

Hegel, G. F. W. *Elements of the Philosophy of Right*. Translated by H. B. Nisbet. Allen W. Wood, ed. Cambridge University Press: 1991.

G. F. W. Hegel (1770-1831 A.D.) was a Prussian philosophy professor at Heidelberg and Berlin. He argued that the whole of world history constitutes a metaphysical scheme progressing from thesis and antithesis to synthesis (the dialectical process), which is in itself the appearance and progress of spirit in the world. Hegel's thought proved influential, often characterized as the pinnacle of German Idealism. Though Hegel studied theology, he never entered ministry, disdaining the stuffy pretensions of theology and the church. Hegel found expression of his religious faith in human reason, the candle of the Lord. Hegel chose academic enterprise, cheerful company, wine, and women, over holy orders.

Preface. This book consists in lecture notes (and Hegel's additions to those notes) for Hegel's course in *Recht* (translated variously as "right, privilege, title, claim, interest, authority, power, law justice, administration of justice") at University of Berlin between 1817 and 1831. Hegel writes an "introduction to the lectures on the Philosophy of Right which I deliver in the course of my official duties." Failure to employ Hegel's form of speculative inquiry has sent current philosophy into its present torpor. The truth about ethics and the state is contained in the proclamations of public laws, morality, and religion. Freethinking is wrong if it creates idiosyncratic thought, diverging for no particularly good reason from obvious truths. Laws of nature are known by observing them. Laws of right are known in the same manner, but are not absolute, being derived from humans. One learns of right from the state and morality and religion, but one also questions these sources. Conflict may arise between what is and what ought to be. This conflict is not an invitation to speculate without moorings, or to pretend that the human heart knows all, without reference to its context and the generations of thought that preceded it. Hegel attributes these attitudes to an opponent, Jacob Friedrich Fries, in a long diatribe. Rationality is whatever exists, and vice versa. Hegel finds the state to be inherently rational. What exists is what is reasonable. We are stuck in time and cannot pretend to pull free. Nor should we. What matters.

Introduction. RIGHT. §1: The philosophy of right is concerned with the Idea of right and the way it exists in the world (actuality). §2: "Right" is part of philosophy, and the aim is to state what right is and its legal instances. §3: Right is formally expressed in a government's laws, which are conformed to the national character of the people and their historical circumstance and needs. Philosophical consideration of right differs from historical treatment. Right, considered historically, may make perfect sense to the people and times it served, but still be philosophically wrong. Philosophical right flows from the Idea of right. Though right appears in positive laws of a country, there remains room to criticize those laws and their concept of right. Hegel considers examples from Gustav Hugo's *Textbook on the History of Roman Law*. WILL. §4: Right flows from the free spirit, that is the human will. Right is actualized freedom, where spirit recreates itself. Will is a mode of thinking, in which thought injects itself into existence. In the theoretical and philosophical attitude, our thinking generalizes and universalizes. In the practical attitude, our thinking causes the world to conform to our desires and becomes particular. §5: Thinking and willing are one thing together, not two distinct faculties. If thinking is unmoored from its berth in actual human structures (government, culture), then thinking becomes destructive only. Examples of this destruction are Hindu spirituality and the French Revolution's Reign of Terror. §6: The first moment of the individual is her existence as a willing sort of thing. The second moment of the individual is her will to do something in particular. §7: The third moment of the individual is that individual's recognition, once she has made her decisions, that her decisions are part of a universal speculative scheme. Freedom consists in this movement from universal to particular back to universal. §8: The individual translates subjective purposes into objective reality. §9: The will's content is its decisions to make something actual. §10: Mature will must be in-itself and for-itself. Humans possess rationality in-itself naturally. We learn reason for-itself by educating ourselves and acting deliberately. §11: The will in-itself is governed by human drives, desires, and inclinations. Animals also have these psychological features, but are simply determined by them, since animals lack will. A man "stands above his drives and can determine and posit them as his own." §12: Will is only will when it makes resolutions. §13: When will

resolves to perform an act, it limits itself, no longer surveying all possibilities, but settling on one. §14: Theoretically, the will is infinite and contemplates all possible actions. §15: This is arbitrariness, which is limited by what the world brings to an individual. Although one may contemplate actions and know they are possible for a will such as one's own will, it is nevertheless the fact that not all possible choices are open to an individual. Context counts. Rational acts conform to societal norms. Individual particularity and eccentricities diminish choice (and art), and may be perverse. §16: The will may reject what it has once chosen. §17: The will arbitrates among competing motivations, a "dialectic of drives and inclinations." §18: "Original sin" means that man is free to choose against his natural inclinations, and when he is not, he has fallen into circumstances one should flee. This doctrine is superior to one that views man as fundamentally good. §19: "Right" will lets the human drives toward justice, property, morality, sex, sociability govern the will. In this way, "duties" arise. §20: When we think about our drives and relate them to our happiness, we universalize those impulses. This is the purpose of education. Happiness has no particular content, but is variable with individuals. §21: When will reflects on its drives and universalizes them, it becomes intrinsically free but also self-advocating, and so becomes the very essence of freedom. This is "thought," and is the essence of all right, morality, and ethics. [Hegel indulges a bizarre aside on decomposing bodies and the soul as "concept."] §22: Will "in and for itself" is infinite, as a circle is infinite. Will "in and for itself" recurs to itself; such will is the ideal thinking itself. §23: Self-recursive Will (in and for itself), depends on nothing else. It is self-referential, determined by nothing but its own existence. §24: All things that are universal in the sense of being "in and for themselves" are rational. §25: Will, as experienced subjectively by an individual, concerns the content of particular willing at a given point and a sense of identity (I = I). §26: Objective will is will in and for itself, but unlike subjective will, objective will is determined by an outside force: minority, ethics, slavery, superstition. Objective and subjective will pass into one another as the will's ends are reached. §27: Free spirit wills to make its goals a rule for action and complete in reality, willing itself. §28: The will seeks to translate its subjective purposes into objective realities. **RIGHT AND WILL.** §29: "Right" is the existence of the free will. This is universal will, not the will of individuals. Kant and Rousseau made will just a single person's will, with terrifying results one expects of shallow thoughts. §30: The Idea of freedom progresses. Each stage has "right," but more highly developed concepts are more right. Nevertheless, all are utterly sacred. But only the world spirit is absolute. §31: Dialectic is more than rhetorical debate. Higher dialectic grows from itself like an organism. Dialectic exhibits inherent spiritual progress. Science merely observes and reports on dialectic. §32: Will's acts take shapes (property, contract, morality, etc.) and progress through stages. Without losing its original abstractness, Will makes itself rich with a history of choices made concrete, each of which is superseded. §33: Will in and for itself is abstract, moral, and ethical. Ethical existence concerns family, civil society, and the state. "Right" includes civil right, but also morality, ethics, and world history. Morality governs family relations and other personal activities. It slides toward ethics, as the individual finds self-sufficiency, and creates civil society. The state emerges when self-sufficient individuals seek universal togetherness. Only the world spirit in its final evolution is superior to the state as a stage of freedom.

Part One: Abstract Right. §34: The free will "in and for itself" finds an external world incompliant with its demands. The undecided individual finds himself in opposition to the external world. §35: A person who thinks, while being particular and limited, nevertheless participates in the infinite, universal, and free Idea of will, and so recognizes that she is part of the abstract "I" which is limitless. Humans as persons are finite and infinite simultaneously. Living with this contradiction is the best humans achieve. §36: Persons can do right, which consists in caring for oneself and others. §37: Possibility contains being and not being. My particular will makes one possibility exist, the possibility that serves me. Formal right stands above my particularities. Uneducated people fail to grasp this. §38: Right is really prohibition of wrongs: do not injure persons or what flows from personality. §39: Personality acts against nature to express itself. §40: When the person chooses from among possibilities, he creates his own existence by acquiring property, about which he enters contracts with other persons, and runs the risk of doing wrong by his choices.

Section 1: Property. §41: Acquiring property makes a person a thinking thing. Ownership forces particularity on the infinite I. §42: Objects are essentially unfree, unlike persons. §43: At law, persons and ideas or skills may be characterized as property. For abstract right, all things are “property” only if those things (or persons) are external to the person and are brought into a person’s sphere by free acts of will. §44: Persons may always possess things. Animals are things, as well as objects. §45: We possess what we exercise power over. We do not possess merely as means to an end. Possession constitutes freedom, because in owning a person first chooses particularity. §46: Making an object private property makes one’s will exist. Communal property has fewer claims than private property. §47: So long as we will to survive, we possess our bodies and lives. Animals have no right to life. §48: “I” dwell within my body, and will to be mine. Therefore, I cannot be used as a beast of burden. Violence to my body is violence toward me. [Mind-body dualism endorsed.] §49: Persons are “equal” in a theoretical sense, but not with respect to actual property. Actual resources depend upon individual diligence. All should have property, but not equal property. §50: Things belong to him who first possesses it. Persons find existence in their property. §51: Inner will to possess must take a form recognizable to others. §52: One owns the matter of a thing, not only its form (contra Fichte). §53: Precise structure of possession: taking, using, alienating. **TAKING POSSESSION.** §54: Taking possession consists in seizure and designating ownership. §55: Physical seizure is partial possession. Much of seizure is indeterminate. §56: We also take possession by forming an object, e.g., plowing a field, training an animal. §57: Humans take possession of themselves. Slavery is wrong, but both slave and master are to blame. Slavery is a dialectical position along the path between natural existence and ultimate ethical society. §58: One may take possession by attaching a sign of one’s will to a thing. **USE OF THE THING.** §59: Use is my altering, destroying, or consuming a thing, the destiny of the object. My use negates the object as I satisfy my needs. It and I become identical as it loses any independent existence. §60: Repeated individual seizures become a sign of possession. §61: To own is to have the entire use of a thing. §62: Partial use is not ownership. Freedom of personality evolved in spirit 1,500 years ago. Freedom of property is much more recent. The world spirit progresses slowly, so patience is warranted. §63: To own is to have control of the value of a thing. §64: When will to possess fails, one loses ownership. §65: We cease to own by declaring we no longer will the thing to be ours. §66: Since the will cannot cease to will to be itself, we are inalienable and imprescriptible to ourselves in our personality, freedom, ethics, and religion. We alienate our personality by superstition and obsequious submission to others. §67: We can sell our labor, but not all of it. The latter is slavery. §68: Intellectual property may be immediately possessed by others. §69: An author or inventor, though he has alienated his work product, remains in control of the ways and means of reproducing the work product. Plagiarism sanctions and copyright violation inhibit theft of intellectual property. §70: We have no right to suicide, but rather must die naturally or by violence. One’s will cannot get above itself, which would be required to “own” oneself, and gain the right to destroy oneself as property. §71: We encounter the will of others, and reach agreements with them concerning property. This community of will is as important to the individual as is property itself.

Section 2: Contract. §72: In contract, one enters contradiction. One owns and does not own property. §73: This contradiction grows from the need to alienate property, which requires meeting and joining the will of others. §74: So, one stops owning, remains an owner, and becomes an owner. §75: All contracts concern things. Marriage and the state are not contracts, despite which some philosophers and theologians might have you believe. One is born into a state; no one chooses their state. Humans are state-animals; none exist outside states. §76: Contracts require acquiring and relinquishing property by two or more individuals. §77: In contracts, one keeps the value but exchanges possessions. §78: The promise made in contract is a sign of the exchange to come. Contracts are relations between wills. §79: The substantive provisions of a contract transfer possession. Performance comes afterward, as a moral necessity. §80: Contracts can be categorized as gifts, exchanges, temporary alienation (leasing), wages.

They may be completed by a pledge (mortgage). §81: “Wrong” derives from arbitrariness and contingency, when one’s will is conflicted.

Section 3: Wrong. §82: Wrong in contract is the *appearance* of identical wills, without the underlying reality. The appearance is semblance, which may misstate a things essence. §83: Wrongs are unintentional, deceptive, or criminal. Unintentional wrongs grow from error which in my view is right. Deception grows from intentional creation of a semblance for the purpose of misleading, with a reluctant nod toward what is right. Crime grows from failure to care that one’s deception misleads. UNINTENTIONAL WRONG. §84: People’s rights collide when they have differing perspectives. §85: This collision is resolved by determining which view is right. §86: The parties to the dispute each assert their rights and believe opponents misperceive their rights. DECEPTION. §87: Deception makes of universal right a mere semblance. §88: A deceptive contract leads me to believe I get what is right, though from a universal perspective I get something other than what is right. §89: Penalties are appropriate in deception, because the deceiver intends wrong. CRIME. §90: In crime, I may suffer coercion. Both objective and subjective right are infringed. §91: The human will cannot be coerced from without. We consent to be coerced. The option always lies open to withdraw from externality. §92: Coercion is essentially contrary to right, because it wills to destroy freedom of will. §93: Coercion invites responsive coercions. §94: These responsive coercions are not original; they exist to counter crime. §95: Crime infringes right itself. §96: Punishments (responsive coercions) should be tailored to the degree of crime. Punishing all crimes with death misses this distinction. §97: Crime negates right, which cannot be negated. Crime is a nullity. §98: Crime infringes property. Compensation sets matters right. §99: Criminal injury flows from the will of a criminal. Most punishment theories misconceive the purpose of punishment, which is to cancel the crime’s effects, thereby restoring right. §100: By exercising his will, a criminal acknowledges the right of his punishments. Capital punishment is warranted because the criminal has consented to his death. Deterrence theory disrespects the condemned criminal, treating him as an animal to be caged or retrained. The death penalty should be employed less frequently than in the past. §101: Retribution is an infringement of the infringement of a crime. Punishments should be of comparable value to the crime punished. Punishment turns crime upon itself. §102: Without appropriate limits, revenge is not retribution, but another crime or infringement. Judges are impartial; their judgments express the universal law. §103: Justice must be punitive, not avenging. §104: Acquiring property specifies a will, which then becomes a personality with a moral point of view.

Part Two: Morality. §105: The moral point of view arises when the individual recognizes his choices but sees them as part of his participation in universal principles. This is the will in itself, but also for itself. §106: The human will is inaccessible and gives worth to a man. The individual is measured by his inward actions, by his will for itself. Humans expect to be judged by their choices. §107: The moral point of view emerges as the subjective individual recognizes the right and adopts it. Children have no moral will. §108: The moral point of view concerns relationships, obligations, or requirements. §109: Will limits itself by choosing. The will sees this limitation and longs for universality. §110: The moral point of view makes itself visible and external by choosing, expressing its freedom to itself. §111: The will recognizes the universal in its choices, which may nevertheless deviate from the universal, and be wrong. §112: External subjectivity is the will of others. Subjectivity and objectivity merge in my moral will. §113: The moral will acts. Action involves making my will external to myself, meeting obligation, and encountering the will of others. §114: The right of the moral will contains abstract right, purpose, and a reference to the good in its universality.

Section 1: Purpose and Responsibility. §115: When my acts contribute to a circumstance, I become responsible for that outcome. §116: The owner of things is to some extent responsible when those things cause damage. §117: We are not responsible for our misunderstandings of circumstances, even when our mistaken acts create harm.

§118: Acts generate far-flung consequences. We are responsible only for those that were intended.

Section 2: Intention and Welfare. §119: When one intends an act, one acknowledges that he enters the stream of causation, and does not know the full outcome of that act. This is the universal in the individual act. §120: Not only are outcomes unknown, so also the subjective side, the quality of the mind that wills must be considered. Children and imbeciles have less or no responsibility for their acts. §121: One has a right to satisfaction in his act. §122: Though we enjoy freedom in our acts, once we commence an act, it becomes part of an infinite series of causes. §123: We act for our welfare/happiness, which consists in what interests or should interest us. §124: The will is the “series of its actions.” Those who reduce all great acts to mere questing after fame or fortune err. Great acts are more than self-seeking. §125: One’s welfare includes the welfare of others. §126: Promoting my welfare and that of others does not justify doing wrong. One cannot justify crime by imagining that beneath wrong action lies good emotion or enthusiasm. The state is supreme. Individual rights are valid only in concord with the demands of the state. §127: One may take or damage the property of another when exigent circumstances demand, because the alternative is a grave loss. None should die over a question of rights. §128: The good and conscience are related ideas. They grow from right and subjectivity.

Section 3: The Good and the Conscience. §129: Actualized freedom is the purpose of existence. The good holds within itself right and welfare. §130: Well-being, to be good, requires right. Right, to be good, requires well-being. §131: The individual’s will should aim at the good, to bring it into being by its choices. §132: The good becomes actual through the actions of individual wills. Humans know what is good for them, and are responsible for choosing the good. To nibble at responsibility for crime by reducing knowledge or ability to resist is to dehumanize the criminal. §133: There are no reasons to do one’s duty, other than that it is a duty. §134: Duty is to do right by promoting one’s and others’ welfare. §135: Kant erred in seeking universal maxims. They utterly lack content, other than non-contradiction. Morality must have internal content, or it would be empty. §136: Conscience is the self reflecting the universal to itself, and choosing particular courses of action in the process. §137: Conscience moves the individual to will what is good as the individual grasps goodness, and to assert that his grasp of goodness is true. The moral conscience is isolated. Moral conscience differs from ethical conscience, which evaluates its judgments seeking goodness and duty “in and for themselves.” §138: The isolated moral will is pure inwardness, but must reach outside itself into the work and choose the good in particular. §139: Evil acts are those chosen by individual will contravening the universal. §140: The evil mind asserts that its evil acts are good for itself and others, thereby declaring itself absolute. Hypocrisy deceives others, supports itself by lone opinions, asserts that the good of actions consists in the good intention with which they are performed, finds that ends justify means, and believes that the evildoer’s conviction that a thing is right makes it right. Hypocrisy asserts there is no evil at all. Thus elevating individual conscience robs all law of its force; the individual toys with laws. This ultimately leads to irony, in which the absolute I realizes it errs, and so all decision is finally arbitrary. §141: When the individual wills the good, that is ethical life.

Part Three: Ethical Life. §142: Universally, an ethical life expresses its freedom self-consciously in concrete actions. Individually, ethical life exists through the choices of individuals. §143: The universal and individual are the two sides of a coin. Both are founded in Idea. §144: Governmental laws are the good, superior to individual opinion or preference. §145: Ethical action forms a system, the permanent element of which is objective freedom. Individuals, who transiently enact the system, come and go. The Idea remains. §146: Self-consciousness is objective, more fundamental than physical nature itself. §147: Nature is necessary to individual life, and is elevated by self-conscious living into insight. §148: Duties are the result of methodical consideration of ethical necessity. Duty does not derive from individual drives, feelings, and experiences that may favor the behavior. Duties are behaviors that support the state.

§149: Doing one's duty liberates. One is no longer bound by his natural drives or moral subjectivity. §150: Virtue is doing one's duty to the extent known. When the ethical act is performed, the individual is called virtuous. §151: When ethical action becomes cultural and habitual, spirit emerges in the world. §152: As the individual progresses ethically, opposition to embodying the universal wanes, and the person recognizes in the purposes of the state the demands of the universal. The state is "ethical actuality." §153: A son is best educated to be ethical by making him a participating citizen of a state with good laws. §154: Individuality arises within the ethical culture of the state. §155: Rights derive from duties, and duties from rights. §156: Actual cultures are the ethical spirit of the world. §157: The actualized ethicality of a culture is expressed in families and civil society, both of which find the context in a legal constitution and external order of the state.

Section 1: The Family. §158: The spiritual reality of a family is love; one belongs not as an individual, but as a member. §159: The individual emerges from the collectivity of family only when the family disintegrates. §160: Well families marry, acquire assets, and raise children, then dissolve.

A. Marriage. §161: Marriage begins as a natural bond, but grows toward self-conscious love in spiritual union. Marriage is not mere sexual union, a mere contract, or merely love. §162: Marriage consists essentially in the consent of two to become one person. In arranged marriage cultures, violence is often done to the marital partners' sensitivities. In modern culture, the partners find love and deem it of ultimate significance, but it has no essential role. §163: Ethical marriage actively seeks entire sharing of existence. §164: The marriage ceremony is essential, because it puts all else in its appropriate spiritual and linguistic framework. §165: The two sexes are rationally aimed at two worlds. §166: The world of men is the state, learning, work, and the whole external world, including struggle with himself. The world of women is the family and piety. §167: Marriage must be monogamous because the sharing must be undivided. Monogamy is a bedrock principle of ethical community. §168: Since vitality arises out of differences coalesced, marriage should never be within families. §169: A family exists externally in its property.

B. The Family's Resources. §170: Acquiring resources for family purposes makes ethical what might otherwise be selfish. §171: Husbands should earn and control family resources. Problems may arise because of family member choices. §172: Property settlements when families are disrupted attempt to preserve the common ownership of the family resources.

C. The Upbringing of Children and the Dissolution of the Family. §173: The unity of marriage is bodily expressed in children. §174: The family owes support and rearing to children. A child's labor must aim at the child's growth, not at acquiring resources. Discipline aims to deter misdirected freedom in children, and raise them to perceive the universal. §175: Children are not parental property. The goal of child-rearing is to make them able to leave the family unit. §176: Divorce should be granted only when the partners are wholly alienated. §177: Children grow, become legal persons, marry themselves, and raise children. Their parental families diminish in importance, as does the kinship group. §178: In inheritance, one acquires what was already one's own, from family resources. §179: Family disintegration may justly lead one to form a friendship family, to whom one may devise property. §180: One may rightly distribute unequally within a family, but relationships may be injured. Hegel considers the inequities of Roman inheritance laws. §181: Families disintegrate naturally, becoming more distant relations, which themselves become cultures or nations.

Section 2: Civil Society. §182: The first principal of civil society is the individual, who is an end in himself. The second principal of civil society is universality, by which

individuals are necessarily connected to other individuals. §183: The individual's well-being is bound up with the well-being of others, and is secure only when so grounded. This interdependent system is the external state. §184: Ethical life can be lost when considering only the state or the individual. Ethical life grows in the systemic interaction of the collective and individual. §185: The individual, acting within the state, creates extravagance and misery. Understanding society required a firm concept of the infinite individual which Plato lacked; the idea was supplied by Christianity, and made Hegel's thought possible. §186: Fully expressed, the individual approaches the universal, and the individual's freedom is seen to be necessity. §187: The individual recognizes himself as part of the continuity of the State, and so raises himself to the universal Idea. Spirit (which is the universal Idea) divides itself, creating an apparent limitation in Spirit, which Spirit resolves within itself in actual States. This is the dialectic of history. Education is freedom working hard to be yet more free. §188: Civil society depends upon: a) work providing for one's needs by meeting others' needs (the system of needs), b) protecting property by a system of justice, and c) protecting the State's interest in individual lives through police and corporations.

A. The System of Needs. §189: Individual needs are met with property and relations to others, and by work that acquires property from others. **THE NATURE OF NEEDS AND THEIR SATISFACTION.** §190: Humans have more complex needs than animals, as a result of thinking. §191: Likewise, the means of meeting human needs are complex and ever growing in refinement. §192: Needs and the means to meet them become social reality. §193: Individuals make themselves like others to fit in socially, and then need to differentiate themselves, which generates further needs. §194: In the scale of needs, spiritual needs dominate physical needs, just as spiritual precedes natural in logical order. §195: Luxury creates grave increases in dependence and desires. **THE NATURE OF WORK.** §196: Work adapts natural material to some purpose. Consumption is, therefore, primarily consumption of human effort. §197: Theoretical education facilitates understanding complex general interactions. Practical education gives one the habit of being usefully occupied. §198: Specialization makes the worker more skilled at his specific job, and more productive. Eventually, specialization leads to mechanization, and the human steps out of the work loop to other tasks. **RESOURCES [AND ESTATES].** §199: Work converts selfishness into satisfying the common needs. Meeting needs meets one's own needs. §200: Differences in individual skill with capital and natural aptitudes necessarily result in inequalities. That Spirit demands equality does not cancel nature's structure of necessary inequality. §201: Social systems evolve into different estates. §202: Estates are substantial, formal, and universal. §203: The *substantial* estate is soil products. States grow from agriculture and marriage, each of which contributes to family wealth. §204: The *formal* estate forms natural products into items of trade. §205: The *universal* estate works to serve the universal interests of society. Its workers, therefore, must be independently wealthy or receive funding from the State. §206: Individuals are predisposed to belong to one estate or another by accidents of birth or circumstance, but the primary determinant of one's occupation remains the individual will. §207: The ethical individual chooses an estate and prospers within it; this is self-limitation and determination. If one avoids choosing an estate, the individual becomes nobody. §208: When individuals acquire property, a system of justice emerges to protect it.

B. The Administration of Justice. §209: Individuals express the universal in themselves. All humans, therefore, count as persons, regardless of religion or nationality. Educated thought (cosmopolitanism) opposes abuses of personhood by the state. §210: Right can be known and induces a belief in

its universal validity. **RIGHT AS LAW.** §211: When what is right is made manifest, it becomes the law of the state, applicable to all. Customs are less formal and more changeable. English common law and Roman law wrongly relied on precedent. Legal codes are preferable. A systematized code is a universal code. §212: Only law has force of right. Even law may be corrupted because of contingent particularities. §213: Right applied to civil society makes the content of law. Morality cannot be legislated, but the manifold complexities of society are its subject matter. §214: Law applies the universal to the individual case by judicial action, which is always to some degree arbitrary. **THE EXISTENCE OF THE LAW.** §215: Binding laws are universally known to the citizens bound by them. §216: Although right is universal, law in its application to actual civil society is partial and growing. §217: Property is acknowledged in formalities which should be credited and maintained. §218: Crime, in a society of laws, injures society as much as the individual. Crime against society does not threaten society, as it does the individual victim, and so punishments are reduced. **A COURT OF LAW.** §219: Universal right in law is applied to the individual case by courts. §220: Revenge is not lawful. Courts transmute revenge into right appeasing itself. §221: Citizens can seek the assistance of courts and owe a duty to submit their disputes to courts. §222: Litigants must prove their cases. §223: Law must require arbitration before full litigation, so that the process is not abused. Litigation can itself become an injustice. §224: Courts must publicize the results of and decision-making processes of court cases. §225: Court decision-making involves fact-finding and application of law to those particularities. §226: Professional judges raise individual facts to universals. §227: Fact-finding is a general skill, available to any educated person. We aim for certainty, not truth. §228: Court proceedings should be conducted and reported in common language so public access is facilitated. §229: Justice administers right for society. The police and corporation protect my individual welfare.

C. **The Police and the Corporation.** §230: The police correct infringements on property and persons. The goal must be to guarantee the “undisturbed security of persons and property, as well as livelihood and welfare of all. **THE POLICE.** §231: Governmental authorities attempt to bring universals to bear on individual circumstances. §232: When private action harms others, the authorities intervene to prevent crime and damage to individual and collective property. §233: Even when a crime does no wrong (accidentally), police are still authorized to penalize the criminal. §234: The specifics of what police investigate and censure is culturally determined. Objectivity in these matters is impossible. §235: Government bureaucracies should facilitate ease of contract and a fluid business environment. §236: Government may intervene in free markets when imbalances arise by price-fixing and quality control. The individual lacks the broad knowledge necessary to defend his own interests. §237: Despite maximum government intervention, inequalities will emerge due to differences of individual skill, health, capital. §238: Society treats family members as individuals, and thereby makes every person reliant upon civil society for her livelihood. §239: Government may intervene to guide or control education of children. §240: Government may reign in profligate spenders, since their excesses damage society. §241: The state becomes the extended family of every citizen. It is responsible to care for each both physically and morally. §242: Society depends upon charitable action by individuals, morally moved, to care for its citizens, in addition to public action. §243: The natural aims of society are to grow its population and industry. §244: If citizens are unemployed or underemployed, they lose identification with the society and become rabble. §245: Society could

provide for the rabble by taxing the rich or by employing the rabble. Neither works. Society is never wealthy enough to prevent rabble. §246: Society must look to international trade to remedy these problems, taking advantage of other states who lack the capital or creativity to compete. §247: International trade relies on the sea and rivers, which provide not only commerce but also education. §248: By sea, societies colonize new regions, and families return to the soil. §249: Corporations stand beside the police undergirding society. **THE CORPORATION.** §250: There exist three estates: the universal, the intermediate (trade and industry), and the agricultural. §251: Trade corporations grow from common work. §252: A corporation has authority, under that of the state, to govern itself. It becomes a second family to its members. §253: Individuals find honor in their corporations. These estates help limit the creation of rabble. §254: Corporations redirect individual activities to common societal ends. §255: Families and corporations are the roots of the state. §256: The ground of the state is the town and country. States unify universality and particularity in themselves.

Section 3: The State. §257: The state makes real the ideal. §258: The State is essential rationality. A citizen's highest duty is to be a member. But the State is not just civil society. The State is rationality embodied. Rationality arises in interaction between the global Idea and its individual expression. Hegel rejects the view of others: Rousseau, Fichte, von Haller. §259: The idea of the state involves constitutional law, international law, and world history.

A. **Constitutional Law.** §260: The individual's freedom consists in pursuing the state's interests as one's own. §261: Though the individuals and families must make the state's ends their own, the state exists to make the well-being of individuals and families secure by ensuring their rights. Duties and rights always exist in matched sets. §262: The ideal state allows its citizens to self-select their jobs and families, but accomplishes its end through these choices. Lesser states assign jobs and families. §263: To the individual, the state is rationality embodied. §264: Individuals find their identities in family, civil society, and corporations. §265: These structures form the constitution of the state. §266: The actual state looks to the ideal state as its inner light. §267: The State necessarily evolves from the individual patriotism and the collective of persons in the State. And vice versa. State and individual are a cycle. §268: Patriotism is habitual truth, not opinion. Practically, rationality is action conformed to the state's structures. §269: The state is an organism, self-producing from pure Idea. §270: The State knows what it wants because it is thought made actual. Religion is not the foundation of the State, but poses some threat to it. God's will is the state expressed in this world and time. Religion relates the individual to the Absolute in feeling, thought, and faith. Religion might encourage citizens to ignore laws and indulge fanaticism. Genuine religion endorses the State. The State should protect religion and require citizens to participate, but not control which religion predominates. States have nothing to do with theology. Actual states and the actual church have often been in conflict. The State and Church are not conflicted in essence, but only in form. Church and State are not one; we need both forms of thought. Political life has an internal organization (constitution) and external relations to other states. **THE INTERNAL CONSTITUTION.** §272: Each of the various powers within a state contains the entirety of the state's powers. §273: The three elements of the state are the legislative, executive, and sovereign (constitutional monarchy). §274: A nation's constitution grows from its culture. *The Power of the Sovereign.* §275: A king personally applies universal principles to particular situations. §276: The powers of the state are not independent, but a unity. Each power contains

all others. §277: Though individuals perform the actions of the state, their actions are not personal. They belong to the state. Offices cannot be sold or inherited. They do not belong to those who exercise their powers. §278: Sovereignty consists in the state's powers unified as a "self." §279: The state as a person is expressed by the monarch. "Popular sovereignty" is a nonsensical concept. §280: The self-determination of the state requires the sovereignty of kings by birthright. §281: Hereditary succession is necessary to prevent factions, but birthright succession derives from the unity of the state uninfluenced by arbitrary will. §282: Only the king may pardon crimes. §283: Royal bureaucracy exercises the sovereign power on behalf of the king. §284: Bureaucrats can be held accountable only in objective matters. §285: The universal resides in the conscience of the king and the constitution. §286: Every constitutional citizen does his duty, and thereby upholds all the others, including the sovereign. *The Executive Power.* §287: The executive power applies the king's decisions to society, and consists in the judiciary and police. §288: Society's non-governmental interests are controlled by corporations representing communities and professions, subject to the government's approval. §289: High level bureaucrats defend the universal interests of the State, and consult with the sovereign. §290: Corporations and bureaucracies deal with everyday decisions. Higher executive bodies correlate these actions with the state's universal interests. §291: Civil service must use merit based appointment. §292: The king appoints people to offices, but never really knows if this or that person is an appropriate official. §293: Executive administrative agencies flow from sovereignty necessarily, without contingency. §294: The bureaucrat sacrifices his individual ends to public ones, from which derives his authority. §295: Bureaucracies self-police, but are also criticized by corporations from below. §296: Bureaucrats must be educated in ethics and rationality to insure their impartiality. §297: Bureaucrats form the middle class, who are kept in their place by the king above and the corporations below. *The Legislative Power.* §298: Legislatures enact laws to apply universal concerns to daily life, governed by the constitution, but interacting with it through culture to cause the constitution to evolve. §299: Laws concern the rights and obligations of citizens. Obligations tend to be expressed in money or military service. §300: Legislative power consists in laws, the monarchy as a source of decision, and the executive administering those laws and decisions. The legislative also concerns Estates. §301: Estates are popular organizations within the State, which have occasionally strained relations to the State. §302: Estates mediate government to the people. §303: The universal estate serves the government. Private estates are congregations of citizens, and the location at which the State becomes actual. The individual citizen is an abstraction. The State consists in circles of citizens, which are estates. §304: When estates contact one another, there may be conflict. §305: Normal ethical life contains an estate consisting in a family and its income from land. This estate has a natural political relation to the State. §306: The farm family is insulated from executive and trade interference, and internally stabilized by its need to pass on its assets to younger generations. §307: Families enter the political power structure without election, sharing naturally a claim to both power and a role in civil society. §308: Elected officials are an estate who represents the various circles or communities in civil society. Democratic atomism does not describe any actual state; it is an idea without expression in reality. §309: Elected legislators represent the people, but not narrowly so. Legislators act for the entire state's well-being. §310: Legislators should be persons who have exercised authority before being elected. §311: Legislators should not be popularly elected,

but rather put forward by their organizations and communities. Citizens fail to exercise their votes in elections with large electoral pools. §312: The families and the corporations should represent two houses of the legislature. §313: The two houses moderate extremes in either house, and reduce the likelihood of conflict between the legislature and the sovereign. §314: The primary purpose of the legislative houses is not to legislate, but to give knowledge of universals to those otherwise excluded from governmental processes by holding public deliberations. §315: This knowledge allows citizens to become rational about the State, tamps down self-conceit and educates. §316: Once educated, citizens participate in the State's task of making the universal actual by public opinion. §317: Public opinion contains true and false views. The State should ignore the public's false views, and is the final arbiter of which is which. §318: The State (or a person of great achievement) sorts true from false in public opinion; public opinion will eventually follow that sorting. §319: Freedom of speech and press is not freedom to say what one wishes. The State says all that is of importance in matters of government. Some opinions are crimes (slander, abuse, hate talk, contempt for law and the sovereign, and so forth). The State should be generally tolerant of these, as they bring disrepute upon themselves. §320: Opinion, run amok, destroys the State. Its true freedom lies in conformity with the State's view of matters. EXTERNAL SOVEREIGNTY. §321: Considered on a global scale, an individual state is one among many, and is represented by the king. §322: Every state manifests the State, and is something of an individual with respect to those other states. States cannot join one another. Independence is their primary characteristic, typified in their various sovereigns. §323: Individual existence is nothing, but the State gives that nothingness substance. §324: Individuality (that of the state or that of the person) exhibit both contingent particularity and participation in the universal being in and for itself. Citizens owe a duty to protect the State at all costs. The individuality of states entails the possibility of war. War is a contingent event, and does not affect the State itself. War prevents state stagnation, which would be the necessary result of peace among nations. War among nations parallels the conflicts of corporations within the State. §325: Preserving the State is a universal duty. Those who shoulder this task (soldiers) enter the estate of valor. §326: If external threats bring a nation to a war footing, the State should seek conquest. §327: Valor consists in willingness to sacrifice all for the State. This is the military's task, but also every citizen's obligation. §328: The soldier sacrifices personal individuality for the communal identity, for the universal. §329: The king is the state externally. He directs armies, conducts foreign relations, and effects treaties.

B. International Law. §330: International law governs relations between states. The states are not persons, subject to anything else, including morality. States make agreements, but are bound by them only to the extent they wish to be bound. §331: Nation states are absolute powers on earth, all independent and demanding recognition. States need recognition to differentiate themselves. §332: Interstate relations consist in contracts, but are less complex than intrasociety contracts, because states meet their own needs. §333: Nations should comply with their treaties, as a matter of universal right. But states are independent, not subject to any higher powers, and so observe all rules only to the extent they deem appropriate. Kant's universal peace with a world government is infeasible because individual states are the highest authority with respect to themselves. §334: Where states disagree, war ensues. Individual states determine which injuries suffice to impel war. §335: Even the idea of injury by another state increases war's likelihood. §336: Each state seeks its own welfare. §337:

Any given state's welfare depends upon its particular history and international circumstance. What should govern a state is its particular, historical well-being, not some fuzzy ideas thought to be universal moral commandments. §338: States acknowledge the right of other states to exist, even when warring. Family life and civil institutions should not be attacked by external enemies. §339: War practices depend upon the customs of the warring nations. §340: The spirit of the world arises from the dialectic of actual nations. That spirit is universal, unbounded, and judges the actions of nations.

C. World History. §341: One learns of the universal spirit from religion and philosophy, though this global spirit actualizes in world history. §342: World history makes concrete the universal spirit in the actual lives of nations. §343: Spirit is self-referential; Spirit's ultimate conversation is with itself. Spirit provisionally divides itself, talks with its divisions, and reunites at a higher level of self-comprehension. Spirit's self-elevation toward perfection means that humanity is ascending toward perfection. §344: Humans are unwitting participants in the progress of Spirit toward ultimate perfection. §345: World history does not consist in the vicissitudes of its individual players. World history rewards that nation which lives in absolute right. §346: In the characters and specific locations of various peoples lie world history's natural principals, which drives world progress toward perfection. §347: The nation at the crux of world history plays its role once, and then is done. Other nations count little at any given stage of world history, though one of them will become the crux of the next stage of world history. §348: World history comes to focus in individuals who encapsulate its moment of growth. These persons become famous, but are not frequently honored. Nor do they recognize their crucial role. §349: Tribal life becomes national life when it becomes an ethical entity. §350: Idea and Spirit seize both right and wrong to express themselves. Heroes make nations. §351: Nations can and should rank themselves by their progress in spirit: pastoralists above hunters, farmers above both. §352: There exist four principles of world-spirit development. §353: First, Spirit advances itself by making itself substantial in individual life. Second, knowledge grows and makes self-aware individuals and nations. Third, these entities recognize the Idea universals, and see it is not the actual world. Fourth, Spirit grows accustomed to the deficiencies of the actual world and becomes the actual world. §354: Four historical regimes represent the four principles: a) Oriental, b) Greek, c) Roman, and d) Germanic. §355: The Oriental realm was patriarchal theocracy. The physical world is divine or God's playground. Castes predominate social arrangements, and individuals do not truly exist. §356: In the Greek realm, ethical life and the personal individual emerge. Lack of economic integration leads to slavery. §357: In the Roman realm universality arises amidst individual self-consciousness, but disintegrates beneath greed and corruption of the rabble. All disintegrates. §358: In the Germanic realm, Spirit recovers from negativity. Spirit recognizes that the divine and human are one, and objectivity and subjectivity united. This reconciliation emerges from "the Nordic principle of the Germanic peoples." §359: Inwardly, the Germanic utopia experiences faith, hope, and love. Outwardly, it is characterized by loyalty, companionship, and freedom. Still, there exist ethical collapses and raw arbitrariness. Representational thinking still blinds thought to Spirit, and creates a barbarism. §360: The Germanic realm overcomes these oppositions. Truth comes from above to be earthly. Injustice is defeated. Reason becomes actual in the Germanic realm. Religion abandons myths for ideal essentials. Science reconciles

both political and religious life and all knowledge, revealing the ideal world.