The Doctrine of Right, Duties and Religion for the Lower Class

Print version from grundlinien.de. Each page of this file holds exactly one page of the German printed edition (Werke vol. 4, pp. 204–274); the page number stands at the top in square brackets and in the text between vertical bars. The right-hand margin is left free for notes. Online: https://grundlinien.de/en/doctrine-of-right-duties-and-religion/

Paragraphs which Hegel, as rector of the Nuremberg Gymnasium, dictated to the lower class from 1810 onwards, together with his explanations. Not published in his lifetime; Karl Rosenkranz edited them in 1840 from the papers as the first course of the "Philosophische Propädeutik" (Werke, vol. XVIII, pp. 3 ff.). Translated from the German text of the Werke (vol. 4, "Nürnberger und Heidelberger Schriften"). Additions in parentheses are Rosenkranz's, following Hegel's dictation.

The figures between vertical bars, e.g. |93|, mark the beginning of a page of the printed edition, so that a passage can be found again in one's own copy.

In the notes, "*Editors:*" introduces a note by the editors of the German edition and "Hegel's footnote." one of Hegel's own.

Cross-reference: The whole of practical philosophy on a few pages: abstract right, the society of the state, the doctrine of duties, religion. Much of it returns, worked out, in the *Groundlines*, often in the same words — compare § 34 ff. (abstract right), § 105 ff. (morality), § 142 ff. (ethical life) and § 257 ff. (the state). At each section the corresponding place is noted as a cross-reference. The German text is on the German side of this edition.

(1810 ff.)

Introduction

§ 1

The object of this doctrine is the human will, namely according to the relation of the particular will to the universal will. As will, spirit behaves practically. The *practical* behaviour, through which it posits in its indeterminacy a determination, or, in place of determinations present in it without its contribution, others out of itself, is to be distinguished from its *theoretical* behaviour.

§ 2

Consciousness in general is the relation of the I to an object, be it an inner or an outer one. Our knowledge contains in part objects which we cognize through sensuous perceptions, in part however objects which have their ground in spirit itself. The former make up the *sensuous*, the latter the *intelligible* world. The concepts of right, of the ethical and of religion belong to the latter.

§ 3

In the relation of the I and the object to one another, the I is 1. as *passive* and the object as the cause of determinations in me. In this case the determinate representations which I have in me come from the fact that immediately present objects make an

|205| impression on me. This is *theoretical* consciousness. Whether it behaves as *perceiving* or as *imagination* or as *thinking*, its content is always one already given and present, and in thinking what is in itself is its content. 2. On the other hand, the I appears as *practical* consciousness when the determinations of the I are to be not only determinations of its representing and thinking, but are to enter into external existence. Here I determine things or am the cause of alterations of the given objects.

§ 4

The practical faculty determines itself in general inwardly, from itself. The content of its determinations belongs to it, and it cognizes them as its own. - These determinations are, however, at first only inward and therefore separated from the reality of externality, but they are to become external and to realise themselves. This happens through *acting*, through which the inward practical determinations receive an externality, i.e. an external existence. - Conversely, this can also be considered in such a way that an existing externality is sublated and made to accord with the inward determination.

§ 5

The inward determination of practical consciousness is now itself either *drive* or *will proper*. The drive is a natural self-determining which rests on restricted feelings and has a restricted purpose beyond which it does not go, or it is the unfree, immediately determined, *lower faculty of desire*, according to which the human being behaves as a natural being. - Through *reflection* he also goes beyond the drive and its limits. Through it he compares it not only with the means of its satisfaction, but also these means as well as the drives themselves with one another and with the purposes of his essence, and with the conclusion of reflection he either abandons himself to the

|206| satisfaction of the drive, or he halts it and renounces it.

§ 6

The will proper or the *higher faculty of desire* is 1. pure *indeterminacy* of the I, which as such has no limitation, nor a content immediately present through nature, and is in itself indifferent to every determinateness; 2. I can at the same time pass over to a *determinateness* and make the one or the other my own, which I then translate into actuality.

§ 7

The *abstract freedom* of the will consists, then, in that indeterminacy or equality of the I with itself, in which a determination is only insofar as it makes it its own or posits it in itself, but at the same time remains therein equal to itself and can abstract again from every determination. - Manifold stimuli, motives, laws can indeed be put before the will *from outside*, but if the human being follows them, this happens only insofar as the will itself makes them its own and has resolved upon them. - This is also the case with the determinations of the lower faculty of desire, or with what comes from the *natural* drives and inclinations.

§ 8

The will bears *guilt* 1. insofar as its determination is made its own only by *itself* or belongs to its resolution: I have willed; 2. insofar as a will *knows* the determinations which are produced by its action, as it lies in its resolution, or which are necessarily and immediately connected with it.

§ 9

The *deed* is in general the produced alteration and determination of existence. To the action, however, there belongs only

|207| that of the deed which lies in the resolution or was in consciousness, which the will thus recognises as its own.

§ 10

The free will, as free, is furthermore not bound to the determinateness and individuality by which one individual distinguishes itself from another, but it is universal will, and the individual, according to his pure will, is a universal being.

§ 11

The will can indeed take up into itself and make its own manifold external content, i.e. content not proceeding from its essence. Insofar it remains self-equal only in form, namely in that it is conscious of being able at once to abstract again from every content and to restore its purity, but not in content and essence. *Insofar* it is in general only *arbitrary will*.

§ 12

But for the will to be *truly* and absolutely free, what it wills, or its content, can be nothing other than itself. It can only will in itself and have itself as its object. The pure will therefore wills not some particular content for the sake of its particularity, but that the will as such be *free* in its doing and be *set free*, or that the universal will come to pass.

The closer determination and development of this universal principle of the will is presented by the doctrine of right, duties and religion.

Explanations of the Introduction

§ 1

Objects are the particular thing that they are through their *determination*, - a sensuous object, e.g., through

|208| its shape, size, weight, colour, through the more or less firm cohesion of its parts, through the purpose for which it is used, etc. If one now leaves out the determinations of an object in representation, this is called *abstracting*. A less determinate object, or an *abstract object*, is left over. If, however, I pick out in representation only a single such determination, this too is an *abstract representation*. The object, left in the completeness of its determinations, is called a *concrete* object. If I abstract from *all* determinations, there remains to me merely the representation of the wholly abstract object. When one says "thing", *one does mean* something determinate, but one speaks of something wholly indeterminate, since it is our thought that makes an actual thing into this abstraction of a mere thing.

Sensuous perception is partly external, partly internal. Through the external we perceive things which are in space and time outside us and which we at the same time distinguish from ourselves. Through internal sensuous perception we notice states partly of our body, partly of our soul. A part of the sensuous world contains such objects and their determinations as, e.g., the colours, which have the sensuous as their ground and have received a spiritual form. When I say "this table is black", I speak, first, of this single concrete object; second, the predicate black, which I assert of it, is a universal, which no longer holds merely of this single one but pertains to several objects. The black is a simple representation. - Of a proper concrete object we know *immediately*. The immediate becoming-conscious is *intuition*. A universal abstract representation, on the other hand, is a *mediated* representation, because I know of it by means of another, namely through abstraction or the leaving out of other determinations which in the

|209| concrete are connected with it. - A concrete representation is *analysed* by laying out the determinations which are united in the concrete. The intelligible world receives its content from spirit, in general pure universal representations, e.g. being, nothing, property, essence and the like.

§ 2

The first source of our cognition is *experience*. To experience there belongs in general that we have perceived something *ourselves*. A distinction must also be made, however, between perception and experience. Perception at first contains only a single object, which may by chance be constituted now thus, another time otherwise. If I now *repeat* the perception and in the repeated perception notice and hold fast what remains the same in all these perceptions, this is an experience. Experience contains chiefly *laws*, i.e. a connection of two appearances such that, when the one is present, the other always follows too. Experience, however, contains only the universality of such an appearance, not the necessity of the connection. Experience teaches only that something is so, and how it happens or is present, but not yet the grounds or the why.

Since there are very many objects regarding which we cannot ourselves have the experience, e.g. the past, we must also rely on the *authority* of others. Those objects too which we hold true on the authority of others are objects of experience. We *believe* on the authority of others what is *probable*. We often hold probable what is in fact improbable, but precisely *the improbable is often the true*. - (An event proves itself above all through the consequences and through the manifold connection of circumstances of which we have had experience ourselves. The men who relate something must have

|210| *credibility*, i.e. must have been in such circumstances as to be able to have knowledge of the matter. From their tone we can infer their honesty, whether they are in earnest or have some interest in it. If writers write under the government of a tyrant and they bestow eulogies on him, we see that these are flatteries. If we hear someone relate something in which he himself is entangled, one will surely hear that he relates it to his advantage. If someone, however, greatly praises a good quality or action of his enemy, we must rather believe what is said.)

Experience thus teaches only how objects are constituted, not how they must be, nor how they ought to be. This cognition proceeds only from the *essence* or the *concept* of the matter. It alone is the truthful one. Since from the concept we learn to cognize the grounds of the object, we must also cognize the concepts of the determinations of right, morality and religion.

In determining what is right and good we can at first hold to experience in general, and indeed, in the first place, to the *external*, namely to the *course of the world*. We can see what counts as right and good or what proves itself as right and good. On this it is to be remarked 1. that, in order to know which actions are right or good and which wrong or evil, one must already have *beforehand* the concept of the right and good; 2. if one therefore wished to hold to what the course of the world shows as valid too, *nothing determinate* would result on the matter. With regard to the results or the experience one has, it would depend on the view one brings along. In the course of the world, because it is itself this diverse happening, everyone can find confirmation for his subjective view, however different it may be.

But there is also, secondly, an *inner* experience of the right, the good and the religious. We judge through our

|211| *heart* or *feeling* that something of this way of acting is good or evil; we also have a feeling of religion; we are religiously affected. What feeling says as an *approval* or *disapproval* of it contains merely the immediate pronouncement or assurance that something is so or is not so. Feeling gives no grounds and does not speak according to grounds. What feeling we have, of approval or disapproval, is likewise mere experience of the heart. - Feeling, however, is in general *inconstant* and *changeable*. At one time it is constituted thus, at another otherwise. Feeling is in general something *subjective*. As an object is in feeling, so it is merely in me as a particular individual. When I say: "I feel something thus" or "thus it is in my heart", I say thereby that it is so only in me. I leave undecided whether it is so in others too. When in something I appeal merely to my feeling, I do not wish to go into grounds, thus not into the universal. I then withdraw into myself and express only how the matter is in me, not how it is in and for itself, objectively and universally. The *objective* or the universal is what belongs to the understanding, or the concept.

If one wants to cognize truly what a rose, carnation, oak etc. is, or to grasp their concept, one must first of all grasp the higher concept which underlies them, here therefore the concept of a plant; and in order to grasp the concept of the plant in turn, one must again grasp the higher concept on which the concept of plant depends, and this is the concept of an organic body. - In order to have the representation of bodies, surfaces, lines and points, one must have the representation of space, because space is the universal; bodies, surface etc., on the other hand, are only particular determinations in space. Thus future, past and present presuppose time as their universal ground, and so it is also with right, with duty and religion, namely they are

|212| particular determinations of *consciousness*, which is their universal ground.

§ 3

In consciousness we commonly have the object before us, or we know only of the object and do not know of ourselves. But essentially present in these things is the *I*. Insofar as we represent to ourselves merely an *object*, we have a consciousness, namely of the object. Insofar as we represent to ourselves *consciousness*, we are conscious of consciousness or have a consciousness of consciousness. - In our ordinary life we have consciousness, but we are not conscious that we are consciousness; we have much, even of the bodily, *unconsciously*; e.g. the vital functions which belong to our self-preservation we possess without thereby already having a consciousness of their more exact constitution, which we acquire only in science. Even spiritually we are much that we do not know. - The *external* objects of our consciousness are those which we distinguish from ourselves and to which we ascribe an existence independent of us. The *inner* objects, on the other hand, are determinations or faculties, forces of the I. They do not subsist outside one another, but that in which they subsist is I. - Consciousness behaves either theoretically or practically.

§ 4

Theoretical consciousness contemplates what is and leaves it as it is. The *practical*, on the other hand, is active consciousness, which does not leave what is thus, but produces alterations in it and generates out of itself determinations and objects. - In consciousness, then, two things are present, I and the object, I determined through the object or the object through me. - In the former case I behave theoretically. I take the

|213| determinations of the object into myself, *as they are*. I leave the object as it is, and seek to make my representations conformable to it. I have determinations in me, and the object also has determinations in itself. The content of my representing is to be constituted as the object is. The determinations of the object in itself are rules for me. The *truth* of my representations consists in their agreeing with the constitution and the determinations of the object itself. The law for our consciousness, insofar as it is theoretical, is not completely passive, but it must direct its activity to receiving what is objective. Something can be an object for our perception without our thereby having a consciousness of it, if we do not direct our activity to it. This activity in receiving is *attention*.

§ 5

The representations which we acquire through attention we move about in ourselves through *imagination*, whose activity consists in calling up for us, on the intuition of an object, the image of another object which is or was connected with the former in some way. It is not necessary that the object to which imagination attaches the image of another be present, but it can also be present merely in representation. The most extensive work of imagination is *language*. Language consists in external signs and sounds by which one makes known what one thinks, feels or senses. Language consists in *words*, which are nothing other than signs of thoughts. For these signs, *writing* in the *letters* gives signs in turn. It makes our thoughts known without our having to speak in doing so. - *Hieroglyphic writing* differs from alphabetic writing in that it comprehends immediately *whole thoughts*

|214| in itself. In *speech* a certain sound is sensuously present. We have therein the intuition of a sound. We do not stop at this impression, but our imagination attaches to it the representation of an object that is not present. There are thus two things present here, a sensuous determination and another representation attached to it. The representation counts here solely as the essence and as the meaning of what is sensuously present, which thereby is a mere sign. The *given* content stands opposed to a content *produced* by us.

§ 6

In common life one *confuses* representation and thinking, and we also call thinking what is only representation of imagination. In *representation* we have a thing before us also according to its external, inessential existence. In *thinking*, on the other hand, we separate off from the thing the external, merely inessential, and bring out the thing only in its essence. Thinking penetrates through the external appearance to the inner nature of the thing and makes it its object. It leaves out what is contingent in a thing. It does not take a thing as it is as immediate appearance, but divides the inessential from the essential and thus abstracts from the former. - In intuition we have individual objects before us. Thinking *relates* them to one another or *compares* them. In comparison it picks out what they have *in common* with one another and leaves out that through which they *differ* from one another, and thereby obtains *universal* representations. - The universal representation *contains less* determinateness than the single object which falls under this universal, because one obtains the universal precisely only by leaving out the individual. On the other hand, the universal *comprehends* under itself *more* or has a far greater extent. Insofar as thinking produces a universal object, the

|215| activity of abstracting pertains to it and with it the *form* of universality, as e.g. in the universal object "human being". But the *content* of the universal object does not pertain to it, as abstracting, but is given to thinking and is present for itself independently of it.

To thinking there belong still manifold determinations which express a *connection* between the manifold appearances that is *universal* and *necessary*. The connection as it is in sensuous intuition is only an external or contingent one, which can be so or also not so. A stone, e.g., by its falling makes an impression in a soft mass. In sensuous intuition lies the falling of the stone and that thereupon, in time, there is a hollow in the mass where the stone touched it. These two appearances, the falling of the stone and the hollowing of the mass, have succeeded one another in time. But this connection contains as yet no necessity, but, according to the expression, under the same conditions the one could happen and the other not follow upon it. If, on the other hand, the relation of these two appearances to one another determines itself as a connection of cause and effect or as *causality*, then this connection is necessary or a connection of the understanding. It lies therein that, if under the same conditions the one happens, the other is contained therein.

These determinations are forms of thinking. Spirit posits them only *out of itself*, but they are *at the same time determinations of what is*. Only through reflection do we come to what ground and consequence, inner and outer, what is essential or inessential are. Spirit is not conscious thereby that it posits these determinations arbitrarily, but it expresses therein something that is present for itself without its contribution.

§ 7

When it is a matter in general of spirit receiving determinations, the indeterminacy of the I or of spirit is presupposed. The determinations of spirit belong to it, even if it has received them from other objects. Insofar as something in it does not come from it, as a content independent of it, the form nevertheless always belongs to it therein; e.g. in imagination the material indeed comes from intuition, but the form consists in the way in which this material has been connected otherwise than it was originally present in intuition. In a pure representation, e.g. that of the animal, the determinate content belongs to experience, but the universal in it is the form that comes from spirit.

This form is thus the own determining of spirit. In the theoretical faculty it makes the essential difference that only the form lies in the determining of spirit, whereas in the practical the content too comes from spirit. In right, e.g., the content is personal freedom. This belongs to spirit. The practical faculty cognizes determinations as its own insofar as it wills them at all. Even if they appear as alien determinations or as given, they must cease to be alien determinations insofar as I will them. I transform the content into myself, posit it through myself.

§ 8

The theoretical faculty begins from something existent, present, external and makes it into a representation. The practical, on the other hand, begins from an inward determination. This is called *resolution*, intention, direction, and makes the inward actually external, gives it an existence. This passing over from an inward determination to externality is called *acting*.

§ 9

Acting is in general a union of the inner and the outer. The inward determination from which it begins is to be sublated as to form, namely that of being merely inward, and to become external; the content of this determination is to remain; e.g. the intention to build a house is an inward determination whose form consists in being as yet only intention; the content comprises the plan of the house. If here the form is now sublated, the content nevertheless remains. The house which is to be built according to the intention and that which is built according to the plan are the same house.

Conversely, acting is equally a *sublating of the external* as it is immediately present; e.g. for the building of a house the ground, stones, wood and the remaining materials are altered in manifold ways. The shape of the external is made other. It is brought into an entirely different combination from what it was before. This alteration takes place in accordance with a purpose, namely the plan of the house, with which inward determination, then, the external is made to accord.

§ 10

Animals too have a practical relation to what is external to them. They act from instinct purposively, thus rationally. Since they do so unconsciously, however, one can speak of acting in their case only improperly. They have *desire* and *drive*, but no rational *will*. In the case of the human being one also says will of his drive or his desiring. More exactly speaking, however, one distinguishes the will from desire; the will, in distinction from desire proper, is then called the *higher faculty of desire*. - In animals *instinct* is itself distinguished from their drives and desires, for instinct is indeed a doing from desire or drive, which, however, is not

|218| concluded with its immediate expression but has a further consequence, likewise necessary for the animal. It is a doing in which there lies a relation also to something else; e.g. the hauling together of grains by many animals. This is not yet the whole action, but there lies further beyond it a purpose, namely their nourishment for the future.

The drive is, in the first place, something *inward*, something that begins a movement from itself or brings forth an alteration out of itself. The drive proceeds from itself. It is indeed awakened by external circumstances, but notwithstanding was already present. It is not produced thereby. Mechanical causes produce merely external or mechanical effects, which are completely determined by their causes, in which therefore nothing is contained that is not already present in the cause; e.g. if I give a body motion, there is in it nothing but the communicated motion; or if I colour a body, it has nothing more than the communicated colour. On the other hand, if I act upon a living being, this action makes of it something quite other than it is immediately. The activity of the living being is thereby aroused to show itself out of itself in its peculiarity.

In the second place the drive is 1. *restricted* as to content, 2. *contingent* on the side of its satisfaction, as dependent on external circumstances. The drive does not go beyond its purpose and is insofar called blind. It satisfies itself, whatever the consequences may be.

To this extent the human being does not posit his drives himself, but has them immediately, or they belong to his *nature*. Nature, however, is subject to necessity, because everything in it is limited, relative, or is absolutely only in relation to something else. But what is in relation to something else is not for itself, but dependent on the other. It has its ground therein and is something

|219| *necessary*. To the extent that the human being has determinate drives immediately, he is subject to nature and behaves as a necessary and unfree being.

§ 11

Yet the human being, as a thinking being, can *reflect* upon his drives, which in themselves have necessity for him. Reflection means, in general, abbreviation [?] from the immediate. The reflection of light consists in this, that its rays, which for themselves would propagate themselves in a straight line, are deflected from this direction. - Spirit has reflection. It is not bound to the immediate, but is able to go out beyond it to something else, - e.g. from an occurrence to the representation of its consequence, or of a similar occurrence, or also of its cause. In that spirit goes out to something immediate, it has removed the same from itself. It has reflected itself into itself. *It has gone into itself*. It has cognized the immediate, in so far as it opposes an other to it, as something limited. There is therefore a very great difference whether one merely *is* or *has* something, or whether one also *knows* that one is or has this; e.g. ignorance or coarseness of dispositions or of conduct are limitations which one can have without knowing that one has them. In so far as one reflects upon them or knows of them, one must know of their opposite. Reflection upon them is already a first step beyond them.

The drives, as natural determinations, are limitations. Through reflection upon them the human being begins, in general, to go beyond them. The first reflection here concerns the *means*: whether they are suited to the drive, whether the drive is satisfied thereby; further, whether the means are not too important to be sacrificed for this drive.

Reflection compares the different drives and their purposes with the *fundamental purpose* of the being. The purposes of the particular drives are limited, but each in

|220| its own way contributes to the attainment of the fundamental purpose. One, however, is more closely akin to this than another. Reflection therefore has to compare the drives, to see whether they are akin to the fundamental purpose and whether it is furthered the more by their satisfaction. In reflection the transition begins from the lower faculty of desire to the higher. The human being is therein no longer a merely natural being, or no longer stands in the sphere of necessity. Something is necessary in so far as only this and not something else can happen. Before reflection there stands not only the one immediate object, but also another, or its opposite.

§ 12

This reflection just described is, however, properly only a *relative* one. It does go beyond something finite, but always comes again to something finite; e.g. if we go beyond a place in space, another, larger one presents itself to us, but it is always a bounded space or place, and so it goes on to infinity. Likewise, if we go back from the present time into the past, we can represent to ourselves a period of ten or even of thirty thousand years. Such reflection does indeed proceed from a determinate point in space, in time, to another, but out of space or out of time itself it does not come. So it is also in practical-relative reflection. It leaves an immediate inclination, desire or drive and goes to another drive, desire or inclination, leaves this too again, and so on. In so far as it is relative, it only ever falls again into a drive, only drives about among desires and does not raise itself above this whole sphere of drives.

Practical *absolute* reflection, however, raises itself above this whole sphere of the finite, or leaves the sphere of the lower faculty of desire, wherein the human being is determined by

|221| nature and depends on the external. *Finitude* consists, in general, in this, that something has a limit, i.e. that *here its non-being* is posited, or that it ceases here, that it thus relates itself to something else. *Infinite* reflection, however, consists in this, that I no longer relate myself to something else but to myself, or am an object to myself. This *pure* relation to myself is the *I*, the root of the infinite being itself. It is the complete abstraction from everything that is finite. The I as such has no content given by nature or immediate, but has only itself as content. *This pure form is at the same time its own content*. Every content given by nature is 1. something limited: but the I is unlimited; 2. the content of nature is immediate: but the pure I has no immediate content, because it only is by means of abstraction from everything else.

§ 13

At first the I is the purely indeterminate. But through its reflection it can pass from indeterminacy to determinacy, e.g. to seeing, hearing, and so on. In this determinacy it has become *unequal* to itself, but it has at the same time remained in its indeterminacy, i.e. in that it gives itself over to it, it can return again into itself. To this belongs also resolving, for reflection precedes it and consists in this, that I have several determinacies before me, in an indeterminate multitude, which yet must be at least these two, namely some determination of something or also not this. The resolution sublates the reflection, the going over and across from one to another, fixes one determinacy and makes it its own. The fundamental condition of *resolving*, of the possibility of resolving oneself or of reflecting before acting, is the absolute indeterminacy of the I.

§ 14

The freedom of the will is freedom in general, and all other *freedoms* are merely species of it. When one says "freedom of the *will*", it is not meant as if there were, apart from the will, a further force, property or faculty that also had freedom. Just as, when one speaks of the omnipotence of *God*, one does not understand thereby that there were other beings besides him who had omnipotence. There is thus civil freedom, freedom of the press, political and religious freedom. These species of freedom are the universal concept of freedom, in so far as it is applied to particular relations or objects. *Freedom of religion* consists in this, that religious representations and religious actions are not forced upon me, i.e. that there are in it only such determinations as I recognise as my own and make my own. A religion that is forced upon me, or in regard to which I do not behave as a free being, is not mine, but always remains foreign to me. - The *political* freedom of a people consists in constituting a state of its own and in deciding what counts as the universal national will either through the whole people itself or through those who belong to the people and whom it can recognise as its own, inasmuch as every other citizen has equal rights with them.

§ 15

One does indeed express oneself thus: my will has been determined by these *motives, circumstances*, stimulations and impulses. This expression contains, in the first place, that I have behaved passively therein. In truth, however, I have behaved not only passively but also essentially actively therein, namely in this, that my will has taken up these circumstances as motives and lets them count as motives. The relation of causality does not take place here. The circumstances do not behave as causes, nor my will as their effect. According to this relation

|223| what lies in the cause must necessarily follow. As reflection, however, I can go beyond every determination that is posited by the circumstances. In so far as the human being appeals to having been seduced by circumstances, stimulations and so on, he wants thereby to push the action away from himself, as it were, but only lowers himself thereby to an unfree or natural being, whereas his action is in truth always his own, not that of another or not the effect of something outside him. The circumstances or motives have only as much dominion over the human being as he himself concedes to them.

The determinations of the lower faculty of desire are natural determinations. To this extent it seems to be neither necessary nor possible for the human being to make them his own. Yet precisely as natural determinations they do not yet belong to his will or to his freedom, for the essence of his will is that there be nothing in it which he has not himself made his own. He is thus able to regard what belongs to his nature as something *foreign*, so that it is therefore only in him, belongs to him only in so far as he makes it his own or follows his natural drives with resolution.

§ 16

To ascribe the *guilt* of an action to a human being means to impute it to him or to *reckon* it to him. To children who are still in the state of nature one cannot yet impute any action; they are not yet capable of imputation; likewise also the insane or the imbecile.

§ 17

In the difference between deed and action lies the difference between the concepts of guilt as they occur in the tragic *representations of the ancients* and in our concepts. In the former, the deed is ascribed to the human being in its whole extent. He has to atone for the *whole*, and no distinction is made that he knew only one

|224| side of the deed but not the others. He is here represented as an absolute knowing in general, not merely as a relative and contingent one; or what he does is regarded in general as *his* deed. *A part* of him is not detached and rolled onto another being; e.g. Ajax, when he killed the cattle and sheep of the Greeks in the madness of rage that he had not received the arms of Achilles, did not put the guilt on his madness, as if he had been another being therein, but took the whole action upon himself as the doer and slew himself out of shame.

§ 18

If the will were not a universal one, there would be no proper *laws*, nothing that could truly oblige *all*. Everyone could act according to his pleasure and would not respect the arbitrary will of another. That the will is a universal one flows from the concept of its freedom. Human beings, considered according to their *appearance*, show themselves as very different in regard to the will in general, in character, custom, inclination, particular talents. To this extent they are *particular* individuals and differ from one another by nature. Each has talents and determinations in itself that the other lacks. These differences of individuals are no concern of the will in itself, because it is free. Freedom consists precisely in the indeterminacy of the will or [in this,] that it has no natural determinacy in itself. The will in itself is thus a universal will. The particularity or individuality of the human being does not stand in the way of the universality of the will, but is subordinate to it. An action that is rightful or moral or otherwise excellent is indeed done by an individual, but all assent to it. They thus recognise themselves or their own will therein. - It is the same case here as with *works of art*. Even those who could not have brought about such a work find

|225| their own essence expressed in it. Such a work thus shows itself as truly universal. It receives the greater applause, the more the particular of its author has vanished from it.

It can be the case that one is not conscious of one's universal will. The human being can believe that something goes completely against his will, although it is nevertheless his will. The criminal who is punished can indeed wish that the punishment be averted from him; but the universal will entails that the crime be punished. It must therefore be assumed that it lies in the absolute will of the criminal himself that he be punished. In so far as he is punished, the demand is present that he also see that he is justly punished, and if he sees it, he can indeed wish to be free of the punishment as an external suffering, but in so far as he grants that he is justly punished, his universal will assents to the punishment.

§ 19

The *arbitrary will* is freedom, but it is *formal* freedom, or freedom in so far as my will relates itself to something *limited*. Two sides must be distinguished here: 1. in so far as the will does not remain therein in equality with itself, and 2. in so far as it remains in equality with itself.

ad 1. In so far as the will wills *something*, it has a determinate, limited content. To this extent it is thus unequal to itself, because here it is actually determined, but in and for itself is indeterminate. The limited, which it has taken up into itself, is thus something other than itself; e.g. if I will to walk or to see, I am one who walks or sees. I thus behave unequally to myself, because walking or seeing is something limited and is not

equal to the I.

ad 2. But I behave, as to form, in this also in

|226| equality with myself, or freely, because, in that I am thus determined, I at the same time look upon myself as something *foreign*, or distinguish this being determined from myself, the I, because walking or seeing thus is not in me by nature, but because I have myself posited it in my will. To this extent it is manifestly at the same time also no foreign thing, because I have made it my own and have my will for myself therein.

This freedom is now a formal freedom, because with the *equality* with myself there is *at the same time* also *inequality* with myself present, or something limited is in me. When we speak of freedom in common life, we usually understand by it the arbitrary will or relative freedom, that I can do something or also refrain from it. - With a limited will we can have formal freedom in so far as we distinguish this determinate from ourselves or reflect upon it, i.e. that we are also beyond it. - When we are in passion or act driven by nature, we have no formal freedom. Because our I is wholly absorbed in this feeling, it does not seem to us to be something limited. Our I is not also at the same time out of it, does not distinguish itself from it.

§ 20

The absolutely free will distinguishes itself from the relatively free will or the arbitrary will in this, that the absolute has only itself as its object, the relative, however, something limited. The relative will, e.g. desire, is concerned merely with the object. The absolute, however, also distinguishes itself from *obstinacy*. This has in common with the absolute will that it is concerned not so much with the matter as rather with the will as will, that precisely its will be respected. The two are well to be distinguished. The obstinate person holds to his will merely because it is his will, without having a rational ground for it, i.e. without his will being something universally valid.

|227| – As necessary as it is to have *strength* of will, which persists in a rational purpose, so repugnant is obstinacy, because it is what is wholly individual and exclusive against others. The truly free will has no contingent content. Only it itself is not contingent.

§ 21

The pure will is not concerned with any particularity. In so far as this is the case with the will, to that extent it is arbitrary will, for this has a limited interest and takes its determinations from natural drives and inclinations. Such a content is a given one and not absolutely posited by the will. The principle of the will is thus that its freedom come about and be maintained. Besides this, it does indeed will many a further determination. It has still many kinds of determinate purposes, institutions, conditions and so on, but these are not purposes of the will in and for itself, but they are *purposes* because they are *means* and *conditions* for the *realisation* of the freedom of the will, which makes institutions and laws necessary for the limitation of the arbitrary will, of the inclinations and of mere whim, in general of the drives and desires that relate themselves merely to natural purposes; e.g. *education* has the purpose of making the human being an independent being, i.e. a being of free will. For this intention many kinds of restrictions upon their pleasure are imposed on children. They must learn to obey, so that their individual or own will, further the dependence on sensuous inclinations and desires, be sublated and their will thus be liberated.

§ 22

The human being is a free being. This constitutes the fundamental determination of his nature. Besides this, however, he has still other necessary needs, particular purposes and drives, e.g. the drive to cognition, to the preservation of his life, of his health, and so on. Right does not have the human being

|228| as its object according to these *particular* determinations. It has not the purpose of furthering him according to them or of rendering him any particular help in regard to them.

Second. Right does not depend on the *intention* one has therein. One can do something with a very good intention, but the action does not thereby become rightful, but can nevertheless be contrary to right. On the other side, an action, e.g. the assertion of my property, can be perfectly rightful and yet an evil intention be present therein, in that I am concerned not merely with right but rather with harming the other. This intention has no influence upon right as such.

Third. It does not depend on the *conviction* whether what I have to render is right or wrong. This is especially the case with punishment. One does indeed seek to convince the criminal that right is done to him. Yet this conviction or non-conviction has no influence on the right that is done to him.

Finally, right is also not concerned with the *disposition* with which something is accomplished. It is very often the case that one does what is right merely from fear of punishment or from fear of other unpleasant consequences in general, e.g. of losing one's good name, one's credit; or one can also, in fulfilling one's right, have the disposition to be rewarded for it in the other life. Right as such, however, is independent of these dispositions.

§ 23

Right and *morality* are distinguished from one another. Something can very well be permitted according to right which morality forbids. Right, e.g., permits me the disposal of my property in an entirely indeterminate manner, but morality contains determinations which restrict the same. It can seem as if morality permits much that right does not permit, but morality demands not only the observance of right towards others, but rather adds to

|229| right the disposition to respect right for the sake of right. Morality itself demands that right be observed first, and where it ceases, moral determinations enter.

In order that an action have moral worth, *insight* is necessary as to whether it is right or wrong, good or evil. What is called the *innocence* of children or of uncivilised nations is not yet morality. Children or such nations *refrain* from a multitude of evil actions, because they have as yet no representation of them, because in general the relations under which alone such actions become possible are not yet present; such refraining from evil actions has no moral worth. They also *do*, however, actions that are in accordance with morality and are nevertheless not precisely moral on that account, in so far as they have no insight into the nature of the action, whether it is good or evil.

Opposed to one's own conviction is mere belief on the *authority of others*. If my action is to have moral worth, then my conviction must be bound up with it. The action must in the whole sense be my own. If, however, I act on the authority of others, it is not wholly my own; a foreign conviction acts out of me.

There are, however, also relations in which it is the moral side to act precisely out of *obedience* and according to the authority of others. Originally the human being follows his natural inclinations without deliberation, or with reflections that are still one-sided, distorted and incorrect, themselves standing under the dominion of sensuousness. In this condition he must learn to obey, because his will is not yet the rational one. Through this obeying the negative comes about, that he learns to renounce sensuous desire, and only through this obedience does the human being arrive at independence. He follows in this sphere always an other, just as much when he obeys his own will, which is on the whole still sensuous, as when he obeys the will of another.

|230| As a natural being he stands, on the one hand, under the dominion of external things, but on the other hand these inclinations and desires are something immediate, limited, unfree, or an other than his true will. Obedience to the law of reason is obedience in relation to my *inessential* nature, which stands under the dominion of something other for it. Yet on the other side it is independent determination out of itself, for precisely this law has its root in my essence.

The *disposition* is thus in morality an essential moment. It consists in this, that one does one's duty because that is what is fitting. It is thus an immoral disposition to do something from fear of punishment or in order to obtain a good opinion of oneself among others. This is a *heterogeneous*, i.e. alien motive, for it is not the ground of the matter itself, or one then regards right not as something that is in and for itself, but as something that is dependent on external determinations.

Nevertheless the consideration whether punishments or rewards are attached to an action is of importance, although the consequences do not constitute the worth of the action. The consequences of a good action *can* often draw much evil after them, an evil action, on the other hand, can also have good among its consequences. - In general, however, to think of the consequences of the action is important for this reason, that one thereby does not remain at the immediate point of view, but goes beyond it. Through its many-sided consideration one is also led to the nature of actions.

According to right, the human being is an object for the human being as an absolutely free being, according to morality, on the other hand, as an individual according to his particular existence as member of a family, as friend, as a character of such and such a kind, and so on. If the external circumstances in which the human being stands with others are so constituted that he fulfils his vocation, this is his

|231| *fortune*. On the one hand this *welfare* stands in the power of his will, on the other hand it depends on external circumstances and other human beings. Morality has the human being also according to his particular existence, or according to his welfare, as its object, and demands not only that the human being be left in his abstract freedom, but also that his welfare be furthered. - Well-being, as the adequacy of the external to our inner, we also call *pleasure*. *Felicity* is not merely a single pleasure, but a lasting condition, partly of actual pleasure itself, partly also of the circumstances and means through which one always has the possibility, if one wishes, of procuring pleasure for oneself. The latter is thus the pleasure of representation. In felicity, however, as in pleasure, there lies the concept of fortune, that it is contingent whether the external circumstances are adequate to the inner determinations of the drives. *Blessedness*, on the other hand, consists in this, that there is no fortune in it, i.e. that in it the adequacy of external existence to inner longing is not contingent. Blessedness can be said only of *God*, in whom willing and accomplishing of his absolute power are the same. For the human being, however, the agreement of the external with his inner is limited and contingent. He is therein dependent.

§ 24

The moral will, with regard to the disposition, is imperfect. It is a will that has the *goal of perfection*, but 1. it is driven to the attainment of the same also by the incentive of sensuousness and individuality, 2. it does not have the means in its power and is therefore limited in bringing about the welfare of others. In *religion*, on the other hand, one considers the divine being, the consummation of the will according to its two sides, namely according to the *perfection of disposition*, which no longer has alien incentives in it, and then according to the *perfection of power* to attain the holy purposes.

First Section
Doctrine of Right

Cross-reference: Abstract right in the *Groundlines*: § 34 ff., property § 41 ff., contract § 72 ff., wrong and punishment § 82 ff.

§ 1

One must consider 1. right in itself and 2. its subsistence in the society of the state.

First Chapter
Right

§ 2

According to right, merely the universal will is to be done, without regard to the intention or conviction of the individual, and right has the human being as its object only as a free being in general.

§ 3

Right consists in this, that each individual be respected and treated by the other as a free being, for only in so far does the free will have itself in the other as object and content.

Explanation. At the basis of right lies the freedom of the individual, and right consists in this, that I treat the other as a free being. Reason demands a rightful conduct. In his essence everyone is a free being. Human beings are differentiated by their particular conditions and peculiarities, but this difference does not concern the abstract will as such. In this they are the same, and in respecting the other one respects oneself. It follows from this that through the violation of the right of *one individual all* are violated in their right. This is a quite different sympathy from that with which one merely sympathises with the *harm* of another. For 1. the

|233| harm or loss that someone suffers in goods of fortune, whose good condition is indeed desirable but not necessary in itself, does indeed concern me, yet I cannot say that it absolutely should not have happened; 2. such conditions belong to the particularity of the human being. For all our sympathy we separate misfortunes from ourselves and regard them as something foreign. On the other hand, at the injury of another's right everyone feels himself immediately struck, because right is something universal. Thus we cannot regard a violation of right as something foreign. Because right is necessary, we feel ourselves the more severely injured by it.

§ 4

Insofar as everyone is recognised as a free being, he is a *person*. The proposition of right can therefore also be expressed thus: everyone ought to be treated by the other as a person.

Explanation. The concept of personality includes in itself I-hood or individuality, which is something free or universal. Human beings have personality through their spiritual nature.

§ 5

It follows from this that no human being can be coerced except to sublate the coercion which he has inflicted on others.

Explanation. There are restrictions of freedom and laws which permit human beings to be treated not as persons but as a thing, e.g. the laws which permit slavery. These, however, are only positive laws, rights, and indeed such as are opposed to reason or to absolute right.

§ 6

That action which restricts the freedom of another, or does not recognise and let him count as a free will, is contrary to right.

Explanation. In the absolute sense no coercion against the human being is properly possible, because everyone is a free being, because he can assert his will against necessity and give up everything that belongs to his existence. *Coercion* takes place in the following way. Something is attached to one side of the human being's existence as a condition of it, so that, if he wants to retain the former, he must also put up with the other. Because the existence of the human being is dependent on external objects, he can be seized on one side of his existence. The human being is coerced only when he wants something with which something else is still connected, and it depends on his will whether he wants the *one* and with it also the *other*, or *neither of the two.* Insofar as he is nevertheless coerced, that to which he is determined also lies in his will. Coercion is to this extent only something relative. It is *rightful* when it is exercised in order to make right valid against the individual. This coercion has a side according to which it is no coercion and does not contradict the dignity of the free being, because the will in and for itself is also the absolute will of each. Freedom takes place in general where law, not the arbitrary will of an individual, rules.

§ 7

Permitted, yet for that reason not commanded, is, in accordance with right, everything that does not restrict the freedom of others or sublate any act of it.

Explanation. Right properly contains only *prohibitions*, no commands, and what is not prohibited is permitted. To be sure, one can express the prohibitions of right positively as commands, e.g. "you shall keep the contract!" The universal principle of right, of which the others are only particular applications, is: "you shall leave the property of another uninjured!" This does not mean: you shall render the other something positive or bring about a change in circumstances, but contains only the

|235| *omission of the violation* of property. If right is therefore expressed as a positive command, this is only a form of expression, at the basis of which, in content, the prohibition always lies.

§ 8

The will, in subsuming a thing under itself, makes it *its own. Possession* is this being-subsumed of a thing under my will.

Explanation. Subsuming requires two pieces, something universal and something individual. I subsume something individual when I attribute to it a universal determination. This subsuming occurs in general in judging. What subsumes in judging is the predicate and what is subsumed is the subject. Taking possession is the pronouncing of the judgement that a thing becomes mine. My will is here what subsumes. I give the thing the predicate of being mine. The will is what subsumes for all external things, because it is in itself the universal essence. But all things that do not themselves relate to themselves are only necessary, not free. This relation therefore means that the human being has the right to take possession of all external things and to make of them something other than they themselves are. In doing so he treats them only in accordance with their essence.

§ 9

The thing that is first to be taken into possession must 1. be *res nullius*, i.e. must not already be subsumed under another will.

Explanation. A thing that already belongs to another I may not take into possession, not because it is a thing but because it is *his thing*. For if I take the thing into possession, I sublate in it the predicate of being his and thereby negate his will. The will is something absolute, which I cannot make into something negative.

§ 10

2. Possession must be *seized*, i.e. it must be made recognisable to the others that I want to have this object subsumed under my will, whether by *bodily seizure* or by *forming* or at least by *designation* of the object.

Explanation. The external seizure of possession must be preceded by the internal act of will which expresses that the thing is to be mine. The first kind of taking possession is bodily seizure. It has the defect that the objects to be seized must be of such a nature that I can immediately grasp them with the hand or cover them with my body, and further that it is not continuous. - The second, more perfect kind is forming, in that I give a thing a shape, e.g. cultivate a field, make gold into a cup. Here the form of the mine is immediately bound up with the object and is therefore in and for itself a sign that *the matter too* belongs to me. To forming belong, among other things, also the planting of trees, the taming and feeding of animals. An imperfect kind of possession of land is the use of a district without its being formed, e.g. when nomadic peoples use a territory for pasture of cattle, hunting peoples for hunting, fishing peoples the shore of a sea or river. Such a taking of possession is still superficial, because the actual use is as yet only temporary, not yet in a lasting manner adhering to the object. - Taking possession by the mere designation of the object is imperfect. The sign, which does not, as in forming, at the same time constitute the thing itself, is a thing that has a meaning which is not, however, its own essence and towards which it therefore conducts itself as towards something foreign. But it also has otherwise a meaning of its own, which is not connected with the nature of the thing designated by it. Designation is therefore arbitrary. Of what a thing is to be the sign is more or less a matter of convenience.

§ 11

Possession becomes *property* or *rightful* insofar as it is recognised by all others that the thing which I have made my own is mine, just as I likewise recognise the possession of the others as theirs. My possession is *recognised* because it is an act of the free will, which is something absolute in itself and in which lies the universal, that I regard the willing of others likewise as something absolute.

Explanation. Possession and property are two different determinations. It is not necessary that possession and property always be united. It is possible that I have a property without being in possession of it. If, for example, I lend something to another, it always remains my property, although I do not possess it. Possession and property are contained in the concept that I have a dominium over something. Property is the rightful side of dominium, and possession is only the external side, that something is in general in my power. The rightful is the side of my absolute free will, which has declared something to be its own. This will must be recognised by others, because it is in and for itself and insofar as the previously stated conditions have been observed. - Property thus has an internal and an external side. The latter, for itself, is the taking of possession, the former the act of will, which as such must be recognised. It seems contingent or arbitrary whether the recognition of others is added to a taking of possession. But it must be added, because it lies in the nature of the matter. Recognising does not have reciprocity as its ground. I do not recognise it because you recognise it and vice versa, but the ground of this reciprocal recognising is the nature of the matter itself. I recognise the will of the other because it is to be recognised in and for itself.

§ 12

I can *alienate* my property, and it can pass to others through my free will.

Explanation. My powers and skills are indeed my very own property, but they also have an externality. According to the abstract determination they are already external insofar as I can distinguish them from myself, the simple I. But also in themselves the powers and skills are individual and limited, and do not constitute my essence itself. My essence, which is in itself universal, is distinct from these particular determinations. Finally, they are external in their *use*. Precisely in that I use them, I make them into an external form, and what is produced through them is some external existence. In the use there lies not the power as such, but it maintains itself, notwithstanding that it has externalised itself and has made this its externalisation into an existence distinct from it. This externalisation of the power is also external insofar as it is something limited and finite. - Insofar as something is my property, I have indeed bound it up with my will, but this connection is not absolute; for were it such, my will would have to lie, in its essence, in this thing. Rather, I have here only made my will into something particular and can, because it is free, sublate this particularity again.

§ 13

Inalienable are those goods which are not so much my possession or property as they rather constitute my very own person or are contained in my essence, such as freedom of the will, ethical life, religion, etc.

Explanation. Only those goods are alienable which are already external by their nature. *Personality*, for example, I cannot regard as something external to me, for insofar as someone has given up his personality, he has made himself a thing. But such an alienation would be null and void. - One would alienate his *ethical life* if he, for example, undertook towards another to carry out on his command all possible actions, crimes

|239| as well as indifferent actions. Such an obligation would have no force, because it includes the freedom of the will, in which everyone must stand for himself. Ethical or unethical deeds are the own actions of him who commits them, and because they are of this nature, I cannot alienate them. - My *religion* too I cannot alienate. If a community or also an individual had left it to a third party to determine that which was to constitute their faith, this would be an obligation which each could unilaterally sublate. No wrong is thereby done to the other towards whom I have entered into this obligation, because what I have left to him *could never become his property*.

§ 14

On the other hand I can alienate the determinate *use* of my spiritual and bodily powers and the thing which I have in possession.

Explanation. Only a *limited* use of one's powers can one alienate, because this use or the limited effect is distinct from the power. But the *constant* use, or the effect in its *whole* extent, cannot be distinguished from the power in itself. The power is the inner or universal as against its externalisation. The externalisations are an existence limited in space and time. The power in itself is not exhausted in a single such existence and is also not bound to any one of its contingent effects. But secondly, the power must act and externalise itself, otherwise it is no power. Thirdly, the whole extent of its effects constitutes the power itself, for the whole extent of the externalisation is again itself the universal, which the power is, and for this reason the human being cannot alienate the whole use of his powers; he would otherwise alienate his personality.

§ 15

An alienation to another requires *my* consent to surrender the thing to him, and *his* consent to accept it. This double consent, insofar as it is declared reciprocally and pronounced as valid, is called *contract (pactum)*.

Explanation. Contract is a particular way of becoming the owner of a thing which already belongs to another. The way of becoming owner set out earlier was the immediate taking possession of a thing that was *res nullius*. 1. As the simplest kind of contract the *contract of gift* can be assumed, in which only one surrenders a thing to another without receiving compensation for its value. A valid gift is a contract, because the will of both must be present, of the one, to surrender the thing to the other without taking anything back for it, of the other, to accept the thing. - 2. The *contract of exchange* consists in this, that I surrender to another something of my property on the condition that he gives me a thing of equal value for it. This requires the double consent of each, to give something away and in return to accept what is offered by the other. - 3. *Buying* and *selling* is a particular kind of exchange, of commodities against money. *Money* is the universal commodity, which therefore, as abstract value, cannot itself be used to satisfy any particular need. It is only the *universal means* for obtaining the particular needs. The use of money is only a mediate one. A material is not money in and for itself, as having these qualities, but one merely lets it count as such by convention. - 4. *Hire* consists in this, that I surrender to someone my possession or the use of my property, but reserve the property itself for myself. It can here be the case that he to whom I have lent something must return to me exactly the same thing, or that I have reserved my property

|241| in a thing of the same kind or of the same value.

§ 16

The declaration of will contained in the contract is not yet the actualization and execution of the passing of my thing or labour to the other. This transition on the ground of the contract is the *performance*.

Explanation. My promise in the contract contains that through my will I have excluded something from the sphere of the mine, and at the same time I have recognised that the other has taken it up into his own. Because now that something is mine, so far as it depends on me, has its ground in my will, the thing has through the contract already become the property of the other. Insofar, then, as I were not to perform for the other what was determined in the contract, or were not to put him in possession, I would violate his property. I am therefore obligated by the contract itself to keep it (acquisition by testament).

§ 17

An *infringement* by another upon the sphere of my freedom can be either 1. of such a nature that he has *my property as his own* in his *possession* or *lays claim to it* in the sense that he has the right to it and, if not he but I had the right to it, would surrender it to me. He respects herein right in general and asserts only that in this particular case it is on his side. Or else 2. it lies in his action that he does not recognise my will at all and thus violates *right as right*.

Explanation. The concepts so far contain the nature of right, its laws, its necessity. But right is not a necessary of the kind that the necessary of physical nature is, - e.g. the sun cannot step out of its orbit. A flower must be wholly in accordance with its nature. If, for example, it does not fulfil its formation, this comes

|242| from external influence, not from itself. Spirit, on the other hand, can, because of its freedom, act against the laws. Action can therefore be taken against right. Here one must distinguish 1. universal right, right *qua* right, 2. particular right, as it relates merely to the right of an individual person to an individual thing. Universal right is that in general everyone, independently of this property, is a rightful person. The infringement of right can therefore be of such a nature that it is merely asserted that this particular right, this particular thing, does not belong to someone. But universal right is not thereby violated. One conducts oneself towards one's opponent as a rightful person. Such a judgement can in general be regarded as a merely *negative* one, in which in the predicate the particular is negated; e.g. when I judge: "this stove is not green", I negate merely the predicate of being coloured in such and such a way, but not the universal. - In the second case of infringement upon the right of another I assert not only that a particular thing is not the property of another, but I also negate that he is a rightful person. I do not treat him as a person. I do not lay claim to something on the ground that I have the right to it or believe myself to have it. I violate right *qua* right. Such a judgement belongs to those which are called *infinite*. The infinite judgement negates of the predicate not only the particular, but also the universal; e.g. "this stove is not a whale" or "it is not the memory". Because not only the determinate but also the universal of the predicate is negated, nothing remains for the subject. Such judgements are therefore nonsensical, yet correct. In the same way the violation of right *qua* right is something possible, which also happens, but something nonsensical, self-contradictory. The cases of the first kind belong to *civil law*, those of the second to *criminal law*. The first is also called *civic* law, the second *penal* law.

§ 18

In the first case what is needed is merely the setting out of the grounds of right, through which it emerges to whom the disputed particular right belongs. But for this judging of the views of the two parties a *third* is necessary, who is free from their interest in possessing the thing, in order to look merely at right purely as such.

Explanation. In the first case, then, the *civil legal dispute* takes place. In such a dispute the right of another is laid claim to, but on a ground of right. Both contending parties agree in this, that they recognise right as right. Only he who has right is to come into possession, and not perhaps he who has influence or power and more merit. The parties diverge from one another only with regard to the subsumption of the particular or of the universal. It follows, then, that no personal offence takes place between the judge and the two parties, insofar as the one is not satisfied with his verdict, nor on the part of the judge against the party to whom he denies the right. Because no attack on the personal takes place here, it follows that the party which has wrongfully attacked the property of the other is not punished.

§ 19

The other case, on the contrary, concerns the violation of my personal external freedom, of my body and life, or also of my property in general, through *violence*.

Explanation. Under this belongs first the unrightful deprivation of my freedom through *imprisonment* or *slavery*. It is a deprivation of natural external freedom, not to be able to betake oneself wherever one wants, and the like. There belongs here further a violation of *body* and *life*. This is much more significant than the deprivation of my property. Although life and body are something external, like

|244| property, my personality is nevertheless violated thereby, because in my body itself is my immediate self-feeling.

§ 20

The coercion that has been posited by such an action must not only be sublated, i.e. the inner nullity of such an action not only be presented in a negative way, but *retaliation* must also set in in a positive way. (The form of rationality in general, universality or equality, must be made valid against it.) For since the agent is a rational being, there lies in his action that it is something universal. If you rob another, you rob yourself! If you kill someone, you kill all and yourself! The action is a law which you set up and which you have in and for itself recognised precisely through your acting. The agent may therefore be subsumed, for his part, under the same manner of action which he has set up, and to that extent the equality violated by him be restored: *ius talionis*.

Explanation. Retaliation rests in general on the rational nature of the wrongdoer, or it consists in this, that the wrong must be converted into the right. The wrongful action is indeed an individual irrational action. But because it is carried out by a rational being, it is, though not according to its content, yet according to *form*, something *rational* and universal. Further, it is to be regarded as a principle or *law*. But as such it counts at the same time *only for the agent*, because only he recognises it through his action, but not the others. He himself, then, essentially belongs under this principle or this law, which must be carried out on him. The wrong which he has done, carried out on him, is right, because through this second action, which he has recognised, a restoration of equality is set up. This is only formal right.

§ 21

Retaliation, however, is not to be exercised by the individual injured party or by his relatives, because in them the universal regard for right is bound up at the same time with the contingency of passion. It must be the action of a third party holding power, who merely makes the universal valid and carries it out. To that extent it is *punishment*.

Explanation. Revenge and *punishment* are distinguished from one another in that revenge is a retaliation insofar as it is exercised by the injured party, punishment, however, insofar as it is exercised by the judge. Retaliation must therefore be exercised as punishment, because in revenge passion has influence and right is thereby clouded. Further, revenge does not have the form of right but that of arbitrary will, since the injured party always acts from feeling or a subjective motive. For this reason right, exercised as revenge, is again a new offence, is felt only as an individual action, and so propagates itself unreconciled to infinity.

Second Chapter
The Society of the State

Cross-reference: Worked out later in § 257 ff. (the state) and, as regards the right of necessity and the administration of justice, in § 127 and § 209 ff.

§ 22

The concept of right, as the power that holds force, independent of the motives of individuality, has actuality only in the society of the state.

§ 23

The *family* is the natural society, whose members are bound by love, trust and natural obedience *(piety)*.

Explanation. The family is a natural society

|246| first, because someone belongs to a family as a member not through his will but through nature, and secondly, because the relations and the conduct of the members towards one another rest not so much on deliberation and resolve as on feeling and drive. The relations are necessary and rational, but the form of conscious insight is lacking. It is more instinct. The love of the family members rests on this, that my I makes up a unity with the other individual I. They do not regard one another as individuals. The family is an organic whole. The parts are properly not parts but members, which have their substance only in the whole and which, separated from the whole, lack independence. The trust which the members of the family have towards one another consists in this, that each has an interest not for himself but for the whole in general. Natural obedience within the family rests on this, that in this whole there is only *one* will, which belongs, namely, to the head. To that extent the family makes up only *one* person. (Nation.)

§ 24

The *state* is the society of human beings under rightful relations, in which they count for one another not on account of a particular natural relation according to natural inclinations and feelings, but as persons, and in which this personality of each is mediately asserted. If a family has expanded into a nation and the state coincides in one with the nation, this is a great good fortune.

Explanation. A people is held together by language, customs and habit, and culture. This connection, however, does not yet form a state. Further, morality, religion, prosperity and wealth of all its citizens are indeed very important for the state, and it must also take care to promote these circumstances; but they do not constitute for it the immediate purpose, but *right* does.

§ 25

The *state of nature* is the condition of crudeness, violence and injustice. Human beings must enter from such a condition into the society of the state, because only in it does the rightful relation have actuality.

Explanation. The state of nature is customarily portrayed as a *perfect* state of the human being, with regard both to felicity and to ethical goodness. In the first place, it is to be noted that *innocence* as such has no moral worth, inasmuch as it is ignorance of evil and rests on the lack of needs under which evil can occur. Secondly, this state is rather a state of *force* and of *wrong*, precisely because in it human beings regard themselves according to nature. According to nature, however, they are *unequal*, both with regard to bodily strength and to mental aptitudes, and assert their difference against one another by force and cunning. Reason is indeed also present in the state of nature, but the natural is what rules. Human beings must therefore pass out of it into a state in which the rational will is what rules.

§ 26

The *law* is the abstract expression of the universal will that is in and for itself.

Explanation. The law is the universal will, inasmuch as it is so according to reason. It is not necessary here that each individual should have known or found this will merely through himself. Nor is it necessary that each individual should have declared his will and that a universal result was then drawn from it. In actual history, accordingly, things did not proceed in such a way that every individual citizen of a people proposed a law and then reached agreement on the law with the others through common deliberation. The law contains the necessity of the relations of right towards one another.

|248| The lawgivers did not give arbitrary statutes. They are not determinations of their particular liking, but through their profound spirit they recognised what the truth and essence of a relation of right is.

§ 27

The *government* is the individuality of the will that is in and for itself. It is the power to give the laws and to administer or execute them.

Explanation. The state has laws. These are therefore the will in its universal abstract essence, which as such is inactive, - just as principles and maxims express or contain only the universal of willing, not yet an actual willing. In relation to this universal, only the government is the active and actualizing will. The law does indeed subsist as custom, as habit, but the government is the conscious power of unconscious habit.

§ 28

The *universal power of the state* contains various particular powers subsumed under it: 1. the *legislative* in general; 2. the *administrative* and financial, to create the means for the actualization of freedom; 3. the (independent) *judicial* and *police* power; 4. the *military* and the power to *wage war* and to *conclude peace*.

Explanation. The kind of constitution depends chiefly on whether these particular powers are exercised directly from the centre of the government; further, on whether several of them are united in *one* authority or are separated, e.g. whether the prince or regent himself directly pronounces right or whether separate, particular courts are instituted, further, whether the regent also unites the ecclesiastical power in himself, and so on. It is also important whether in a constitution the supreme centre of the government holds the power over finance in an unrestricted sense, so that it can impose taxes entirely at its arbitrary will as well as

|249| employ them. Further, whether several authorities are united in one, e.g. whether the judicial and the military power are united in *one* official. The kind of a constitution is further determined by whether all citizens, inasmuch as they are citizens, have a share in the government. Such a constitution is a *democracy*. The degeneration of this is *ochlocracy* or the rule of the rabble, namely when that part of the people which has no property and is of dispositions contrary to right keeps the citizens who abide by right away from the affairs of state by force. Only with simple, uncorrupted customs and a small extent of the state can a democracy take place and maintain itself. - *Aristocracy* is the constitution in which only certain privileged families have the exclusive right to govern. The degeneration of this is *oligarchy*, namely when the number of families that have the right to govern is small. Such a condition is dangerous because in an oligarchy all the particular powers are exercised directly by one council. - *Monarchy* is the constitution in which the government is in the hands of one individual and remains hereditary in a family. In a *hereditary monarchy* the disputes and civil wars fall away which can occur in an *elective kingdom* upon a change of throne, because the ambition of powerful individuals can form no hope of the throne. The monarch, too, cannot exercise the whole governmental power directly, but entrusts a part of the exercise of the particular powers to colleges or also to estates of the Empire, which in the name of the king, under his supervision and direction, exercise the power transferred to them according to laws. In a monarchy civil freedom is more protected than in other constitutions. The degeneration of monarchy is *despotism*, namely when the regent exercises the government directly according to his arbitrary will. It is essential to monarchy that the government have vigour and proper power against the private interest of individuals.

|250| But on the other side the rights of the citizens must also be protected by laws. A despotic government indeed has the highest power, but in such a constitution the rights of the citizens are sacrificed. The despot indeed has the greatest power and can use the forces of his realm at will, but this standpoint is also the *most dangerous*. – The constitution of government of a people is not merely an external arrangement. A people can just as well have this constitution as another. It depends essentially on the character, the customs, the degree of culture, the way of life and the extent of the people.

§ 29

The citizens as individuals are subject to the power of the state and obey it. The content and purpose of this power, however, is the actualization of the natural, i.e. absolute, rights of the citizens, who in the state do not renounce them but rather attain only in it to the *enjoyment and cultivation* of them.

§ 30

The constitution of the state determines, as *internal public law of the state*, the relation of the particular powers both to the government, their supreme unification, and to one another, as well as the relation of the citizens to them or their share in them.

§ 31

The *external public law of the state* concerns the relation of independent peoples to one another through their governments and rests chiefly on particular treaties, – *law of nations*

Explanation. States stand in a relation to one another that is more natural than a relation of right. There is therefore a continual strife among them, so that they conclude treaties with one another and thereby place themselves in a relation of right towards one another. On the other

|251| side, however, they are wholly independent and autonomous of one another. Right is therefore not actual between them. They can thus break the treaties at will and must always remain in a certain mistrust of one another about this. As natural beings they behave towards one another according to force, in that they must maintain themselves in their right and create right for themselves, and thereby come into *war* with one another.

Second Section
Doctrine of Duties or Morals

Cross-reference: Morality in the *Groundlines*: § 105 ff.; the doctrine of duties itself belongs there to ethical life, § 142 ff., especially § 148.

§ 32

What can be demanded according to right is an *obligation*. *Duty*, however, is something inasmuch as it is to be observed on moral grounds.

Explanation. The word duty is often used of relations of right. The duties of right were determined as *perfect*, the moral ones as *imperfect*, because the former must in general be done and have an external necessity, whereas the moral duties rest on a subjective will. Yet one could equally invert the determination, because the duty of right as such demands only an external necessity, in which the disposition can be lacking, or I can even have a bad intention in it. For the moral disposition, on the other hand, both are required, the right action according to its content as well as, according to the form, the subjective element of the disposition.

§ 33

Right in general leaves the disposition free. Morality, on the other hand, concerns the disposition essentially and demands that the action be done out of *respect* for duty. So

|252| conduct in accordance with right is also moral, inasmuch as it has respect for right as its motive.

§ 34

The *disposition* is the subjective side of the moral action or its *form*. There is as yet no content in it, which, like the actual acting, is equally essential.

Explanation. With conduct in accordance with right the moral conduct is essentially also to be connected. But it can also be the case that the disposition of right is not connected with the conduct in accordance with right, indeed even that an immoral disposition is present in it. The action in accordance with right, inasmuch as it is done out of respect for the law, is at the same time also moral. Acting in accordance with right - and at the same time with the moral disposition - is absolutely to be pursued first, and only then can moral acting as such enter, in which there is no command of right (no obligation of right). Human beings like to act merely morally or nobly and often prefer to give away rather than to fulfil their obligations of right. For in the noble action they give themselves the consciousness of their particular perfection, whereas in acting in accordance with right they exercise what is perfectly universal, which is the same for them as for all.

Everything actual contains two sides, the true concept and the reality of this concept; e.g. the concept of the state is the securing and the actualization of right. To the reality there now belongs the particular arrangement of the constitution, the relation of the individual powers, and so on. To the actual human being there belongs also, and indeed according to his practical side, the concept and the reality of the concept. To the former belongs pure personality or abstract freedom, to the latter the particular determination of existence and existence itself. There is indeed more contained in the latter than in the concept, but at the same time it must be in accordance with the concept

|253| and determined through it. The pure concept of practical existence, the I, is the object of right.

§ 35

The moral mode of acting does not relate to the human being as abstract person, but to him according to the universal and necessary determinations of his *particular existence*. It is therefore not merely prohibitive, as the command of right properly is, which only commands that the freedom of the other be left untouched, but *commands* that one also show the other something *positive*. The precepts of morals go to the individual actuality.

§ 36

The drive of the human being towards his particular existence, as morals considers it, goes towards the correspondence of the external in general with his inner determinations, towards *pleasure* and *felicity*.

Explanation. The human being has drives, i.e. he has inner determinations in his nature or according to that side on which he is an actual being in general. These determinations are therefore something deficient, inasmuch as they are only something inner. They are drives inasmuch as they aim at sublating this deficiency, i.e. they demand their realisation, the correspondence of the external with the inner. This correspondence is pleasure. A reflection as comparison between the inner and the external therefore precedes it, whether this derives from me or from fortune. Pleasure can now spring from the most manifold sources. It does not depend on the content, but concerns only the form, or it is the feeling of something merely formal, namely of the stated correspondence. The doctrine which has pleasure, or rather felicity, as its purpose has been called *eudaemonism*. In it, however, it is indeterminate wherein one is to seek pleasure or felicity.

|254| There can therefore be a quite raw, coarse eudaemonism, but just as well a better one; for good actions as well as evil ones can be grounded on this principle.

§ 37

This correspondence, as pleasure, is a *subjective* feeling and something *contingent*, which can attach itself to this or that drive and its object and in which I am purpose for myself only as a natural being and only as an *individual*.

Explanation. Pleasure is something subjective and relates merely to me as a particular. It is not the objective, the universal, the element of understanding in it. It is therefore no measure or rule by which a matter is judged or adjudicated. When I say that it pleases me just so, or appeal to my pleasure, I merely express that the matter holds good for me in this way, and have thereby sublated the relation of understanding with others. It is contingent according to its content, because it can attach itself to this or that object, and because the content is not what matters, it is something formal. According to its external existence, too, pleasure is contingent, [because it is contingent] to find the circumstances present. The means which I need for it are something external and do not depend on me. Secondly, the existence which I have brought about through the means must, inasmuch as it is to give me pleasure, become for me, come to me. But this is what is contingent. The consequences of what I do do not, for that reason, return to me. I do not necessarily have the enjoyment of them. - Pleasure thus springs from two kinds of circumstances: first, from an existence which one must find present, which depends wholly on fortune; and second, from one which I myself produce. This existence, as the effect of my deed, does indeed depend on my will, but only the action as such belongs to me; the success, on the other hand, need not necessarily return to me, consequently

|255| neither need the enjoyment of the action. In an action such as that of *Decius Mus* for his fatherland it lies that its effect was not to return to him as enjoyment. In general one must not make *the consequences the principle of the action.* The consequences of an action are contingent, because they are an external existence, which depends on other circumstances or can be sublated.

Pleasure is something secondary, something accompanying the deed. As the substantial is actualized, pleasure is added inasmuch as one also recognises one's subjective element in the work. He who pursues pleasure seeks only himself according to his accidentality. He who is occupied with great works and interests strives only to bring the matter in itself to actuality. He is *directed to the substantial, does not remember himself in it, forgets himself in the matter*. People of great interests and labours are commonly pitied by the people for having little pleasure, i.e. for living only in the matter, not in their accidentality.

§ 38

Reason sublates the indeterminacy which the agreeable feeling has with regard to objects, purifies the content of the drives of the subjective and contingent, and teaches one to know, with regard to content, the universal and *essential of what is desirable*, but with regard to form or disposition the objective, or *acting for the sake of the matter itself.*

Explanation. At first the understanding or reflection goes beyond immediate pleasure, but does not alter the purpose or the principle. It goes beyond only the *single* pleasure, compares the drives with one another and can therefore prefer the one to the other. - Since it aims not at pleasure as a single thing but at that of the *whole*, it intends felicity. This reflection still remains within the subjective principle

|256| and still has pleasure as its purpose, but only the greater, the more manifold. Since it makes distinctions in pleasure and in general seeks the agreeable on all the different sides, it *refines* the raw, wild and merely animal element of pleasure and softens customs and dispositions in general. Inasmuch, then, as the understanding occupies itself with the means of satisfying needs in general, it thereby eases this satisfaction and thereby obtains the possibility of devoting itself to higher purposes. - On the other side this refinement of pleasures makes the human being *softer*. Since he applies his forces to so many kinds of objects and makes for himself such manifold purposes, which become ever smaller through the distinguishing of their different sides, his strength in general is weakened to direct himself with his whole spirit to the essential. When the human being makes pleasure his purpose, he sublates through this reflection the drive to go beyond it and to do something higher.

Pleasure is indeterminate with regard to content, because it can take place with all objects. No objective difference can therefore be made in it, only a *quantitative* one. The understanding, calculating the consequences, prefers the greater to the smaller.

Reason, on the other hand, makes a *qualitative* difference, i.e. a difference with regard to content. It prefers the worthy object of pleasure to the worthless. It thus engages in a *comparison of the nature of the objects*. To this extent it no longer considers the subjective as such, namely the agreeable feeling, but the objective. It therefore teaches what objects the human being is to desire for their own sake. In the human being, to whom, on account of his universal nature, such infinitely manifold sources of pleasure stand open, the orientation towards the agreeable is in general deceptive, and he is easily distracted by this manifoldness, i.e.

|257| led away from a purpose which he should make his vocation.

The drive towards the agreeable can agree with reason, i.e. both have the same content, reason *legitimating* the content. - With regard to form, the drive acts for the sake of the subjective feeling or has the agreeable of the subject as its purpose. In the action for the sake of a universal object, the object itself is the purpose. The drive towards the agreeable, on the other hand, is always selfish.

§ 39

Drives and inclinations are 1. considered in themselves neither good nor evil, i.e. the human being has them immediately as a natural being. 2. Good and evil are moral determinations and pertain to the will. The good is what corresponds to reason. 3. Drives and inclinations, however, cannot be considered without relation to the will. This relation is not contingent, and the human being is no indifferent double being.

Explanation. Morality has the human being in his particularity as its object. This seems at first to contain only a multitude of manifoldnesses, the unequal, which distinguishes human beings from one another. But what distinguishes human beings from one another is the contingent, what depends on nature and external circumstances. In the particular, however, something universal is at the same time contained. The particularity of the human being consists in the relation to others. In this relation there are now also essential and necessary determinations. These make up the content of duty.

§ 40

The human being has 1. the essential determination of being an individual, 2. he belongs to a natural whole, the family, 3. he is a member of the state, 4. he stands in relation to other human beings in general. - The duties

|258| therefore divide into four kinds: 1. into duties towards oneself, 2. towards the family, 3. towards the state and 4. towards other human beings in general.

I. Duties towards oneself

§ 41

The human being as individual relates himself to himself. He has the double side of his *individuality* and of his *universal* essence. His duty towards himself is in this respect partly his *physical preservation*, partly [this], to raise his individual being to his universal nature, to cultivate himself.

Explanation. The human being is on the one hand a natural being. As such he behaves according to arbitrary will and chance, as an unsteady, subjective being. He does not distinguish the essential from the inessential. - Secondly, he is a spiritual, rational being. According to this side he *is not* by nature *what he ought to be.* The animal needs no culture, for it is by nature what it ought to be. It is only a natural being. The human being, however, must bring his double side into agreement, make his individuality conform to his rational side or make the latter the ruling one. It is, e.g., uncultured when the human being gives himself over to his *anger* and acts blindly according to this affect, because in it he regards an insult or injury as an infinite injury and seeks to balance it by an injury to the offender or to other objects without measure or limit. - It is uncultured when someone asserts an *interest* which does not concern him or in which he can effect nothing through his activity, because with understanding one can make one's interest only that in which one brings something about through one's activity. - Further, when the human being becomes *impatient* at the vicissitudes of fate, he makes his particular interest into a matter of the highest importance, as something to which human beings and circumstances ought to have conformed.

§ 42

Theoretical culture includes, besides the manifoldness and determinateness of knowledge and the universality of the points of view from which things are to be judged, the sense for objects in their free independence, without a subjective interest.

Explanation. The *manifoldness of knowledge* in and for itself belongs to culture, because through it the human being raises himself from the *particular* knowledge of insignificant things in his surroundings to a universal knowledge, through which he attains a greater community of knowledge with other human beings and comes into possession of objects of *universal interest.* As the human being goes beyond what he immediately knows and experiences, he learns that there are also other and better ways of behaving and acting and that his own is not the only necessary one. He removes himself from himself and arrives at the distinction of the essential and the inessential. - The *determinateness of knowledge* concerns its essential difference, the differences which belong to objects under all circumstances. To culture belongs a judgement on the relations and objects of actuality. For this it is required that one know what matters, what the nature and purpose of a thing and of the relations to one another are. These points of view are not given immediately through intuition, but through occupation with the matter, through reflection on its purpose and essence and on the means, how far these reach or not. The uncultured human being remains at immediate intuition. He has no open eye and does not see what lies before his feet. It is only a subjective seeing and apprehending. He does not see the matter. He knows only roughly how it is constituted, and that not even properly, because only the knowledge of the universal points of view leads to what one must essentially consider, or because it is already the principal part of the

|260| matter itself, already contains its foremost compartments, into which one therefore needs, so to speak, only to place the external existence, and is thus able to apprehend it much more easily and correctly.

The opposite of not knowing how to judge is that one judges *hastily* about everything without understanding it. Such a hasty judgement is based on one's grasping indeed a point of view, but a one-sided one, and thereby overlooking the true concept of the matter, the remaining points of view. A cultured human being knows at the same time the *limit of his capacity for judgement*.

Further, the sense for the *objective in its freedom* belongs to culture. It lies in this, that I do not seek my particular subject in the object, but consider and treat objects as they are in and for themselves, in their free peculiarity, that I take an interest in them without a particular *utility*. - Such a disinterested interest lies in the *study of the sciences*, namely when one cultivates them for their own sake. The desire to draw utility from the objects of nature is bound up with their destruction. - The interest in *fine art* is also a disinterested one. It presents things in their living independence and strikes off from them what is meagre and stunted, as they suffer from external circumstances. - The objective *action* consists in this, that 1. even according to its indifferent side it has the *form of the universal*, without arbitrary will, whim and caprice, freed from the eccentric and the like; 2. according to its inner, essential side it is the objective when one has the true *matter itself* as one's purpose, without selfish interest.

§ 43

Practical culture includes that the human being, in the satisfaction of natural needs and drives, show that prudence and moderation which, within the limits of their necessity, namely of self-preservation,

|261| is to be found. He must 1. get *out* of the natural, be free from it; 2. on the other hand, he must be *absorbed* in his calling, the essential, and therefore 3. not only restrict the satisfaction of the natural to the limits of necessity, but also be capable of *sacrificing* it to higher duties.

Explanation. The freedom of man from natural drives consists not in *his having none* and thus not striving to escape his nature, but in his recognising it altogether as something necessary and thereby rational, and accordingly carrying it out with his will. He finds himself constrained in this only insofar as he creates for himself contingent and arbitrary whims and purposes against the universal. The determinate, exact measure in the satisfaction of needs and in the use of the physical and spiritual powers cannot be stated exactly, but everyone can know what is useful or harmful to him. Moderation in the satisfaction of natural drives and in the use of bodily powers is altogether necessary for the sake of *health*, for this is an essential condition for the use of the spiritual powers in fulfilment of man's higher vocation. If the body is not maintained in its proper condition, if it is injured in one of its functions, one must make it the purpose of one's occupation, *whereby it becomes something dangerous, something of consequence for spirit.* - Furthermore, exceeding the measure in the use of the physical and spiritual powers, whether through too much or too little, has as its consequence *dulling and weakness* of them.

Finally, moderation is bound up with *circumspection.* This consists in consciousness of what one does, in that man, in enjoyment or in work, surveys himself through his reflection and is thus not wholly given over to this single state, but remains open to the consideration of other things that may also be necessary. In circumspection one is, together with spirit, at the same time out of one's state, whether of feeling

|262| or of business. This stance, of not sinking oneself completely into one's state, is required in general for drives and purposes that are indeed necessary but not essential. By contrast, with a true purpose or business spirit must be present with its whole seriousness *and not be at the same time outside it*. Circumspection here consists in having all the circumstances and sides of the work before one's eyes.

§ 44

As regards the determinate *calling*, which appears as a *fate*, the form of an external necessity is altogether to be sublated in it. It is to be taken up with freedom and, with such freedom, to be endured and carried out.

Explanation. Man, with regard to the external circumstances of fate and everything that he immediately *is*, must conduct himself so that he makes it *his own*, so that he deprives it of the form of an external existence. It does not matter in what external condition man finds himself through fate, *if he is properly what he is*, i.e. if he fills out all sides of his calling. The calling to an estate is a many-sided substance. It is, as it were, a stuff or material which he must work through in every direction, so that it may have nothing alien, brittle and resistant in it. Insofar as I have made it completely my own for myself, I am free in it. Man is above all *dissatisfied when he does not fulfil his calling*. He gives himself a relation which he does not truly have as his own. At the same time he belongs to this estate. He cannot detach himself from it. He thus lives and acts in a repugnant relation with himself.

§ 45

Fidelity and *obedience* in one's calling, as well as *obedience to fate* and *self-forgetfulness* in one's acting,

|263| have as their ground the giving up of vanity, self-conceit and selfishness in the face of that which is in and for itself and necessary.

Explanation. The calling is something universal and necessary and constitutes some side of human living together. It is thus a *part of the whole work of mankind*. When man has a calling, he enters into a share in, and co-operation with, the universal. He thereby becomes something objective. The calling is indeed a single, limited sphere, yet constitutes a necessary member of the whole and is also *in itself again a whole*. If man is to *become something, he must know how to limit himself*, i.e. to make his calling wholly his own affair. Then it is no limit for him. He is then at one with himself, with his externality, his sphere. He is a universal, a whole. - When man makes something *vain*, i.e. inessential, void, his purpose, what lies at the ground of this is interest not in a matter but in his own matter. The vain is nothing that subsists in and for itself, but is sustained only by the subject. Man sees in it only himself; e.g. there can also be a *moral vanity*, when man in his acting is altogether conscious of his excellence and has the interest more in himself than in the matter. - The man who faithfully fulfils minor businesses shows himself capable of greater ones, because he has shown *obedience*, a giving up of his wishes, inclinations and fancies.

§ 46

Through intellectual and moral culture man acquires the capacity to fulfil the *duties towards others*, which duties may be called *real*, whereas the duties that relate to culture are more *formal* in nature.

§ 47

Insofar as the fulfilment of duties appears more as the subjective

|264| property of an individual and belongs more to his natural character, it is *virtue*.

§ 48

Because virtue is in part connected with natural character, it appears as a morality of a determinate kind and of greater liveliness and intensity. It is at the same time less bound up with the consciousness of duty than morality proper.

II. Family Duty

Cross-reference: § 158 ff.

§ 49

Insofar as man is cultivated, he has the possibility of acting. Insofar as he actually acts, he is necessarily in relation with other human beings. The first necessary relation into which the individual enters with others is the *family relation*. It indeed also has a side of right, but this is subordinate to the side of moral disposition, of love and of trust.

Explanation. The family essentially constitutes only *one* substance, only *one* person. The members of the family are *not persons* towards one another. They enter into such a relation only insofar as through a misfortune the moral bond has dissolved. Among the ancients the disposition of family love, and acting in its sense, was called *pietas*. Dutifulness has in common with piety, which is also designated by this word, that both presuppose an *absolute* bond, the unity existing in and for itself in a spiritual substance, a bond that is not tied by particular arbitrary will or by chance.

§ 50

This disposition consists more precisely in that each member of the family has his essence not in his own person, but that only the whole of the family constitutes its personality.

§ 51

The union of persons of two sexes, which is *marriage*, is essentially neither a merely *natural*, animal union nor a mere *civil contract*, but a moral union of disposition in mutual love and trust, which makes them *one* person.

§ 52

The duty of *parents towards children* is to care for their *maintenance* and *education*, - that of *children*, to *obey* [them] until they become independent, and to honour them their whole life, - that of *brothers and sisters* in general, to act towards one another in accordance with love and pre-eminent equity.

III. Duties towards the State

Cross-reference: § 257 ff.; on duty towards the state especially § 258 and § 261.

§ 53

The natural whole that the family constitutes expands into the whole of a people and state, in which the individuals have for themselves an independent will.

Explanation. The state on the one hand tends towards being able to dispense with the disposition of the citizens, namely insofar as it must make itself independent of the will of individuals. It therefore prescribes to individuals exactly their obligations, namely the share which they must contribute to the whole. It cannot rely on mere disposition, because this can just as well be self-interested and set itself against the interest of the state. - In this way the state becomes a *machine*, a system of external dependencies. But on the other side it cannot dispense with the *disposition* of the citizens. The prescription of the government can contain only the universal. The actual action, the filling out of the purposes of the state, contains the particular manner of activity. This can arise only from the individual understanding, from the disposition of man.

§ 54

The state comprehends society not only under relations of right, but, as a truly higher moral commonwealth, mediates unity in customs, culture and the general manner of thinking and acting (in that each intuits and knows in the other his universality in a spiritual manner).

§ 55

In the spirit of a people each individual citizen has his spiritual substance. The preservation of individuals is not only grounded on the preservation of this living whole, but the same constitutes the universal spiritual nature or the essence of each over against his individuality. *The preservation of the whole therefore takes precedence over the preservation of the individual*, and all should have this disposition.

§ 56

Considered merely from the side of right, insofar as the state protects the private rights of individuals and the individual first of all looks to what is his own, a sacrifice of a part of property towards the state is indeed possible, in order to preserve the remainder. But *patriotism* is not grounded on this calculation, but on the consciousness of the *absoluteness of the state*. This disposition to sacrifice property and life for the whole is the greater in a people, the more the *individuals* can act for the whole with *their own will* and self-activity, and the greater the trust they have in it. (Beautiful patriotism of the Greeks. - Difference of citizen as *bourgeois* and *citoyen*.)

§ 57

The disposition of *obedience* to the commands of the government, of *attachment* to the person of the prince and to the constitution, and the feeling of *national honour* are the virtues of the citizen of every orderly state.

§ 58

The state does not rest on an express *contract* of one with all and of all with one, or of the individual and the government with one another, and the general will of the whole is not the expressing will of individuals, but is the absolutely universal will, which is binding for individuals in and for itself.

IV. Duties towards Others

Cross-reference: Compare the commandment of right in § 36: "Be a person and respect the others as persons."

§ 59

The duties towards others are first the duties of right, which must be bound up with the disposition to do right for right's sake. The remaining ones of these duties are grounded on the disposition to hold others equal to oneself not only as an abstract person but also in their particularity, to regard their weal and woe as one's own and to prove this by active help.

§ 60

This moral manner of thinking and acting goes beyond right. But *uprightness*, the observance of the strict duties towards others, is the first duty, which must lie at the ground. There can be noble and magnanimous actions which are without uprightness. They then have their ground in self-love and in the consciousness of having done something special, whereas what uprightness demands is a duty valid for all, not arbitrary.

§ 61

Among the particular duties towards others, *truthfulness* in speaking and acting is the first. It consists in the equality of what is, and of what one is conscious of, with that which one utters and shows towards others. - *Untruthfulness* is the inequality and contradiction of consciousness and of how one is there

|268| for others, thus of one's inner and one's actuality, and thereby nullity in itself.

§ 62

It also belongs especially to untruthfulness when what one means is *supposed to be* a good intention or disposition, whereas what one does is something evil. (This inequality between the disposition and what the action is in itself would at least be a clumsiness, but insofar as the agent is at all culpable, one who does evil is to be regarded as also meaning it evilly.)

§ 63

It presupposes a particular relation to have the right to tell someone the truth about his conduct. If one does this without having the right to it, one is untrue insofar as one sets up a relation to the other which does not obtain.

Explanation. On the one hand it is the first thing to *tell the truth*, insofar as one knows that it is true. It is ignoble not to tell the truth when it is in its right place to tell it, because one thereby debases oneself before oneself and the other. But one should also *not tell the truth* when one has no calling to it or not even a right. If one tells the truth merely in order to have done one's part, without further result, then it is at least something *superfluous*, for what matters is not that I have said the thing, but that it comes about. Speaking is not yet the deed or action, which is higher. - The truth is told in the right *place* and at the right *time* when it serves to bring the matter about. Speech is an astonishingly great means, but great understanding belongs to using it correctly.

§ 64

Akin to *slander*, which is an actual lie, is

|269| *speaking ill of others*, the recounting of such things as are detrimental to the honour of a third party and are not in and for themselves manifest to those who recount them. It is wont to happen in disapproving zeal against immoral actions, also with the addition that one cannot vouch for the tales as certain and wants to have said nothing. But in this case it is bound up with *dishonesty*, in actually spreading through the deed the tales which one pretends not to want to spread, and in that other with *hypocrisy*, in wanting to speak morally and actually acting evilly.

Explanation. Hypocrisy consists in that human beings act evilly, but give themselves the appearance towards others of having a good intention, of having wanted to do something good. The external action, however, is not different from the inner. With an evil deed the intention too has essentially been evil and not good. It may be the case that the man wanted to attain something good or at least permitted. But one cannot in doing so want to make what is in and for itself evil the means to something good. The *purpose* or *intention does not sanctify the means*. The moral principle goes chiefly to the disposition or to the intention. But it is just as essential that not only the intention but *also the action is good*. – Likewise man must not persuade himself that in the common acting of individual life he has important, excellent intentions. Just as man on the one hand gladly attributes good intentions to his own actions and seeks to make his actions, unimportant in and for themselves, great through reflections, so it happens conversely towards others that he wants to ascribe something evil, through a self-interested intention, to great or at least good actions of others.

§ 65

The disposition to harm others with *knowledge* and *will* is *evil*. The disposition which allows itself, out of *weakness* in the face of its inclination, to violate duties towards others,

|270| also towards itself, is *bad*.

Explanation. Opposed to the good is evil, but also badness. Evil implies that it happens with resolution of the will. It thus has over badness the formal advantage of a strength of will, which is also a condition of the good. Badness, by contrast, is something will-less. The bad man follows his inclination and thereby neglects duties. The bad man too would be content if the duties were fulfilled, only he does not have the will to master his inclinations or habits.

§ 66

What *services* we have to render, or can render, to other human beings depends on contingent relations in which we stand with them and on the particular circumstances in which we ourselves find ourselves. If we are *in a position* to do a service to another, we have only to consider this, that he is a *human being*, and his *need*.

Explanation. The first condition for giving help to others consists in that we have a right to it, namely to regard them as persons in distress and to act towards them as such. The help must therefore happen with *their will*. This presupposes a certain acquaintance or familiarity. The needy person as such is unequal to the one who is not needy. It depends therefore on his will whether he wants to *appear as needy*. He will want this if he is convinced that I, notwithstanding this inequality, treat and regard him as my equal. - Secondly, I must have the means in hand to help him. - Finally there can also be cases where his need is manifest and in it lies, as it were, the declaration of his will that he be helped.

§ 67

The duty of *universal love of mankind* extends more closely to those with whom we stand in the relation of

|271| acquaintance and friendship. The original unity of human beings must have been made voluntarily into such closer bonds, through which more determinate duties arise.

(*Friendship* rests on equality of characters, especially of the interest in doing a common *work* with one another, not on pleasure in the person of the other as such. One must be as little burdensome to one's friends as possible. Not to demand services from friends is the most delicate. One must not spare oneself the matter in order to lay it upon others.)

§ 68

The duty of *prudence* appears first as a duty towards oneself in relations to others, insofar as self-interest is the purpose. - The true *benefit of one's own* is, however, essentially attained through ethical conduct, which is thus true prudence. It is at the same time contained therein that, in relation to moral conduct, one's own benefit may indeed be a consequence, but is not to be regarded as purpose.

§ 69

Insofar as one's own benefit does not lie immediately in moral conduct and depends on the particular and, on the whole, contingent benevolence of others, one finds oneself here in the sphere of mere affections towards one another, and prudence consists in not injuring the inclinations of others and in preserving them for oneself. But even in this respect what brings benefit is actually also that which in and for itself is proper, namely to leave others free in those matters where we have neither duty nor right to disturb them, and to win their affection through our conduct.

§ 70

Politeness is the attestation of benevolent dispositions, also of services, chiefly towards

|272| those with whom we do not yet stand in a closer relation of acquaintance or friendship. It is *falsity* when this attestation is bound up with the opposite dispositions. True politeness, however, is to be regarded as a duty, because we should in general have benevolent dispositions towards one another, in order, through the attestation of them, to open the way to closer bonds with them.

(To render a service, a favour, something agreeable to a stranger is politeness. The same, however, we should also render to an acquaintance or friend. Towards strangers and those with whom we do not stand in a closer bond, what matters is the semblance of benevolence and nothing but this semblance. *Refinement*, delicacy, is to do or say nothing that the relation does not permit. - Greek humanity and urbanity in Socrates and Plato.)

Third Section
Doctrine of Religion

Cross-reference: On the relation of state and religion see the Remark to § 270.

§ 71

The moral law in us is the *eternal law of reason*, which we must irresistibly respect and by which we feel ourselves indissolubly bound. But we just as immediately perceive the *inadequacy* of our individuality to it, and recognise it as something higher than we, as an absolute essence, independent of us and self-subsisting.

§ 72

This absolute essence is present in our pure consciousness and reveals itself to us therein. The knowledge of it is, as mediated through it in us, immediate for us and can to that extent be called *faith*.

§ 73

The elevation above the sensible and finite constitutes, negatively, from our side, the mediation of this knowledge, but only insofar as one indeed sets out from the sensible and finite, but at the same time leaves it and knows it in its nullity. But *this knowledge of the absolute* is itself an *absolute* and immediate knowledge and cannot have something finite as its positive ground or be mediated, as by a proof, through something that it is not itself.

§ 74

This knowledge must determine itself more closely and not remain inner feeling, faith in the indeterminate essence in general, but become a cognition of it. The cognition of God is not above reason - for this is only the reflected radiance of God and is essentially the knowledge of the absolute -, but that cognition is only above the understanding, the knowledge of the finite and relative.

§ 75

Religion itself consists in the occupation of feeling and thought with the absolute essence and in the making present of its representation, with which the *self-forgetfulness* of one's particularity in this elevation, and acting in this sense, with regard to the absolute essence, is necessarily bound up.

§ 76

God is the absolute spirit, i.e. he is the pure essence that makes itself into object, but therein only intuits itself, or in its becoming other returns absolutely into itself and is equal to itself.

§ 77

God is, according to the moments of his essence, 1. absolutely *holy*, insofar as he is the essence universal absolutely in itself. He is

|274| 2. absolute *power*, insofar as he actualizes the universal and preserves the individual in the universal, or eternal *creator of the universe*. He is 3. *wisdom*, insofar as his power is only holy power, 4. *goodness*, insofar as he allows the individual to be in its actuality, and 5. *justice*, insofar as he eternally brings it back to the universal.

§ 78

Evil is the estrangement from God, insofar as the individual, according to its freedom, separates itself from the universal and in exclusion from it strives to be absolutely for itself. Insofar as it is the nature of the finite free being to reflect itself into this individuality, this is to be regarded as evil.

§ 79

But the freedom of the individual being is at the same time in itself an equality of the essence with itself, or it is in itself of divine nature. This cognition, that human nature is not truly something alien to divine nature, assures man of divine *grace* and lets him grasp it, whereby the *reconciliation* of God with the world, or the vanishing of its estrangement from God, comes about.

§ 80

Divine worship is the determinate occupation of thought and feeling with God, whereby the individual strives to bring about his unity with him and to give himself the consciousness and assurance of this unity, which agreement of his will with the divine will he is to prove through the disposition and manner of acting of his actual life.