosopher since has treated positive right." Mr. Hugo makes the ultimate reply to such a method as that of Phavorinus, when he says of him that he "understood the twelve tables just as little as the philosophers understood positive right." The correction of the philosopher Phavorinus by the jurist Sextus Caecilius (Gellius. "Noct. Attic." xx. 1) expresses the lasting and true principle of the justification of that which is in its content merely positive. "Non ignoras," as Caecilius felicitously remarks to Phavorinus, "legum opportunitates et medelas pro temporum moribus, et pro rerum publicarum generibus, ac pro utilitatum praesentium rationibus, proque vitiorum, quibus medendum est, fervoribus mutari ae flecti, neque uno statu consistere, quin, ut facies coeli et maris, ita rerum atque fortunae tempestatibus varientur. Quid salubrius visuin est rogatione illa Stolonis, etc., quid utilius plebiscite Voconio, etc., quid tam necessarium existimatum est, quam lex Licinia, etc.? Omnia tamen haec obliterate et operta sunt civitatis opulentia," etc. These laws are Positive so far as they have meaning and appropriateness under the circumstances, and thus have only an historic value. For this reason they are in their nature transient. Whether the legislator or government was wise or not in what it did for its own immediate time and circumstances is a matter quite by itself and is for history to say.

History will the more profoundly recognise the action of the legislator in proportion as its estimate receives support from the philosophic standpoint. From the vindications of the twelve tables against the judgment of Phavorinus I shall give further examples, because in them Caecilius furnishes an illustration of the fraud which is indissolubly bound up with the methods of the understanding and its reasoning. He adduces a good reason for a bad thing, and supposes that lie has in that way justified the thing. Take the horrible law which permitted a creditor, after the lapse of a fixed term of respite, to kill a debtor or sell him into slavery. Nay, further, if there were several creditors, they were permitted to cut pieces off the debtor, and thus divide him amongst them, with the proviso that if any one of them should cut off too or too little, no action should be taken against him.
It was this malaise, it may be noticed, which stood Shakespeare's Shylock in The Merchant of Venice in such good stead, and was by him most thankfully accepted. Well, for this law Caecilius adduces the good argument that by it trust and credit were more firmly secured, and also that, by reason of the very horror of the law, it never had to be enforced. Not only does he in his want of

thought fail to observe that by the severity of the law that very intention of securing trust and credit was defeated, but lie forthwith himself gives an illustration of the way in which the, disproportionate punishment caused the law to be inoperative, namely through the habit of giving false witness. But the remark of Mr. Hugo that, Phavorinus bad not understood the law is not to be passed over. Now any schoolboy can understand the law just quoted, and better than anyone else would Shylock have understood what was to him of such advantage. Hence, by “understand" Mr. Hugo must mean that form of understanding which consists in brining to the support of a law a good reason. Another failure to understand, asserted by Caecilius of Phavorinus, a philosopher at any rate may without blushing acknowledge: jumentum, which without any arcera was the only legal way to bring a sick man into court as a witness, was held to mean not only t horse but also a carriage or wagon. Further on in this raw Caecilius found more evidence of the excellence and accuracy of the old statutes, which for the purpose of non-suiting a sick man at court distinguished not only between a horse and a wagon, but also, as Caecilius explains, between a wagon covered and cushioned and one not so comfortably equipped. Thus one would have the choice between utter severity on one side, and on the other senseless details. But to exhibit fully the absurdity of these laws and the pedantic defence offered in their behalf would give rise to an invincible repugnance to all scholarship of that kind.

But in his manual Mr. Hugo speaks also of rationality in (connection with Roman law, and I have been struck with the following remarks. He first of all treats of the epoch extending from the origin of the Republic to the twelve tables (§§ 38, 39), noticing that in Rome people had many wants, and were compelled in their labour to use draught animals and beasts of burden, as we ourselves do, and that the ground was an alternation of hill and valley that the city was set upon a hill, etc. These statements might, perhaps, have answered to the sense of Montesquieu’s thought, though in them it would be well-nigh impossible to find his genius. But after these preliminary paragraphs, he goes on to say in § 40, that the condition of the law was still very far from satisfying the highest demands of reason. This remark is wholly in place, as the Roman family-right, slavery, etc., give no satisfaction to the smallest demands of reason. Yet when discussing the succeeding epochs, Mr. Hugo forgets to tell us in what particulars, if any, the Roman law has satisfactorily met the highest demands of reason. Still of the classic jurists. who flourished in the era of the greatest expansion of Roman law as a, science, it is said (§ 289) that “it has been long since been observed that the Roman jurists were educated in philosophy,” but “few know” (more will know now through the numerous editions of Mr. Hugo’s manual) “that there is no class of writers, who, as regards deduction from principles, deserved to be placed beside the mathematicians, and also, as regards the quite remarkable way in which they develop their conceptions, beside the modern founder of metaphysic ; as voucher for this assertion is the notable fact that nowhere do so many trichotomies occur as in the classic jurists and in Kant.”

This form of logical reasoning, extolled by Leibnitz, is certainly an essential feature of the science of right, as it is of mathematics and every other intelligible science; but the logical procedure of the mere understanding, spoken of by Mr. Hugo, has nothing to do with the satisfaction of the claims of reason and with philosophic science. Moreover, the very lack of logical procedure, which is characteristic of the Roman jurists and proctors, is to be esteemed as one of their chief virtues, since by means of it they obviated the consequences of unrighteous and horrible institutions. Through their want of logic they were compelled callide to put sense into mere verbal distinctions, as they did when they identified Bonorum possessio with inheritance, and also into silly evasions, for silliness is a defect of logic, in order to save the letter of the tables, as was done in the fictio or

hypokrisis that a filia patroni was a filius (Heineec. Antiq. Rom., lib. i. tit. ii. § 24). But it is absurd to place the classic jurists, with their use of trichotomy, along with Kant, and in that way to discern in them the promise of the development of conceptions.

§ 4

The territory of right is in general the spiritual, and its more definite place and origin is the will, which is free. Thus freedom constitutes the substance and essential character of the will, and the system of right is the kingdom of actualised freedom. It is the world of spirit, which is produced out of itself, and is a second nature.

Addition: Freedom of will is best explained by reference to physical nature. Freedom is a fundamental phase of will, as weight is of bodies. When it is said that matter is heavy, it might be meant that the predicate is an attribute; but such is not the case, for in matter there is nothing which has not weight; in fact, matter is weight. That which is heavy constitutes the body, and is the body. Just so is it with freedom and the will; that which is free is the will. Will without freedom is an empty word, and freedom becomes actual only as will, as subject. A remark may also be made as to the connection of willing and thinking. Spirit, in general, is thought, and by thought man is distinguished from the animal. But we must not imagine that man is on one side thinking and on another side willing, as though he had will in one pocket and thought in another. Such an idea is vain. The distinction between thought and will is only that between a theoretical and a practical relation. They are not two separate faculties. The will is a special way of thinking; it is thought translating itself into reality; it is the impulse of thought to give itself reality. The distinction between thought and will may be expressed in this way. When I think an object, I make of it a thought, and take from it the sensible. Thus I make of it something which is essentially and directly mine. Only in thought am I self-contained. Conception is the penetration of the object, which is then no longer opposed to me. From it I have taken its own peculiar nature, which it had as an independent object in opposition to me. As Adam said to Eve, “thou art flesh of my flesh and bone of my bone," so says the spirit, “This object is spirit of my spirit, and all alienation has disappeared.” Any idea is a universalising, and this process belongs to thinking. To make something universal is to think. The “I” is thought and the universal. When I say “I,” I let fall all particularity of character, natural endowment, knowledge, age. The I is empty, a point and simple, but in its simplicity active. The gaily coloured world is before me ; I stand opposed to it, and in this relation I cancel and transcend the opposition, and make the content my own. The I is at home in the world, when it knows it, and still more when it has conceived it.

So much for the theoretical relation. The practical, on the other hand, begins with thinking, with the I itself. It thus appears first of all as placed in opposition, because it exhibits, as it were, a separation. As I am practical, I am active; I act and determine myself; and to determine myself means to set up a distinction. But these distinctions are again mine, my own determinations come to me; and the ends are mine, to which I am impelled. Even when I let these distinctions and determinations go, setting them in the so-called external world, they remain mine. They are that which I have done and made, and bear the trace of my spirit. That is the distinction to be drawn between the theoretical and the practical relations.

And now the connection of the two must be also stated. The theoretical is essentially contained in the practical. Against the idea that the two are separate runs the fact that man has no will without intelligence. The will holds within itself the theoretical, the will determines itself, and this

determination is in the first instance internal. That which I will I place before my mind, and it is an object for me. The animal acts according to instinct, is impelled by something internal, and so is also practical. But it has no will, because it cannot place before its mind what it desires. Similarly man cannot use his theoretic faculty or think without will, for in thinking we are active. The content of what is thought receives, indeed, the form of something existing, but this existence is occasioned by our activity and by it, established. These distinctions of theoretical and practical are inseparable; they are one and the same; and in every activity, whether of thought or will, both these elements are found.

It is worth while to recall the older way of proceeding with regard to the freedom of the will. First of all, the idea of the will was assumed, and then an effort was made to deduce from it and establish a definition of the will. Next, the method of the older empirical psychology was adopted, and different perceptions and general phenomena of the ordinary consciousness were collected, such as remorse, guilt, and the like, on the ground that these could be explained only as proceeding out of a will that is free. Then from these phenomena was deduced the so-called proof that the will is free. But it is more convenient to take a short cut and hold that freedom is given as a fact of consciousness, and must be believed in.

The nature of the will and of freedom, and the proof that the will is free, can be shown, as has already been observed (**§ 2**), only in connection with the whole. The ground principles of the premises that spirit is in the first instance intelligence, and that the phases, through which it passes in its development, namely from feeling, through imaginative thinking to thought, are the way by which it produces itself as will, which, in turn, as the practical spirit in general, is the most direct truth of intelligence - I have presented in my Encyclopaedia of the Philosophical Sciences (1817), and hope some day to be able to give of them a more complete exposition. There is, to my mind, so much the more need for me to give my contribution to, as I hope, the more thorough knowledge of the nature of spirit, since, as I have there said, it would be difficult to find a philosophic science in a more neglected and evil plight than is that theory of spirit, which is commonly called psychology. Some elements of the conception of will, resulting from the premises enumerated above are mentioned in this and the following paragraphs. As to these, appeal may moreover be made to every individual to see them in his own self-consciousness. Everyone will, in the first place, find in himself the ability to abstract himself from all that he is, and in this way prove himself able of himself to set every content within himself, and thus have in his own consciousness an illustration of all the subsequent phases.

§ 5

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

Remark: Those who treat thinking and willing as two special peculiar and separate faculties, and, further, look upon thought is detrimental to the will, especially the good will, show from the very start that they know nothing of the nature of willing, a remark which we shall be called upon to a number of times upon the same attitude of mind. The will on one side is the possibility of abstraction from every aspect in which the I finds itself or has set itself up. It reckons any content as a limit, and flees from it. This is one of the forms of the self-direction of the will, and is by

imaginative thinking insisted upon as of itself freedom. It is the negative side of the will, or freedom as apprehended by the understanding. This freedom is that of the void, which his taken actual shape, and is stirred to passion. It, while remaining purely theoretical, appears in Hindu religion as the fanaticism of pure contemplation; but becoming actual it assumes both in politics and religion the form of a fanaticism, which would destroy the established social order, remove all individuals suspected of desiring any kind of order, and demolish any organisation which then sought to rise out of the ruins only in devastation does the negative will feel that it has reality. It intends, indeed, to bring to pass some positive social condition, such as universal equality or universal religious life. But in fact it does not will the positive reality of any such condition, since that would carry in its train a system, and introduce a separation by way of institutions and between individuals. But classification and objective system attain self consciousness only by destroying negative freedom. Negative freedom is actuated by a mere solitary idea, whose realisation is nothing but the fury of desolation.

Addition: This phase of will implies that I break loose from everything, give up all ends, and bury myself in abstraction. It is man alone who can let go everything, even life. He can commit suicide, an act impossible for the animal, which always remains only negative, abiding in a state foreign to itself, to which it must merely get accustomed is pure thought of himself, and only in thinking has he the power to give himself universality and distinguish in himself all that is particular and definite.

Negative freedom, or freedom of the understanding, is one-sided, yet as this one-sidedness contains an essential feature, it is not to be discarded. But the defect of the understanding is that it exalts its one-sidedness to the sole highest place. This form of freedom frequently occurs in history. By the Hindus, e.g., the highest freedom is declared to be persistence in the consciousness of one's simple identity with himself, to abide in the empty space of one's own inner being, like the colourless light of pure intuition, and to renounce every, activity of life, every purpose and every idea. In this way man becomes Brahma; there is no longer any distinction between finite man and Brahma, every difference having been swallowed up in this universality. A more concrete manifestation of this freedom is fanaticism of political and religious life. Of this nature was the terrible epoch of the French Revolution, by which all distinctions in talent and authority were to have been superseded. In this time of upheaval and commotion any specific thing was intolerable. Fanaticism wills an abstraction and not an articulate association. It finds all distinctions antagonistic to its indefiniteness, and supersedes them. Hence in the French Revolution the people abolished the institutions which they themselves had set up, since every institution is inimical to the abstract self-consciousness of equality.

§ 6

[b] The I is also the transition from blank indefiniteness to the distinct and definite establishment of a definite content and object, whether this content be given by nature or produced out of the conception of spirit. Through this establishment of itself as a definite thing the I becomes a reality. This is the absolute element of the finitude or specialisation of the I.

Remark: This second element in the characterisation of the I is just as negative as the first, since it annuls and replaces the first abstract negativity. As the particular is contained in the universal, so this second phase is contained already in the first, and is only an establishing of what the first is implicitly. The first phase, if taken independently, is not the true infinitude, i.e., the concrete

universal, or the conception, but limited and one-sided. In that it is the abstraction from all definite character, it has a definite character. Its abstract and one-sided nature constitutes its definite character, its defect and finitude.

The distinct characterisation of these two phases of the I is found in the philosophy of Fichte as also in that of Kant. Only, in the exposition of Fichte the I, when taken as unlimited, as it is in the first proposition of his *Wissenschaftslehre*, is merely positive. It is the universality and identity made by the understanding. Hence this abstract I is in its independence to be taken as the truth, to which by way of mere addition comes in the second proposition, the limitation, or the negative in general, whether it be in the form of a given external limit or of an activity of the I. To apprehend the negative as immanent in the universal or self-identical, and also as in the I, was the next step, which speculative philosophy had to make. Of this want they have no presentiment, who like Fichte never apprehend that the infinite and finite are, if separated, abstract, and must be seen as immanent one in the other.

Addition: This second element makes its appearance as the opposite of the first; it is to be understood in its general form: it belongs to freedom but does not constitute the whole of it. Here the I passes over from blank indeterminateness to the distinct establishment of a specific character as a content or object. I do not will merely, but I will something. Such a will, as is analysed in the preceding paragraph, wills only the abstract universal, and therefore wills nothing. Hence it is not a will. The particular thing, which the will wills is a limitation, since the will, in order to be a will, must in general limit itself. Limit or negation consists in the will willing something Particularising is thus as a rule named finitude. Ordinary reflection holds the first element, that of the indefinite, for the absolute and higher. and the limited for a mere negation of this indefiniteness. But this indefiniteness is itself only a negation, in contrast with the definite and finite. The I is solitude and absolute negation. The indefinite will is thus quite as much one-sided as the will, which continues merely in the definite.

§ 7

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

Remark: Every self-consciousness knows itself as at once universal, or the possibility of abstract-ting itself from everything definite, and as particular, with a fixed object, content or aim. These two elements, however, are only abstractions. The concrete and true, and all that is true is concrete, is the universality, to which the particular is at first opposed, but, when it has been turned back into itself, is in the end made equal. This unity is individuality, but it is not a simple unit as is the individuality of imaginative thought, but a unit in terms of the conception (Encyclopaedia of the Philosophical Sciences, §§ 112-114). In other words, this individuality is properly nothing else than the conception. The first two elements of the will, that it can abstract itself from everything, and that

it is definite through either its own activity or something else, are easily admitted and comprehended, because in their separation they are untrue, and characteristic of the mere understanding. But into the third, the true and speculative - and all truth, as far as it is conceived, must be thought speculatively - the understanding declines to venture, always calling the conception the inconceivable. The proof and more detailed explanation of this inmost reserve of speculation, of infinitude as the negativity which refers itself to itself, and of this ultimate source of all activity, life and consciousness, belong to logic, as the purely speculative philosophy. Here it can be noticed only in passing that, in the sentences, "The will is universal. ... The will directs itself," the will is already regarded as presupposed subject or substratum; but it is not something finished and universal before it determines itself, nor yet before this determination is superseded and idealised. It is will only when its activity is self-occasioned, and it has returned into itself.

Addition: What we properly call will contains the two above-mentioned elements. The I is, first of all, as such, pure activity, the universal which is by itself. Next this universal determines itself, and so far is no longer by itself, but establishes itself as another, and ceases to be the universal. The third step is that the will, while in this limitation, i.e., in this other, is by itself. While it limits itself, it yet remains with itself, and does not lose its hold of the universal. This is, then, the concrete conception of freedom, while the other two elements have been thoroughly abstract and one-sided. But this concrete freedom we already have in the form of perception, as in friendship and love, Here a man is not one-sided, but limits himself willingly in reference to another, and yet in this limitation knows himself as himself. In this determination he does not feel himself determined, but in the contemplation of the other as another has the feeling of himself. Freedom also lies neither in indeterminateness nor in determinateness, but in both. . The wilful man has a will which limits itself wholly to a particular object, and if he has not this will, be supposes himself not to be free. But the will is not bound to a particular object, but must go further, for the nature of the will is not to be one-sided and confined. Free will consists in willing a definite object, but in so doing to be by itself and to return again into the universal.

§ 8

If we define this particularising ([b] § 6) further, we reach a distinction in the forms of the will. (a) In so far as the definite character of the will consists in the formal opposition of the subjective to the objective or external direct existence, we have the formal will as a self consciousness which finds an outer world before it. The process by which individuality turns back in its definiteness into itself, is the translation of the subjective end, through the intervention of an activity and a means, into objectivity. In the absolute spirit, in which all definite character is thoroughly its own and true (Encyclopaedia. § 363), consciousness is only one side, namely, the manifestation or appearance of the will, a phase which does not require detailed consideration here.

Addition: The consideration of the definite nature of the will belongs to the understanding, and is not in the first instance speculative. The will as a whole, not only in the sense of its content, but also in the sense of its form, is determined. Determinate character on the side of form is the end, and the execution of the end. The end is at first merely something internal to me and subjective, but it is to be also objective and to cast away the defect of mere subjectivity. It may be asked, why it has this defect. When that which is deficient does not at the same time transcend its defect, the defect is for it not a defect at all. The animal is to us defective, but not for itself. The end, in so far as it is at first merely ours, is for us a defect, since freedom and will are for us the unity of subjective and

objective. The end must also be established as objective; but does not in that way attain a new one-sided character, but rather its realisation.

§ 9

(b). In so far as the definite phases of will are its own peculiar property or its particularisation turned back into itself, they are content. This content, as content of the will, is for it, by virtue of the form given in (a), an end, which exists on its inner or subjective side as the imaginative will, but by the operation of the activity, which converts the subjective into the objective, it is realised, completed end.

§ 10

The content or determinate phase of will is in the first instance direct or immediate. Then the will is free only in itself or for us, i.e., it is the will in its conception. Only when it has itself as an object is it also for itself, and its implicit freedom becomes realised.

Remark: At this standpoint the finite implies that whatever is in itself, or according to its conception, has an existence or manifestation different from what it is for itself. For example the abstract separateness of nature is in itself space, but for itself time. Here, two things are to be observed,

1. that because the truth is the idea, when any object or phase is apprehended only as it is in itself or in conception, it is not as yet apprehended in its truth, and yet

2. that, whatever exists as conception or in itself, at the same time exists, and this existence is a peculiar form of the object, as *e.g.* space.

The separation of existence in-itself or implicit existence from existence-for-itself or explicit existence is a characteristic of the finite, and constitutes its appearance or merely external reality. An example of this is to hand in the separation of the natural will from formal right. The understanding adheres to mere implicit existence, and in accordance with this position calls freedom a capacity, since it is at this point only a possibility. But the understanding, regards this phase as absolute and perennial, and considers the relation of the will to what it wills or reality as an application to a given material, which does not belong to the essence of freedom. In this way the understanding occupies itself with mere abstractions, and not with the idea and truth.

Addition: The will, which is will only according to the conception, is free implicitly, but is at the same time not free. To be truly free. it must have a truly fixed content; then it is explicitly free, has freedom for its object, and is freedom. What is at first merely in conception, i.e., implicit, is only direct and natural, We are familiar with this in pictorial thought also. The child is implicitly a man, at first has reason implicitly, and is at first the possibility of reason and freedom. He is thus free merely according to the conception. That which is only implicit does not yet exist in actuality. A man, who is implicitly rational, must create himself by working through and out of himself and by reconstructing himself within himself, before he can become also explicitly rational.

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

Note. Empirical psychology enumerates and describes these impulses and inclinations, and the wants which are based upon them. It takes, or imagines that it takes this material from experience, and then seeks to classify it in the usual way. It will be stated below, what the objective side of impulse is, and what impulse is in its truth, apart from the form of irrationality which it has as an impulse, and also what shape it assumes when it reaches existence.

Addition: Impulse, appetite, inclination are possessed by the animal also, but it has not will; it must obey impulse, if there is no external obstacle. Man, however, is the completely undetermined, and stands above impulse, and may fix and set it up as his. Impulse is in nature, but it depends on my will whether I establish it in the I. Nor can the will be unconditionally called to this action by the fact that the impulse lies in nature.

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

Remark: Instead of to “resolve,” i.e. to supersede the indefinite condition in which a content is merely possible, our language has the expression “decide “ (" unfold itself “). The indeterminate condition of the will, as neutral but infinitely fruitful germ of all existence, contains within itself its definite character and ends, and brings them forth solely out of itself.

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

Remark: To the intelligence, as thinking, the object or content remains universal ; the intelligence retains the form merely of a universal activity. Now the universal signifies in will that which is mine, i.e. it is individuality. And yet, also, the direct and formal will is abstract ; its individuality is not yet filled with its free universality. Hence at the beginning the peculiar finitude of the intelligence is in will, and only by exalting itself again to thought and giving itself intrinsic universality does the will transcend the distinction of form and content and make itself objective infinite will. It is therefore a misunderstanding of the nature of thought and will to suppose that in the will man is infinite, while in thought and even in reason he is limited. In so far as thought and will are still

distinct, the reverse is rather the case, and thinking reason, when it becomes will, assigns itself to finitude.

Addition: A will which resolves nothing, is not an actual will; that which is devoid of definite character never reaches a volition. The reason for hesitation may lie in a sensitiveness, which is aware that in determining itself it is engaged with what is finite, is assigning itself a limit, and abandoning its infinity ; it may thus hold to its decision not to renounce the totality which it intends. Such a feeling is dead, even when it aims to be something beautiful. “Who will be great,” says Goethe, “must be able to limit himself." By volition alone man enters actuality, however distasteful it may be to him; for indolence will not desert its own self-brooding, in which it clings to a universal possibility. But possibility is not yet actuality. Hence the will, which is secure simply of itself, does not as yet lose itself in any definite reality.

§ 14

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

§ 15

Freedom of the will is, in this view of it, caprice, in which are contained both a reflection, which is free and abstracted from everything and a dependence upon a content or matter either internally or externally provided. Since the content is in itself or implicitly necessary as all end, and in opposition to this reflection is a definite possibility, caprice, when it is will, is in its nature contingent.

Remark: The, usual idea of freedom is that of caprice. It is a midway stage of reflection between the will as merely natural impulse and the will as free absolutely. When it is said that freedom as a, general thing consists in doing what one likes, such an idea must be taken to imply an utter lack of developed thought, containing as yet not even the suspicion of what is meant by the absolutely free will, right, the ethical system, etc. Reflection, being the formal universality and I unity of self-consciousness, is the will’s abstract certitude of its freedom, but it is not yet the truth of it, because it has not as yet itself for content and end; the subjective side is still different from the objective. Thus the content in such a case remains purely and completely finite. Caprice, instead of being will in its truth, is rather will in its contradiction.

In the controversy carried on, especially at the time of the metaphysic of Wolf, as to whether the will is really free or our consciousness of its freedom is a delusion, it was this caprice, which was in the minds of both parties. Against the certitude of abstract self-direction, determinism rightly opposed a content, which was externally presented, and not being contained in this certitude came from without. It did not matter whether this “without" were impulse, imagination, or in general a consciousness so filled that the content was not the peculiar possession of the self-activity as such. Since only the formal element of free self-direction is immanent in caprice, while the other element is something given to it from without, to take caprice as freedom may fairly be named a delusion.

Freedom in every philosophy of reflection, whether it be the Kantian or the Friesian, which is the Kantian superficialised, is nothing more than this formal self-activity.

Addition: Since I have the possibility of determining himself in this or that way, since I have the power of choice, possess caprice, or what is commonly called freedom. This choice is due to the universality of the will, enabling me to make my own this thing or another. This possession is a particular content, which is therefore not adequate to me, but separated from me, and is mine only in possibility; just as I am the possibility of bringing myself into coincidence with it. Hence choice is due to the indeterminateness of the I, and to the determinateness of a content. But as to this content the will is not free, although it has in itself formally the side of infinitude. No such content corresponds to will ; in no content can it truly find itself. In caprice it is involved that the content is not formed by the nature of my will, but by contingency. I am dependent upon this content. This is the contradiction contained in caprice. Ordinary man believes that he is free, when lie is allowed to act capriciously, but precisely in caprice is it inherent that he is not free. When I will the rational, I do not act as a particular individual but according to the conception of ethical life in general. In an ethical act I establish not myself but the thing. A man, who acts perversely, exhibits particularity. The rational is the highway on which every one travels, and no one is specially marked. When a great artist finishes a work we say: “It must be so.” The particularity of the, artist has wholly disappeared and the work shows no mannerism. Phidias has no mannerism; the statue itself lives and moves. But the poorer is the artist, the more easily we discern himself, his particularity all caprice. If we adhere to the consideration that in caprice a man can will what he pleases, we have certainly freedom of a kind; but again, if we hold to the view that the content is given, then man must be determined by it, and in this light is no longer free.

§ 16

What is resolved upon and chosen (§ 14) the will may again give up (§ 5). Yet, even with the possibility of transcending any other content which it may substitute, and of proceeding in this way ad infinitum, the will does not advance beyond finitude, because every content in turn is different from the form and is finite. The opposite aspect, namely indeterminateness, irresolution or abstraction, is also one-sided.

§ 17

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

Addition: Impulses and inclinations are in the first instance the content of will, and only reflection transcends them. But these impulses are self-directing, crowding upon and jostling one another, and all seeking to be satisfied. To set all but one in the background, and put myself into this one, is to limit and distort myself, since I, in so doing, renounce my universality, which is a system of the impulses. Just as little help is found in a mere subordination of them, a course usually followed by the understanding. There is available no criterion by which to make such an arrangement, and hence the demand for a subordination is usually sustained by tedious and irrelevant allusions to general savings.

§ 18

With regard to the moral estimate of impulses, dialectic appears in this form. The phases of the direct or natural will are immanent and positive, and thus good. Hence man is by nature good. But natural characteristics, since they are opposed to freedom and the conception of the spirit, and are, hence, negative, must be eradicated. Thus man is by nature evil. To decide for either view is a matter of subjective caprice.

Addition: The Christian doctrine that man is by nature evil is loftier than the opposite that he is naturally good, and is to be interpreted philosophically in this way. Man as spirit is a free being, who need not give way to impulse. Hence in his direct and unformed condition, man is in a situation in which he ought not to be, and he must free himself. This is the meaning of the doctrine of original sin, without which Christianity would not be the religion of freedom.

§ 19

In the demand that impulses must be purified is found the general idea that they must be freed from the form of direct subjection to nature, and from a content that is subjective and contingent, and must be restored to their substantive essence. The truth contained in this indefinite demand is that impulses should be phases of will in a rational system. To apprehend them in this way as proceeding from the conception is the content of the science of right.

Remark: The content of this science may, in all its several elements, right, property, morality, family, state, be represented in this way, that man has by nature the impulse to right, the impulse to property, to morality, to sexual love, and to social life. If instead of this form, which belongs to empirical psychology, a philosophic form be preferred, it may be obtained cheap from what, in modern times was reputed and still is reputed to be philosophy. He will then say that man finds in himself as a fact of consciousness that he wills right, property, the state, etc. Later will be given still another form of the content which appears here in the shape of impulses, that, namely, of duties.

§ 20

The reflection which is brought to bear upon impulses, placing them before itself, estimating them, comparing them with one another, and contrasting them with their means and consequences, and also with a whole of satisfaction, namely happiness, brings the formal universal to this material, and in an external way purifies it of its crudity and barbarism. This propulsion by the universality of thought is the absolute worth of civilisation (**§ 187**).

Addition: In happiness thought has already the upper hand with the force of natural impulse, since it is not satisfied with what is momentary, but requires happiness as a whole. This happiness is dependent upon civilisation to the extent to which civilisation confirms the universal. But in the ideal of happiness there are two elements. There is

a universal that is higher than all particulars; vet, as the content of this universal is in turn only universal pleasure, there arises once more the individual, particular and finite, and retreat must be made to impulse;

Since the content of happiness lies in the subjective perception of each individual, this universal end is again particular; nor is there present in it any true unity of content and form.

§ 21

But the truth of this formal universality, which taken by itself is undetermined and finds definite character in externally given material, is the self-directing universality which is will or freedom. Since the will has as its object, content and end, universality itself, and thus assumes the form of the infinite, it is free not only in itself or implicitly, but for itself or explicitly. It is the true idea.

Remark: The self-consciousness of the will in the form of appetite or impulse is sensible, the sensible in general indicating the externality of self-consciousness, or that condition in which self-consciousness is outside of itself. Now this sensible side is one of the two elements of the reflecting will, and the other is the abstract universality of thought. But the absolute will has as its object the will itself as such in its pure universality. In this universality the directness of the natural will is superseded, and so also is the private individuality which is produced by reflection and infects the natural condition. But to supersede these and lift them into the universal, constitutes the activity of thought. Thus the self-consciousness, which purifies its object, content or end, and exalts it to universality, is thought carrying itself through into will. It is at this point that it becomes clear that the will is true and free only as thinking intelligence. The slave knows not his essence, his infinitude, his freedom; he does not know himself in his essence, and not to know himself is not to think himself. The self-consciousness, which by thought apprehends that itself is essence, and thus puts away from itself the accidental and untrue, constitutes the principle of right, morality, and all forms of ethical life. They who, in speaking philosophically of right, morality, and ethical life, would exclude thought and turn to feeling, the heart, the breast, and inspiration, express the deepest contempt for thought and science. And science itself, overwhelmed with despair and utter insipidity, makes barbarism and absence of thought a principle, and so far as in it lay robbed men of all truth, dignity, and worth.

Addition: In philosophy truth is had when the conception corresponds to reality. A body is the reality, and soul is the conception. Soul and body should be adequate to each other. A dead man is still an existence, but no longer a true existence; it is a reality void of conception. For that reason the dead body decays. So with the true will; that which it wills, namely, its content, is identical with it, and so freedom wills freedom.

§ 22

The will which exists absolutely is truly infinite, because its object being the will itself, is for it not another or a limitation. In the object the will has simply reverted into itself. Moreover, it is not mere possibility, capacity, potentiality (potential, but infinitely actual (infinitum actu), because the reality of the conception or its visible externality is internal to itself.

Remark: Hence when the free will is spoken of without the qualification of absolute freedom, only the capacity of freedom is meant, or the natural and finite will (**§ 11**), and, notwithstanding all words and opinions to the contrary, not the free will. Since the understanding comprehends the infinite only in its negative aspect, and hence as a beyond, it thinks to do the infinite all the more honour the farther it removes it into the vague distance, and the more it takes it as a foreign thing. In free will the true infinite is present and real; it is itself the actually present self-contained idea.

Addition: The infinite has rightly been represented as a circle. The straight line goes out farther and farther, and symbolises the merely negative and bad infinite, which, unlike the true, does not return

into itself. The free will is truly infinite, for it is not a mere possibility or disposition. Its external reality is its own inner nature, itself.

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

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

Remark: The different phases of universality are tabulated In the logic (Encyclopaedia. of the Phil. Sciences, §§ 118-126). Imaginative thinking always takes universality in an abstract and external way. But absolute universality is not to be thought of either as the universality of reflection, which is a kind of consensus or generality, or, as the abstract universality and self-identity, which is fashioned by the understanding (**§ 6, note**), and keeps aloof from the individual. It is rather the concrete, self-contained, and self-referring universality, which is the substance, intrinsic genus, or immanent idea of self-consciousness. It is a conception of free will as the universal, transcending its object, passing through and beyond its own specific character, and then becoming identical with itself. This absolute universal is what is in general called the rational, and is to be apprehended only in this speculative way.

§ 25
The subjective side of the will is the side of its self-consciousness and individuality (**§ 7**), as distinguished from its implicit conception. This subjectivity is
[a] pure form or absolute unity of self-consciousness with itself. This unity is the equation " I = I," consciousness being characterised by a thoroughly inward and abstract self-dependence. It is pure certitude of itself in contrast with the truth;
[b] particularity of will, as caprice with its accidental content of pleasurable ends;
[c] in general a one-sided form (**§ 8**), in so far as that which is willed is at first an unfulfilled end, or a content which simply belongs to self-consciousness.

§ 26
[a] In so far as free will is determined by itself, and is in accord with its conception and true, it is wholly objective will.
[b] But objective self-consciousness, which has not the form of the infinite, is a will sunk in its object or condition, whatever the content of that may be. It is the will of the child, or the will present in slavery or superstition.

[c] Objectivity is finally a one-sided form in opposition to the subjective phase of will ; it is direct reality, or external existence. In this sense the will becomes objective only by the execution of its ends.

Remark: These logical phases of subjectivity and objectivity, since they are often made use of in the sequel, are here exposed, with the express purpose of noting that it happens with them as with other distinctions and opposed aspects of reflection; they by virtue of their finite and dialectic character pass over into their opposites. For imagination and understanding the meanings of anti-thetic phases are not convertible, because their identity is still internal. But in will, on the contrary, these phases, which ought to be at once abstract and yet also sides of that which can be known only as concrete, lead of themselves to identity, and to an exchange of meaning. To the understanding this is unintelligible. Thus, e.g., the will, as a freedom which exists in itself, is subjectivity itself; thus subjectivity is the conception of the will, and therefore its objectivity. But subjectivity is finite in opposition to objectivity, yet in this opposition the will is]lot isolated, but in intricate union with the object ; and thus its finitude consists quite as much in its not being subjective, etc. What in the sequel is to be meant by the subjective or the objective side of the will, has each time to be made clear from the context, which will supply their positions in relation to the totality.

Addition: It is ordinarily supposed that subjective and objective are blank opposites ; but this is not the case. Rather do they pass into one another, for they are not abstract aspects like positive and negative, but have already a concrete significance. To consider in the first instance the expression "subjective;" this may mean an end which is merely the end of a certain subject. In this sense a poor work of art, that is not adequate to the thing is merely subjective. But, further, this expression may point to the content of the will, and is then of about the same meaning as capricious; the subjective content then is that which belongs merely to the subject. In this sense bad acts are merely subjective. Further, the pure, empty I may be called subjective, as it has only itself as an object, and possesses the power of abstraction from all further content. Subjectivity has, moreover, a wholly particular and correct meaning in accordance with which anything, in order to win recognition from me, has to become mine and seek validity in me. This is the infinite avarice of subjectivity, eager to comprehend and consume everything within the simple and pure I.

Similarly we may take the objective in different ways. By it we may understand anything to which we give existence in contrast to ourselves, whether it be an actual thing or a mere thought, which we place over against ourselves. By it also we understand the direct reality, in which the end is to be realised. Although the end itself is quite particular and subjective, we yet name it objective after it has made its appearance. Further, the objective will is also that in which truth is; thus, God's will, the ethical will also, are objective. Lastly, we may call the will objective, when it is wholly submerged in its object, as, *e.g.*, the child's will, which is confiding and without subjective freedom, and the slave's will, which does not know itself as free, and is thus a will-less will. In this sense any will is objective, if it is guided in its action by a foreign authority, and has not yet completed the infinite return into itself.

§ 27

The absolute character or, if you like, the absolute impulse of the free spirit (**§ 21**) is, as has been observed, that its freedom shall be for it an object. It is to be objective in a two-fold sense: it is the rational system of itself, and this system is to be directly real (**§ 26**). There is thus actualised as idea

what the will is implicitly. Hence, the abstract conception of the idea of the will is in general the free will which wills the free will.

§ 28

The activity of the will, directed to the task of transcending the contradiction between subjectivity and objectivity, of transferring its end from subjectivity into objectivity, and yet while in objectivity of remaining with itself, is beyond the formal method of consciousness (**§ 8**), in which objectivity is only direct actuality. This activity is the essential development of the substantive content of the idea (**§ 21**). In this development the conception moulds the idea, which is in the first instance abstract, into the totality of a system. This totality as substantive is independent of the opposition between mere subjective end and its realisation, and in both of these forms is the same.

§ 29

That a reality is the realisation of the free will, this is what is meant by a right. Right, therefore, is, in general, freedom as idea.

Remark: In the Kantian doctrine (Introduction to Kant's Theory of Right), now generally accepted, "the, highest factor is a limitation of my freedom or caprice, in order that it may be able to subsist alongside of every other individual's caprice in accordance with a universal law." This doctrine contains only a negative phase, that of limitation. And besides, the positive phase, the universal law or so-called law of reason, consisting in the agreement of the caprice of one with that of another, goes beyond the well-known formal identity and the proposition of contradiction. The definition of right, just quoted, contains the view which has especially since Rousseau spread widely. According to this view neither the absolute and rational will, nor the true spirit, but the will and spirit of the particular individual in their peculiar caprice, are the substantive and primary basis. When once this principle is accepted, the rational can announce itself only as limiting this freedom. Hence it is not an inherent rationality, but only a mere external and formal universal. This view is accordingly devoid of speculative thought, and is rejected by the philosophic conception. In the minds of men and in the actual world it has assumed a shape, whose horror is without a parallel, except in the shallowness of the thoughts upon which it was founded.

§ 30

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

Remark: Every step in the development of the idea of freedom has its peculiar right, because it is the embodiment of a phase of freedom. When morality and ethical life are spoken of in opposition to right, only the first or formal right of the abstract personality is meant. Morality, ethical life, a state-interest, are every one a special right, because each of these is a definite realisation of freedom. They can come into collision only in so far as they occupy the same plane. If the moral standpoint of spirit were not also a right and one of the forms of freedom, it could not collide with the right of personality or any other right. A right contains the conception of freedom which is the highest phase of spirit, and in opposition to it any other kind of thing is lacking in real substance.

Yet collision also implies a limit and a subordination of one phase to another. Only the right of the world-spirit is the unlimited absolute.

§ 31

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

Remark: The efficient or motive principle, which is not merely the analysis but the production of the several elements of the universal, I call dialectic. Dialectic is not that process in which an object or proposition, presented, to feeling or the direct consciousness, is analysed, entangled, taken hither and thither, until at last its contrary is derived. Such a merely negative method appears frequently in Plato. It may fix the opposite of any notion, or reveal the contradiction contained in it, as did the ancient scepticism, or it may in a feeble way consider an approximation to truth, or modern half-and-half attainment of it, as its goal. But the higher dialectic of the conception does not merely apprehend any phase as a limit and opposite, but produces out of this negative a positive content and result. Only by such a course is there development and inherent progress. Hence this dialectic is not the external agency of subjective thinking, but the private soul of the content, which unfolds its branches and fruit organically. Thought regards this development of the idea and of the peculiar activity of the reason of the idea as only subjective, but is on its side unable to make any addition. To consider anything rationally is not to bring reason to it from the outside, and work it up in this way, but to count it as itself reasonable. Here it is spirit in its freedom, the summit of self-conscious reason, which gives itself actuality, and produces itself as the existing world. The business of science is simply to bring the specific work of the reason, which is in the thing, to consciousness.

§ 32

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

Remark: In a speculative sense the way, in which a conception is manifested in reality, is identical with a definite phase of the conception. But it is noteworthy that, in the scientific development of the idea, the elements, which result in a further definite form, although preceding this result as phases of the conception, do not in the temporal development go before it as concrete realisations. Thus, as will be seen later, that stage of the idea which is the family presupposes phases of the conception, whose result it is. But that these internal presuppositions should be present in such visible realisations as right of property, contract, morality, etc., this is the other side of the process, which only in a highly developed civilisation has attained to a specific realisation of its elements.

Addition: The idea must always go on determining itself within itself, since at the beginning it is only abstract conception. However, this initial abstract conception is never given up, but only becomes inwardly richer, the last phase being the richest. The earlier and merely implicit phases reach in this way free self-dependence, but in such a manner that the conception remains the soul which holds everything together, and only through a procedure immanent within itself arrives at its own distinctions. Hence the last phase falls again into a unity with the first, and it cannot be said

that the conception ever comes to something new. Although the elements of the conception appear to have fallen apart when they enter reality, this is only a mere appearance. Its superficial character is revealed in the process, since all the particulars finally turn back again into the conception of the universal. The empirical sciences usually analyse what they find in pictorial ideas, and if the individual is successfully brought back to the general, the general property is then called the conception. But this is not our procedure. We desire only to observe how the conception determines itself, and compels us to keep at a distance everything of our own spinning and thinking. But what we get in this way is one series of thoughts and another series of realised forms. As to these two series, it may happen that the order of time of the actual manifestations is partly different from the order of the conception. Thus it cannot, e.g., be said that property existed before the family, and yet, in spite of that it is discussed before the family is discussed. The question might also be raised here, Why do we not begin with the highest, i.e., with concrete truth ? The answer is, because we desire to see truth in the form of a result, and it is an essential part of the process to conceive the conception first of all as abstract. The actual series of realisations of the conception is thus for us in due course as follows, even although in actuality the order should be the same. Our process is this, that the abstract forms reveal themselves not as self - subsistent but as untrue.

Division of the Work.

§ 33
According to the stages in the development of the idea of the absolutely free will,
A. The will is direct or immediate; its conception is therefore, abstract, i.e., personality, and its embodied reality is a direct external thing. This is the sphere of abstract or formal right.

B. The will, passing out of external reality, turns back into itself. Its phase is subjective individuality, and it is contrasted with the universal. This universal is on its internal side the good, and on its external side a presented world, and these two sides are occasioned only by means of each other. In this sphere the idea is divided, and exists in separate elements. The right of the subjective will is in a relation of contrast to the right of the world, or the right of the idea. Here, however, the idea exists only implicitly. This is the sphere of morality.

C. The unity and truth of these two abstract elements. The thought idea of the good is realised both in the will turned back into itself, and also in the external world. Thus freedom exists as real substance, which is quite as much actuality and necessity as it is subjective will. The idea here is its absolutely universal existence, viz., ethical life. This ethical substance is again,
a. Natural spirit; the family,
b. The civil society, or spirit in its dual existence and mere appearance,
c. The state, or freedom, which, while established in the free self-dependence of the particular will is also universal and objective. This actual and organic spirit **[a]** is the spirit of a nation, **[b]** is found in the relation to one another of national spirits, and **[c]** passing through and beyond this relation is actualised and revealed in world history as the universal world-spirit, whose right is the highest.

Note. It is to be found in the speculative logic, and here is presupposed, that a thing or content, which is established first of all according to its conception, or implicitly, has the form of direct existence. The conception, however, when it has the form of the conception is explicit, and no longer is a direct existence. So, too, the principle, upon which the division of this work proceeds, is presupposed. The divisions might be regarded as already settled by history, since the different

stages must be viewed as elements in the development of the idea, and therefore as springing from the nature of the content itself. A philosophic division is not an external classification of any given material, such a classification as would be made according to one or several schemes picked up at random, but the inherent distinctions of the conception itself. Morality and ethical life, which are usually supposed to mean the same thing, are here taken in essentially different meanings. Meanwhile even imaginative thought seems to make a distinction between them. In the usage of Kant the preference is given to the term morality, and the practical principles of his philosophy limit themselves wholly to this standpoint, making impossible the standpoint of ethical life, and indeed expressly destroying and abolishing it. Although morality and ethics have the same meaning according to their etymology, yet these different words may be used for different conceptions.

Addition: When we speak of right, we mean not only civil right, which is the usual significance of the word, but also morality, ethical life and world-history. These belong to this realm, because the conception taking them in their truth, brings them all together. Free will, in order not to remain abstract, must in the first instance give itself reality; the sensible materials of this reality are objects, i.e., external things. This first phase of freedom we shall know as property. This is the sphere of formal and abstract right, to which belong property in the more developed form of contract and also the injury of right, i.e., crime and punishment. The freedom, we have here, we name person, or, in other words, the subject who is free, and indeed free independently, and gives himself a reality in things. But this direct reality is not adequate to freedom, and the negation of this phase is morality. In morality I am beyond the freedom found directly in this thing, and have a freedom in which this directness is superseded. I am free in myself, i.e., in the subjective. In this sphere we come upon my insight, intention, and end, and externality is established as indifferent. The good is now the universal end, which is not to remain merely internal to me, but to realise itself. The subjective will demands that its inward character, or purpose, shall receive external reality, and also that the good shall be brought to completion in external existence. Morality, like formal right, is also an abstraction, whose truth is reached only in ethical life. Hence ethical life is the unity of the will in its conception with the will of the individual or subject. The primary reality of ethical life is in its turn natural, taking the form of love and feeling. This is the family. In it the individual has transcended his prudish personality, and finds himself with his consciousness in a totality. In the next stage is seen the loss of this peculiar ethical existence and substantive unity. Here the family falls asunder, and the members become independent one of another, being now held together merely by the bond of mutual need. This is the stage of the civil society, which has frequently been taken for the state. But the state does not arise until we reach the third stage, that stage of ethical life or spirit, in which both individual independence and universal substantivity are found in gigantic union. The right of the state is, therefore, higher than that of the other stages. It is freedom in its most concrete embodiment, which yields to nothing but the highest absolute truth of the world-spirit.