

On the Scientific Ways of Treating Natural Right

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On the scientific ways of treating natural right, its place in practical philosophy, and its relation to the positive sciences of right

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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 essay out of which the *Groundlines* grow: Hegel examines the *empirical* and the *formal* (Kantian and Fichtean) treatment of natural right and sets absolute ethical life against them. The critique of empty formalism returns in the *Groundlines* in the Remark to § 135, the critique of the state of nature in § 194 Remark and § 258 Remark; ethical life itself in § 142 ff. The German text is on the German side of this edition.

The science of natural right, like other sciences such as mechanics and physics, has indeed long been recognised as an essentially philosophical science and, because philosophy must have parts, as an essential part of it; but it has shared with the others the common fate that the philosophical element of philosophy was located solely in metaphysics and little share in it [was] granted to them, but that they, in their particular principle, were held entirely independent of the Idea. The sciences cited as examples have finally been compelled to confess, more or less, their distance from philosophy, so that they acknowledge what is usually called experience as their scientific principle, thereby renounce the claims to be true sciences, and content themselves with consisting of a collection of empirical items of knowledge and with making use of concepts of the understanding on sufferance, and without wishing to assert anything objective thereby. If that which has called itself philosophical science has first been excluded, against its will, from philosophy and from the category of science in general, and has then in the end let itself be content with this position, this exclusion has its ground not

[435] in the fact that those so-called sciences did not proceed from the science of philosophy itself and did not keep themselves in conscious connection with it; for every part of philosophy in its individuality is capable of being an independent science and of gaining a perfect inner necessity, because that through which it is true science is the absolute, - in which shape it is alone the peculiar principle which lies above the sphere of its cognition and its freedom and in relation to which it belongs to an external necessity. But from this determinacy the Idea itself remains free and is able to reflect itself so purely in this determinate science as absolute life expresses itself in every living thing, without the scientific element of such a science, or its inner rationality, raising itself out into the light of day into the pure form of the Idea, which is the essence of every science and is, in philosophy as the absolute science, this pure Idea; of that peculiar and yet free scientific development of a science geometry gives a brilliant example, envied by the other sciences. Nor, likewise, is it on the ground that all reality must be denied to the sciences which are constituted like those named above, because they are properly speaking empirical; for as every part or every side of philosophy is capable of being an independent science, so each is immediately thereby also an independent and complete image, and can, in the shape of an image, be taken up and presented by an intuition which purely and happily abstains from contamination with fixed concepts.

The perfection of science, however, requires that intuition and the image be just as much united with the logical and taken up into the purely ideal, as that the separated, though true science be relieved of its individuality and its principle be cognised in its higher

[436] connection and necessity and thereby itself be completely freed, - whereby alone it is also possible to cognise the limits of science, about which without this it must remain in ignorance, because otherwise it would have to stand above itself and cognise the nature of its principle according to its determinacy in the absolute form; for from this cognition there would follow for it immediately the cognition and certainty of the extent of the equality of its various determinacies. As it is, however, it can relate to its limits only empirically and must now make false attempts to overstep them, now think them narrower than they are, and therefore experience wholly unexpected extensions, as geometry likewise - which, for example, knows how to prove the incommensurability of the diameter and the side of the square, but not that of the diameter and the periphery of a circle¹⁾ -, still more arithmetic, and most of all the union of the two, gives the greatest examples of the groping of science in the dark at the limits.

1) *Hegel's footnote.* Fichte prides himself (in the introduction to his work on natural right [*Grundlage des Naturrechts nach Prinzipien der Wissenschaftslehre, Leipzig und Jena 1796/97; SW, Bd. III*]) on the simplicity of his insight into the ground of the latter incommensurability: the curved, namely, is in earnest not straight. The superficiality of this ground is evident of itself and is also immediately refuted by the first incommensurability, that of the diameter and the side of the square, both of which are straight, as well as by the quadrature of the parabola. As for the help which is sought in the same place, in healthy common sense, against mathematical infinity, namely that a polygon of infinitely many sides, precisely because it is a polygon of infinitely many sides, cannot be measured, then partly the very same help would have to be available against the infinite progress in which the absolute Idea is supposed to realise itself, and partly nothing is thereby determined about the main point, the positive infinity, which is not an infinite multitude but identity, as to whether this is to be posited, which means as much as that nothing is determined about commensurability or incommensurability.

If the critical philosophy has had the important negative effect upon theoretical sciences of demonstrating that the scientific element

[437] in them belongs not to something objective but to the intermediate thing between nothing and reality, the mixture of being and non-being, and of bringing about their confession that they are only in empirical opining, then its positive side has turned out from this aspect all the poorer and has not been able to give those sciences back to philosophy. On the other hand it has placed the absolute wholly in practical philosophy, and in this it is positive or dogmatic knowing. We must regard the critical philosophy, which also calls itself transcendental idealism, in general, but particularly in natural right, as the culminating point of that opposition which, as the circles on the surface of water spread out concentrically from the point where it is set in motion, finally lose in small movements the relation to a centre and become infinite, grew ever greater in earlier scientific endeavours out of the closedness of barbarism from weaker beginnings, until in the critical philosophy, through the absolute concept of infinity, it came to an understanding with itself and, as infinity, also sublates itself. All significance for the essence of science must therefore be denied to the earlier manners of treatment of natural right and to what would have to be regarded as different principles of it, because they are indeed in opposition and in negativity, but not in absolute negativity or in infinity, which alone is for science, but have the positive as little pure as the negative and are mixtures of both. Only the interest of a curiosity about the history of science could linger over them, both in order to compare them with the absolute Idea and to behold, in the distortion of it itself, the necessity with which the moments of the absolute form, warped by a determinacy which is principle, present themselves and, even under the dominion

[438] of a restricted principle, nevertheless dominate these attempts, - and also to see the empirical state of the world reflected in the ideal mirror of science.

For as to *the latter*, in the connection of all things the empirical existence and the state of all sciences will indeed likewise express the state of the world, but most immediately the state of natural right, because it relates directly to the ethical, the mover of all human things, and, insofar as the science of it has an existence, belongs to necessity, must be one with the empirical shape of the ethical, which is likewise in necessity, and must as science express the same in the form of universality.

As to the former, the only true difference in the principle of a science that can be recognised is whether it is in the absolute or whether it is outside the absolute unity, in opposition. In the latter case, however, it could not be science at all, if its principle were not some incomplete and relative unity or the concept of a relation, were it only the empty abstraction of relation itself, under the name of attractive force or force of being-one. To sciences whose principle is no concept of relation, or only the empty force of being-one, nothing ideal is left but the first ideal relation according to which the child is different as against the world, the form of representation, into which they put the empirical qualities and whose manifoldness they can recount; they would preeminently be called empirical sciences. But because practical sciences by their nature aim at something really universal or at a unity which is the unity of the different, so in practical empiricism too the feelings must include in themselves not pure qualities but relations, whether negative, like the drive to self-preservation, or positive, as love and hatred, sociability and the like; and the more scientific

[439] empiricism distinguishes itself from that pure empiricism not in general by relations being its object more than qualities, but by its fixing these relations in the form of the concept and holding to this negative absoluteness, without however separating this form of unity and its content. We shall call these *empirical sciences*; on the other hand that form of science in which the opposition is absolute and the pure unity or infinity, the negatively absolute, is separated pure from the content and posited for itself, a purely *formal science*.

Although a specific difference has hereby been established between the two spurious kinds of the scientific treatment of natural right, according to which the principle of the one is relations and mixtures of empirical intuition and the universal, that of the other, however, absolute opposition and absolute universality, it is nevertheless evident of itself that the ingredients of both, empirical intuition and concept, are the same, and that formalism, as it passes from its pure negation to a content, likewise can arrive at nothing other than relations or relative identities, because the purely ideal or the opposition [is] posited as absolute, so that the absolute Idea and unity cannot be present, and in relation to intuition - since with the principle of absolute opposition or of the absoluteness of the purely ideal the absolute principle of the empirical is posited - the syntheses, insofar as they are to have not merely the negative significance of the sublation of one part of the opposition but also a positive significance of intuition, can represent only empirical intuitions.

These *two kinds of the scientific treatment of natural right are first to be characterised more closely*: the former with regard to the way in which the absolute Idea appears in it according to the moments of the absolute form; the other, how the infinite or the negatively absolute seeks in vain

[440] to bring it to a positive organisation. The exposition of the latter attempt will lead immediately to the *consideration of the nature and the relation of the sciences of the ethical as philosophical sciences as well as of their relation to that which is called positive science of right*, which indeed keeps itself outside philosophy and, in that it renounces it of itself, believes it can withdraw from its critique, yet at the same time also claims an absolute subsistence and a true reality, a pretension which is not to be indulged.

[I]

Cross-reference: The empirical manner of treatment. On the critique of starting from the state of nature see § 194 Remark and § 258 Remark.

As for the *manner of treatment* of natural right which we have called the *empirical*, it cannot, in the first place, enter at all upon the determinacies and concepts of relation themselves, as to their matter, which it seizes upon and asserts under the name of fundamental principles, but it is precisely this separating and fixing of determinacies that must be negated. The nature of this separating brings with it that the scientific element can aim only at the form of unity and that, in an organic relation, out of the many kinds of qualities into which it can be divided, if they are not merely to be recounted - in order to attain a unity over this multitude - some determinacy must be singled out and regarded as the essence of the relation. But precisely thereby the totality of the organic is not attained, and the remainder of it, excluded from that chosen determinacy, comes under the dominion of the latter, which is raised to essence and purpose. Thus, for example, in order to cognise the relation of marriage, now the begetting of children, now the community of goods, etc., is posited, and from such a determinacy, which is made into the law as the essential, the whole organic relation is determined and contaminated; or of punishment [is]

[4.4.1] now the determinacy of the moral improvement of the criminal, now of the damage done, now of the representation of the punishment in others, now of the criminal's own representation of it preceding the crime, now of the necessity that this representation be made real, the threat carried out, etc., seized upon, and such an individual item made the purpose and essence of the whole; whereupon it naturally follows that, because such a determinacy is not in necessary connection with the remaining determinacies, which are to be further hunted up and distinguished, a tormenting over it arises, in order to find the necessary relation and dominion of the one over the others, which comes to no end, and that, because the inner necessity, which is not in individuality, is lacking, each can very well vindicate its independence from the other. - Such qualities, seized upon out of the plurality of relations into which the organic is splintered by empirical or imperfectly reflected intuition, and posited in the form of the unity of the concept, are what that knowing calls the essence and the purposes and, in that their form of the concept is expressed as the absolute being of the determinacy which constitutes the content of the concept, are set up as fundamental principles, laws, duties, etc., - of which transformation of the absoluteness of the pure form, which however is the negative absoluteness or pure identity, the pure concept, infinity, into the absoluteness of the content and of the determinacy which is taken up into the form, more will be said in connection with the principle of the critical philosophy, which undertakes that transformation with reflection upon it and as absolute reason and duty, whereas in empirical knowing, of which we are speaking here, it happens unconsciously.

This formal unity, into which the determinacy is posited by thinking, is at the same time what gives the semblance of the necessity which science seeks; for the

[4.4.2] unity of opposites, considered in relation to these as real, is their necessity. But because the matter of the formal unity of which we are speaking is not the whole of the opposites but only *one* of the opposites, a determinacy, the necessity too is only a formal, analytical one and relates merely to the form of an identical or analytical proposition in which the determinacy can be presented, through which absoluteness of the proposition, however, an absoluteness of the content is also obtained by stealth, and thus laws and fundamental principles are constituted.

But since this empirical science finds itself in the manifoldness of such fundamental principles, laws, purposes, duties, rights, none of which is absolute, there must at the same time hover before it the image and the need of the absolute unity of all these unconnected determinacies and of an original simple necessity, and we consider how it will satisfy this demand descending from reason, or how the absolute Idea of reason will be presented in its moments under the dominion of the opposition of the many and the one, which is insurmountable for this empirical knowing. It is partly interesting in itself to behold, in this scientific endeavour and in its turbid medium, even the reflection and the dominion of the absolute, but at the same time its perversity; partly the forms which the moments of the absolute have received therein have become a kind of prejudices and of undoubted, generally valid thoughts, whose nullity critique must show, in order to justify science in taking no regard of them, - which demonstration of their nullity takes place most evidently by pointing out the reality-less ground and soil out of which they have grown and whose taste and nature grow into them.

In the first place, what hovers before empirical science is scientific

[4.43] totality as a totality of the manifold or as completeness, but before formalism proper as consistency. The former can raise its experiences into universality at will and continue the consistency with its thought determinacies as far as it goes, until other empirical material, which contradicts that, but has just as much its right to be thought and pronounced as a fundamental principle, no longer permits the consistency of the preceding determinacy but compels it to be abandoned. Formalism can extend its consistency as far as the emptiness of its principle in general permits, or a content it has obtained by stealth; in return, however, it is also entitled proudly to exclude from its apriority and science, under the disgusting name of the empirical, whatever is lacking in completeness, for it asserts its formal principles as the a priori and absolute and therefore that of which it cannot make itself master through them as non-absolute and contingent, unless it knows how to help itself otherwise by finding, to the empirical in general and from one determinacy again to the other, the formal transition of progress from the conditioned to the condition and, since this is again a conditioned, so on to infinity, - whereby however it not only gives up every advantage over what it calls the empirical but, since in the connection of the conditioned with the condition these opposites are posited as subsisting absolutely, itself sinks wholly into empirical necessity and lends to this, through the formal identity or the negatively absolute with which it holds it together, the semblance of true absoluteness.

This combination of consistency with the completeness of the image - be it of the latter, more complete formal and empty consistency, or of that former one which, with determinate concepts as fundamental principles, from one of which it passes to others, is consistent only in inconsistency - however immediately displaces the position of the manifold,

[444] as it is for pure empiricism, for which each has equal rights with the other and which prefers to the other no determinacy, one of which is as real as the other, to which we shall return below when comparing pure empiricism with this scientific kind of which we are here speaking.

After this formal totality we must consider how absolute unity appears in the reflex of empirical knowing, both as simple unity, which we can call the original one, and as totality; both unities, which in the absolute are one and whose identity is the absolute, must in that knowing be separated and occur as something different.

As to that unity in the first place, empiricism cannot be concerned with it as the essence of necessity, which for the appearance is an external bond of it; for in the unity which is the essential one the manifold is immediately annihilated and nothing; because manifold being is the principle of empiricism, it is denied it to penetrate to the absolute nothing of its qualities, which for it are absolute and, also through the concept according to which they are absolutely many, are infinitely many. That original unity can therefore signify only a, as far as possible, simple and small multitude of qualities, with which it believes it can suffice for the cognition of the rest. That ideal, in which what roughly counts as arbitrary and contingent is wiped out and the smallest necessary multitude of the manifold is posited, is for empiricism, in the physical as in the ethical, the *chaos*, which in the latter is represented, now more under the image of being by imagination as the *state of nature*, now more under the form of possibility and of abstraction, as an enumeration of the faculties found in man by empirical psychology, [as] the *nature and vocation of man*, and in this way what is asserted on the one hand as absolutely necessary, in itself, absolute, is at the same time on the other hand acknowledged as something

[445] not real, merely imagined and as a thing of thought, there as a fiction, here as a mere possibility, which is the hardest contradiction.

For the common understanding, which keeps to the turbid mixture of what is in itself and what is transient, nothing is more comprehensible than that it can find what is in itself in such a way that, if it separates off from the mixed image of the condition of right everything arbitrary and contingent, the absolutely necessary must remain to it immediately through this abstraction. If one thinks away everything that a turbid presentiment can reckon among the particular and the transient, as belonging to particular customs, to history, to culture and also to the state, then man remains, under the image of the naked state of nature, or the abstract of it with its essential possibilities, and one has only to look in order to find what is necessary. What is recognised as being in relation to the state must also be separated off for the reason that the chaotic image of the necessary cannot contain the absolute unity, but only the simple manifoldness, the atoms with the fewest possible properties, and therefore [that] which can fall under the concept of a linking and ordering of them, as the weakest unity of which the principle of plurality is capable, is excluded from it as what is first later and added to that plurality. Now in that separation empiricism lacks, in the first place, any criterion at all as to where the boundary runs between the contingent and the necessary, hence what is to remain in the chaos of the state of nature or in the abstraction of man and what must be left out. The guiding determination herein can be nothing other than that there be as much in it as one needs for the presentation of what is found in actuality; the judging principle for that a priori is the a posteriori. As to what is to be made valid in the representation of the condition of right

[446] one has only, in order to show its connection with the original and necessary and thus itself as necessary, to locate for this purpose a special quality or faculty in the chaos, to make hypotheses, in the manner of the sciences proceeding from the empirical in general, for the so-called explanation of actuality, in which this actuality is posited in the same determinacy, only in a wholly formal-ideal shape as force, matter, faculty, so that one is also very easily comprehensible and explicable from the other.

On the one side, this turbid presentiment of original and absolute unity, which expresses itself in the chaos of the state of nature and in the abstraction of faculties and inclinations, does not get as far as absolute negative unity, but goes only to the extinction of a great multitude of particularities and oppositions; but there still remains in it an indeterminable multitude of qualitative determinacies, which have, just as little for themselves any other than an empirical necessity, and for one another no inner necessity; they have only the relation of being, as many, and because this many is for one another but without unity, of being determined as opposed to one another and in absolute conflict against one another, and the separated energies of the ethical must be thought in the state of nature or in the abstract of man as in a war of mutual annihilation. But it is for this very reason easy to show that, since these qualities are absolutely opposed to one another and are therefore purely ideal, they cannot subsist in this ideality and separation, as they are nevertheless supposed to, but sublate themselves and reduce to nothing; but to this absolute reflection and to the insight into the nothing of the determinacies in the absolutely simple empiricism cannot attain, but the many nothings remain for it a multitude of realities. To this plurality, however, the positive unity expressing itself as absolute totality must, for empiricism, be added as something other and alien

[447] , and already in this form of linking the two sides of the absolute identity it is contained that the totality will present itself just as turbid and impure as that of the original unity. The ground of the being of the one of these unities here separated for the other, or of the transition from the first to the second, is as easily given by empiricism as grounding in general comes easy to it. According to the fiction of the state of nature it is left for the sake of the evils which it carries with it, which means nothing other than: what one wishes to arrive at is presupposed, namely that an accord of what conflicts as chaos is the good or that to which one must come; or into the representation of the original qualities as possibilities such a ground of transition is immediately put as drive of sociability, or the concept-form of a faculty is renounced and one proceeds at once to the wholly particular of the appearance of that second unity, to the historical, as subjugation of the weaker by the more powerful, etc. The unity itself, however, according to the principle of absolute qualitative plurality, as in empirical physics, can do nothing but again [posit], in the place of the many atomic qualities, manifold entanglements of the simple and separated many posited as original, superficial contacts of these qualities, which in themselves in their particularity are indestructible and capable of entering only light, partial combinations and mixtures, hence it can present a plurality of the divided or of relations and, insofar as the unity is posited as a whole, posit the empty name of a formless and external harmony under the name of society and the state. Even if this unity is represented as absolute, whether for itself or, in a more empirical relation, according to its origin, as receiving its immediate origin from God, and if in its subsistence too the centre and inner essence are represented as divine, yet this representation again remains

[448] something formal, hovering only above the plurality, not penetrating it. Be it that God is cognised not only as founder of the union but also as its preserver, and, in relation to the latter, the majesty of the supreme power as his reflection and divine in itself, the divine of the union is something external for the united many, who must be posited with it only in the relation of dominion, because the principle of this empiricism excludes the absolute unity of the one and the many; at which point of this relation it coincides immediately with the opposed principle, for which abstract unity is the first, except that empiricism is not embarrassed by its inconsistencies, which spring from the mixing of things posited as so specifically different as abstract unity and absolute plurality are, and for this very reason also has the advantage of not closing the access to views which, apart from their merely material side, are appearances of a purer and more divine interior than can come about according to the principle of opposition, in which alone ruling and obeying are possible.

The state of nature and the majesty and divinity of the whole of the condition of right, alien to the individuals and therefore itself individual and particular, as well as the relation of the absolute subjection of the subjects under that supreme power, are the forms in which the splintered moments of organic ethical life - the moment of absolute unity and of the same insofar as it comprehends within itself the opposition of unity and plurality and is absolute totality, and the moment of infinity or of the nothing of the realities of the opposition - are fixed as particular essentialities and precisely thereby, as is the Idea, are perverted. The absolute Idea of ethical life, on the other hand, contains the natural condition and the majesty as absolutely identical, in that the latter itself is nothing other than the absolute ethical nature, and no loss of absolute freedom, which one would have to

[449] understand by natural freedom, or giving up of ethical nature through the majesty's being real, can be thought; the natural, however, which in the ethical relation would have to be thought as something to be given up, would itself be nothing ethical and thus would least of all present the same in its originality. Just as little is infinity or the nothing of the individual, of the subjects, fixed in the absolute Idea and in relative identity with the majesty as a relation of subjection, in which individuality too would be something absolutely posited, but in the Idea infinity is true, individuality as such nothing and absolutely one with the absolute ethical majesty, which true living, not subjected being-one is alone the true ethical life of the individual.

We have charged scientific empiricism, insofar as it is scientific, with positive nullity and with the untruth of its fundamental principles, laws, etc., because it bestows on determinacies, through the formal unity into which it transposes them, the negative absoluteness of the concept and pronounces them as positively absolute and being in themselves, as purpose and vocation, fundamental principle, law, duty and right, which forms signify something absolute. But in order to obtain the unity of an organic relation which offers to this qualitative determining a multitude of such concepts, a dominion over the other determinacies of the manifoldness must be given to *one* determinacy expressed as purpose, vocation or law, and these must be posited before it as unreal and null. It is in this application and consistency that intuition as inner totality is annihilated; it is therefore inconsistency through which that taking up of determinacies into the concept can rectify itself and sublimate the violence done to intuition, for inconsistency immediately annihilates the absoluteness previously bestowed on a determinacy. From this side the old, thoroughly inconsistent

[450] empiricism must be justified, not in relation to absolute science as such, but in relation to the consistency of the empirical scientificity of which there has so far been talk. A great and pure intuition can in this way express the truly ethical in the purely architectonic of its presentation, in which the connection of necessity and the dominion of the form do not step forth into the visible - like a building which presents the spirit of its author mutely in the scattered mass, without its image itself, gathered into one, being set up in it as a shape. In such a presentation made with the help of concepts it is only a clumsiness of reason that it does not raise to the ideal form what it comprehends and penetrates and does not become conscious of it as Idea. If intuition only remains true to itself and lets itself not be confused by the understanding, it will, insofar as it cannot do without concepts for its expression, conduct itself clumsily with regard to them, assume perverted shapes in passing through consciousness, and be both incoherent and contradictory for the concept; but the arrangement of the parts and of the determinacies modifying themselves let the inner rational spirit, though invisible, be guessed, and insofar as this its appearance is regarded as product and result, it will agree perfectly with the Idea as product.

For the understanding nothing is easier here than to fall upon this empiricism, to set other grounds against those clumsy ones, to point out the confusion and the contradiction of the concepts, to draw from the isolated propositions consequences which express what is hardest and most unreasonable, and in manifold ways to lay bare the unscientific character of empiricism, in which it has its right done to it, especially if it either has the pretension to be scientific or is polemical against science as

[451] such. On the other hand, when determinacies are fixed and their law is carried through consistently across the sides dug up by empiricism, intuition is subjected to them and in general what is usually called theory is formed, then empiricism is right to charge this with one-sidedness, and through the completeness of the determinacies which it asserts, it is in its power to force that theory by instances to a universality which becomes wholly empty. That limitedness of concepts, the fixing of determinacies, the elevation of a seized-upon side of the appearance into universality and the dominion bestowed on it over the others, is what in recent times has called itself no longer theory but philosophy, and, according as it raised itself to emptier abstractions and took possession of purer negations such as freedom, pure will, humanity, etc., metaphysics, and believed itself to have produced philosophical revolutions in natural right as well as especially in the right of the state and in criminal right, when it tugged these sciences to and fro with such essenceless abstractions and positively expressed negations as freedom, equality, pure state, etc., or with determinacies seized upon from common empiricism, which are just as essenceless as those, like coercion, especially psychological coercion with its whole train of opposition of practical reason and sensuous incentives, and whatever else is native to this psychology, and likewise forced such null concepts, as absolute purposes of reason, principles of reason and laws, with more or less consistency through a science. With right empiricism demands that such philosophising must orient itself by experience. It rightly insists on its tenacity against such a scaffolding and artifice of fundamental principles and prefers its empirical inconsistency, which is grounded on an, albeit turbid, intuition of a whole, to the consistency of

[452] such philosophising, and its own confusion, e.g. of ethical life, morality, legality or, in a more particular case, in punishment, the confusion of revenge, security of the state, improvement, carrying out of the threat, deterrence, prevention, etc., whether in a scientific regard or in practical life, to the absolute holding apart of these different sides of one and the same intuition and the determining of the whole of it by a single one of these qualities, - asserts with right that theory and that which calls itself philosophy and metaphysics have no application and contradict necessary practice, - which non-applicability would be better expressed by saying that in that theory and philosophy there is nothing absolute, no reality and truth. Finally empiricism rightly also reproaches such philosophising with its ingratitude towards it, in that it is what supplies it with the content of its concepts and must see the same spoilt and perverted by it; for empiricism offers the determinacy of the content in an entanglement and connectedness with other determinacies, which in its essence is a whole, organic and living, which is killed by that dismemberment and by that elevation of essenceless abstractions and individual items to absoluteness.

An empiricism would assert itself against such theory and philosophy with the greatest right, and would regard the multitude of principles, purposes, laws, duties, rights not as something absolute, but as distinctions that are important for the culture through which its own intuition becomes clearer to it, if it were and remained pure itself. But when empiricism appears to enter the struggle with theory, it usually turns out that the one as well as the other is an intuition already contaminated and sublated beforehand by reflection, and a perverted reason, and that what passes itself off as empiricism is only the weaker in abstraction, and is that which, with less self-activity,

[453] has not itself extracted, distinguished and fixed its limitations, but is entangled in those which, having become firm in general culture, are present as healthy common sense and therefore seem to be taken immediately from experience. Between such a perversity of intuition that has become firm and the abstractions only now fixed, the picture of the conflict is necessarily just as motley as they themselves are; each uses against the other now an abstraction, now a so-called experience, and on both sides it is empiricism that shatters itself against empiricism, and limitedness that shatters itself against limitedness, - now a boasting with principles and laws against philosophy and an exclusion of it as an incompetent judge of such absolute truths, in which the understanding has run itself fast, now a misuse of it for ratiocination and an appeal to it.

This relative right, which has been conceded to empiricism, when intuition is the ruling element in it, against the mixing of the empirical and the reflected, relates, as was recalled, to its unconscious inner; but the middle between the two, between that inner and its outer, - consciousness, is the side towards which its deficiency and therefore its one-sidedness lies, and its driving towards the scientific and the incomplete connection and mere contact with the concept, through which it only contaminates itself in this way, stems from the necessity that multiplicity and finitude absolutely sink themselves into infinity or into universality.

[II]

Cross-reference: The formal manner of treatment (Kant and Fichte). The critique of “empty formalism” returns in the Remark to § 135.

But it is the side of *infinity* that constitutes the principle of the apriority opposed to the empirical, to the consideration of which we now pass over.

The going of empirical opining and of its mixing

[454] of the manifold with the simple towards the concept is, in the absolute concept or in infinity, removed from its wavering, and the incomplete separation is decided. In a lower abstraction, infinity has indeed also been singled out as the absoluteness of the subject in the doctrine of happiness in general and in natural right in particular, by those systems that are called anti-socialist and posit the being of the individual as the first and highest, but not in the pure abstraction which it has received in Kantian or Fichtean idealism.

It does not belong here to present the nature of infinity and of its manifold transformations; for as it is the principle of movement and of alteration, so its essence itself is nothing other than to be the unmediated opposite of itself, or it is the negatively absolute, the abstraction of form, which, in that it is pure identity, is immediately pure non-identity or absolute opposition; in that it is pure ideality, just as immediately pure reality; in that it is the infinite, the absolutely finite; in that it is the indeterminate, absolute determinacy. The absolute transition into the opposite, which is its essence, and the vanishing of every reality in its opposite cannot be halted otherwise than by empirically fixing the one side of it, namely reality, or the subsisting of the opposed, and abstracting from the opposite, the nothingness of this subsisting. This real opposite is on one side the manifold being or finitude and, over against it, infinity as negation of multiplicity and positively as pure unity; and the absolute concept, constituted in this way, yields in this unity that which has been called pure reason. The relation of this pure unity, however, to the manifold beings standing over against it

[455] is itself again just as much a doubled relation, either the positive one of the subsisting of both or of the being-annihilated of both; but both that subsisting and this being-annihilated are to be understood only as partial, for were that subsisting of both absolute, there would be no relation of the two at all, and were the complete being-annihilated of both posited, there would not be a subsisting of both. This partial subsisting and partial being-negated of both - the opposing of a divisible I to a divisible not-I in the I, i.e. in the relation, for that very reason likewise partial - is the absolute principle of this philosophy. In the first, the positive relation, pure unity is called theoretical, in the negative relation practical reason; and because in the latter the negation of the opposition is the first, and unity therefore the more subsisting, but in the former the subsisting of the opposition is the first, and multiplicity therefore what subsists first and more, practical reason appears here as the real, theoretical reason however as the ideal. - But one sees that this determination belongs entirely to the opposition and to appearance; for pure unity, which is posited as reason, is admittedly negative, ideal, if the opposed, the many, which is thereby the unreasonable, absolutely has a subsisting, just as it appears as more subsisting and more real if the many is posited as negated or rather as to be negated. But that unreasonable many, as nature is posited against reason as pure unity, is unreasonable only because it is posited as the essenceless abstraction of the many and, on the other hand, reason as the essenceless abstraction of the one; considered in itself, however, both that many is absolute unity of the one and the many, as is this unity, and nature or theoretical reason, which is the many, as absolute unity of the one and the many, must rather, conversely, be determined as the real reason; the ethical, which is the unity, as absolute unity of the one and the many, however, as the ideal, because in

[456] opposition reality is in multiplicity, but ideality in unity.

In what is called practical reason there is therefore to be recognised only the *formal* Idea of the identity of the ideal and the real, and this Idea was supposed to be the absolute point of indifference in these systems; but that Idea does not emerge from difference and the ideal does not arrive at reality, for notwithstanding that in this practical reason the ideal and the real are identical, the real nonetheless remains absolutely opposed. This real is essentially posited outside reason, and practical reason, whose essence is conceived as a relation of causality to the many, - as an identity which [is] absolutely affected with a difference and does not go out from appearance, - is only in difference against it. This science of the ethical, which speaks of the absolute identity of the ideal and the real, thus does not act in accordance with its words, but its ethical reason is in truth and in its essence a non-identity of the ideal and the real.

Ethical reason was previously determined as the absolute in the form of unity, and hereby, in that it is itself posited as a determinacy, it seems immediately in this determination to be posited just as essentially with an opposition. The difference, however, is that true reality and the absolute of it is entirely free of this opposition to nature and that it is absolute identity of the ideal and the real. The absolute is cognised according to its Idea as this identity of different, whose determinacy is, for the one to be unity, for the other multiplicity, and this determinacy is ideal, i.e. it is only in infinity according to the concept of it shown above: this determinacy is sublated just as much as it is posited; each, unity as well as multiplicity, whose identity the absolute is, is itself unity of the one and the many. But the one, whose ideal determination is multiplicity, is the subsisting of the opposed,

[457] the positive reality, and therefore an opposite, doubled relation is necessary to it itself. Because the real subsists in it, its identity is a relative one, and this relative identity of the opposed is necessity. As it is thus in difference, so its relation itself or the identity of the relation must also be a different; both that in it unity and that multiplicity is the first. This twofold relation determines the doubled side of necessity or of the appearance of the absolute. Since this twofold relation falls on multiplicity, and if we call indifference the unity of the differents, which stands on the other side and in which that reality or the many is sublated, then the absolute is the unity of indifference and of relation; and because the latter is a doubled one, the appearance of the absolute is determined as unity of indifference and of that relation or of that relative identity in which the many is the first, the positive, - and as unity of indifference and of that relation in which unity is the first and positive; the former is physical, the latter ethical nature. And since indifference or unity is freedom, but relation or relative identity is necessity, each of these two appearances is the oneness and indifference of freedom and necessity. Substance is absolute and infinite; in this predicate infinity the necessity of the divine nature or its appearance [is contained], and this necessity expresses itself as reality precisely in a doubled relation. Each of the two attributes itself expresses substance and is absolute and infinite or the unity of indifference and of relation, and in the relation their difference is posited in such a way that in the relation of the one the many, in the relation of the other the one is the first or that which is turned outward against the other. But because in ethical nature itself in its relation unity is the first,

[458] it is also free in this relative identity, i.e. in its necessity; or because relative identity is not sublated by unity being the first, this second freedom is so determined that the necessary indeed is for ethical nature, but is posited negatively. If we were now to isolate this side of the relative identity of ethical nature and were to recognise as the essence of ethical nature not the absolute unity of indifference and of this relative identity, but the side of the relation or of necessity, we would stand at the same point at which the essence of practical reason is determined as having absolute causality, or that it is indeed free and necessity only negative, but precisely for that reason nonetheless posited, whereby precisely that freedom does not come out of difference, the relation or relative identity is made into the essence, and the absolute is conceived only as negatively absolute or as infinite.

The empirical and popular expression by which this representation, which grasps ethical nature merely from the side of its relative identity, has so greatly recommended itself, is that the real, under the names of sensibility, inclinations, lower faculty of desire etc. (moment of the multiplicity of the relation), does not agree (moment of the opposition of unity and multiplicity) with reason (moment of the pure unity of the relation), and that reason consists in willing out of its own absolute self-activity and autonomy and in restricting and dominating that sensibility (moment of the determinacy of this relation, that in it unity or the negation of multiplicity is the first). The reality of this representation is grounded on the empirical consciousness and the general experience of everyone, of finding both that discord and this pure unity of practical reason or the abstraction of the I in itself. Nor can there be any question of denying this standpoint, but it

[459] has been determined above as the side of relative identity, of the being of the infinite in the finite; but this must be maintained, that it is not the absolute standpoint, as in which, as has been shown, the relation proves itself to be only one side and the isolating of it therefore to be something one-sided, and that, because ethical life is something absolute, that standpoint is not the standpoint of ethical life, but that in it there is no ethical life. And as regards the appeal to common consciousness, in that very same consciousness ethical life itself must just as necessarily occur as that standpoint which, since the relation is isolated for itself, posited as being in itself and not as a moment, is the principle of unethicity. Empirical consciousness is empirical because the moments of the absolute appear in it scattered, side by side, successive, fragmented; but it would itself be no common consciousness if ethical life did not just as much occur in it. Among these manifold appearances of the ethical and the unethical that occur in empirical consciousness, that formal philosophy had the choice, and it is not the fault of common consciousness but of philosophy that it chose the appearance of the unethical and supposed itself to have in negative absoluteness or in infinity the true absolute.

The execution of this practical philosophy rests on the presentation of that which this negative absoluteness is capable of, and we must follow the false attempt to show a truly absolute in the negatively absolute through its principal moments.

It follows at once that, since pure unity constitutes the essence of practical reason, there can be so little talk of a system of ethical life that not even a plurality of laws is possible, inasmuch as that which goes beyond the pure concept or - because this, insofar as it is posited as negating the many, i.e. as practical, is duty

[460] – that which goes beyond the pure concept of duty and the abstraction of a law no longer belongs to this pure reason; as Kant, he who has presented this abstraction of the concept in its absolute purity, recognises very well that all material of the law is lacking to practical reason and that it can make nothing more than the *form* of the *suitability* of the maxim of arbitrary will the supreme law. The maxim of arbitrary will has a content and includes a determinacy in itself; the pure will, by contrast, is free of determinacies; the absolute law of practical reason is to raise that determinacy into the form of pure unity, and the expression of this determinacy taken up into the form is the law. If it is possible that the determinacy is taken up into the form of the pure concept, if it does not sublate itself through this form, then it is justified and has become absolute through negative absoluteness itself, law and right or duty. But the matter of the maxim remains what it is, a determinacy or individuality; and the universality which the taking-up into the form bestows on it is therefore an absolutely analytic unity, and if the unity bestowed on it is pronounced purely as what it is in a proposition, the proposition is an analytic one and a tautology. And in the production of tautologies consists, in truth, the sublime faculty of the autonomy of legislation of pure practical reason; the pure identity of the understanding, expressed in the theoretical as the principle of contradiction, remains, turned to the practical form, the very same. If the question “What is truth?”, put to logic and answered by it, presents Kant with the laughable sight of one milking the he-goat while the other holds a sieve beneath, then the question “What is right and duty?”, put to that pure practical reason and answered by it, is in the same case. If Kant recognises that a general criterion of truth would be that which would be valid of all cognitions without distinction

[461] of their objects, but that it is clear that, since in it one abstracts from all content of cognition and truth concerns precisely this content, it is entirely impossible and absurd to ask for a mark of the truth of this content of cognitions, inasmuch as the mark is at the same time not to concern the content of cognitions, he thereby pronounces precisely the judgement on the principle of duty and right that is set up by practical reason. For it is the absolute abstraction from all matter of the will; through a content a heteronomy of arbitrary will is posited. Now, however, it is precisely the interest to know what right and duty then are; the question is asked after the content of the ethical law, and all that matters is this content; but the essence of the pure will and of pure practical reason is that all content is abstracted from, and so it is in itself contradictory to seek, in this absolute practical reason, an ethical legislation, since it would have to have a content, while its essence consists in having no content.

In order, then, for this formalism to be able to pronounce a law, it is necessary that some matter, a determinacy, be posited which makes up the content of the law, and the form which is added to this determinacy is unity or universality; that a maxim of your will must at the same time count as the principle of a universal legislation - this basic law of pure practical reason expresses that some determinacy, which makes up the content of the maxim of the particular will, be posited as concept, as universal. But every determinacy is capable of being taken up into the form of the concept and posited as a quality, and there is nothing at all that could not be made in this way into an ethical law. Every determinacy, however, is in itself a particular and not a universal; the opposite determinacy stands over against it, and it is only determinacy

[462] insofar as such a one stands over against it. Each of the two determinacies is equally capable of being thought; which of the two it is to be, which is to be taken up into the unity or thought and which abstracted from, this is entirely undetermined and free; if the one is fixed as subsisting in and for itself, then the other indeed cannot be posited; but this other can just as well be thought and, since this form of thinking is the essence, pronounced as an absolute ethical law. That the commonest understanding without instruction can undertake that easy operation and distinguish which form in the maxim is suited for universal legislation or not, Kant shows by the example of the question whether the maxim, to increase my wealth by all safe means - in case such a means presented itself in a deposit - could count as a universal practical law, which would thus be of the content that anyone may deny a deposit the depositing of which nobody can prove to him; this question decides itself, in that such a principle as law would annihilate itself, because it would bring it about that there would be no deposit at all.²⁾ But that there would be no deposit at all, what contradiction would lie in that? That there be no deposit will contradict other necessary determinacies, just as that a deposit be possible will cohere with other necessary determinacies and thereby be itself necessary. But other purposes and material grounds are not to be called in; rather, the immediate form of the concept is to decide the correctness of the first or the second assumption; but for the form the one of the opposed determinacies is as indifferent as the other; each can be conceived as a quality and this conceiving pronounced as law. If the determinacy of property in general is posited, then the tautological

2) *Editors: Kritik der praktischen Vernunft, A 49*

[463] proposition can be made from it: property is property and otherwise nothing else, and this tautological production is the legislating of this, the practical reason: property, if property is, must be property. But if the opposite determinacy, negation of property, is posited, then through the legislation of the very same practical reason the tautology results: non-property is non-property; if there is no property, then that which wants to be property must be sublated. But it is precisely the interest to prove that property must be; it is concerned solely with that which lies outside the capacity of this practical legislating of pure reason, namely to decide which of the opposed determinacies must be posited; but that this have already happened before and one of the opposed determinacies be posited in advance, pure reason demands, and only then can it carry out its now superfluous legislating.

But the analytic unity and tautology of practical reason is not merely something superfluous, but, in the turn which it receives, something false, and it must be recognised as the principle of unethicity. Through the mere taking-up of a determinacy into the form of unity the nature of the being of it is supposed to change; and the determinacy which by its nature has another determinacy against it, the one of which is the negation of the other and for that very reason neither is something absolute (and it is indifferent to the function of practical reason which of the two it is, for it gives merely the empty form), is supposed, through this connection with the form of pure unity, itself to be made absolute, to be made law and duty. But where a determinacy and individuality is raised to an in-itself, there unreasonableness is posited and, in relation to the ethical, unethicity. - This transformation of the conditioned, unreal into an unconditioned and absolute is easy to recognise in its illegitimacy and to trace out on its sly path. The determinacy, taken up into the form

[464] of pure unity or of formal identity, produces, when the determinate concept is expressed as a proposition, the tautology of the formal proposition “the determinacy A is the determinacy A ”. The form, or in the proposition: “the identity of subject and predicate is something absolute”, [brings] however only something negative or formal [forth], which does not concern the determinacy A itself at all; this content is for the form something thoroughly hypothetical. The absoluteness that is in the proposition according to its form, however, acquires in practical reason an entirely different meaning; it is namely also transferred to the content, which by its nature is something conditioned, and this non-absolute, conditioned thing is raised, contrary to its essence, to an absolute through that mixing. It is not the practical interest to produce a tautology, and on account of this idle form, which is nevertheless its only force, not so much fuss would be made of practical reason; through the mixing of the absolute form with the conditioned matter, however, the absoluteness of the form is unawares foisted on the unreal, conditioned element of the content, and in this perversion and sleight of hand lies the nerve of this practical legislation of pure reason. To the proposition “property is property” there is foisted, instead of its true meaning: “the identity which this proposition expresses in its form is absolute”, the meaning: “the matter of it, namely property, is absolute”, and forthwith every determinacy can be made duty. Arbitrary will has the choice among opposed determinacies, and it would be only a clumsiness if for some action no such ground could be found, one which no longer has merely the form of a probable ground as with the Jesuits, but receives the form of right and duty; and this moral formalism does not go beyond the moral art of the Jesuits and the principles of the doctrine of happiness, which coincide.

It is well to note here that the taking-up of the determinacy into the concept is understood in such a way that this taking-up is something formal, or that the determinacy is to remain, so that matter and form contradict each other, of which the former is determinate, the latter infinite. But were the content truly equated with the form, the determinacy with unity, no practical legislating would take place, but only an annihilating of the determinacy. Thus property itself is immediately opposed to universality; equated with it, it is sublated. - Immediately this annihilation of the determinacy through the taking-up into infinity, universality, also becomes troublesome to practical legislating. For if the determinacy is of such a kind that it itself expresses the sublation of a determinacy, then through the elevation of the sublation into the universal or into being-sublated both the determinacy which is to be sublated and the sublation are annihilated; so a maxim which relates to such a determinacy, which, thought in universality, annihilates itself, would not be capable of becoming the principle of a universal legislation, and would thus be immoral. Or: the content of the maxim, which is the sublation of a determinacy, raised into the concept, contradicts itself; if the determinacy is thought as sublated, the sublation of it falls away; or else this determinacy is to remain, and then again the sublation posited in the maxim is not posited, and the determinacy may thus remain or not, in no case is its sublation possible. But a maxim that is immoral according to the principle (because it contradicts itself) is, since it expresses the sublation of a determinacy, absolutely rational and thus absolutely moral; for the rational is, from its negative side, the indifference of determinacies, the being-sublated of the conditioned. Thus the determinacy of helping the poor expresses the sublation of the determinacy which is poverty; the maxim whose content is that determinacy, tested by elevating it to the principle of a

[466] universal legislation, will prove to be false, for it annihilates itself. If it is thought that the poor are helped universally, then there are either no poor at all any more or nothing but poor, and then there remain none who can help, and so in both cases the help would fall away; the maxim thus, thought as universal, sublates itself. But should the determinacy which is the condition of the sublating, namely poverty, remain, then the possibility of help remains, but as possibility, not as actuality, as the maxim states; if poverty is to remain so that the duty to help the poor can be exercised, then through that letting-remain of poverty the duty is immediately not fulfilled. Thus the maxim to defend one's fatherland against enemies with honour, and infinitely many more, sublate themselves when thought as the principle of a universal legislation; for that one, e.g., thus extended, sublates the determinacy of a fatherland as well as of the enemies and of the defence.

Just as little as unity has the pure negative meaning of the mere sublating of determinacies, just as little is it the true unity of intuition or the positive indifference of determinacies, and the comparison with the latter will make the perverted essence of that unity clearer from another side. That unity of practical reason, namely, is essentially affected with a difference; be it that it is posited as the fixing of a determinacy, then others are immediately excluded by this, posited negatively, or as an analytic proposition, then the identity of it, this its form, contradicts its content. Which can also be grasped thus: as a proposition it contradicts, with its content, the demand made on the proposition to be a judgement; something was supposed to be said with the proposition, but with the identical proposition nothing is said, for it is not a judgement, because the relation of subject to predicate is merely formal and no difference of them at all is posited. Or let the unity be taken as universality, then it has altogether

[467] relation to an empirical manifold, and the determinacy is opposed, as present, to an infinite multitude of empirically other ones. The unity of intuition, on the other hand, is the indifference of the determinacies which make up a whole, not a fixing of them as separated and opposed, but a gathering together and objectifying of them; and hereby, since this indifference and the differing determinacies are absolutely united, it is no separation - of the former as possibility, of the latter as actualities, or of the latter itself partly as possible, partly as actual -, but absolute presence. And in this power of intuition and presence lies the power of ethical life in general and naturally also of ethical life in particular, with which that legislating reason is in the first instance concerned and from which rather precisely that form of the concept, of formal unity and of universality, is absolutely to be kept away, for it is precisely this through which the essence of ethical life is immediately sublated, in that it makes what is ethically necessary into something contingent by letting it appear in opposition to something else; but the contingent in ethical life - and the contingent is one with the empirically necessary - is unethical. A pain that is, is raised by the power of intuition out of feeling, in which it is an accident and a contingent, into the unity and into the shape of an objective and necessary being for itself, and through this immediate unity, which does not think left and right of possibilities which the formal unity brings about, is maintained in its absolute presence, but through the objectivity of intuiting and the elevation into this unity of being-for-itself is truly separated from the subject and in the fixed intuiting of it made ideal; whereas it, compared through the unity of reflection with other determinacies or thought as a universal and not found universal, is made contingent in both ways, and thereby the subject

[468] recognises itself merely in its contingency and particularity, which recognition is the sentimentality and the unethicity of impotence. Or when the ethical relates to relations of individuals to individuals, then it is the pure intuition and ideality which is, e.g., in the trust of a deposit, which is to be held fast and from which the intrusion of formal unity and of the thought of the possibility of other determinations is to be kept away. The expression of that unity of intuition: a property of another entrusted to me is the property of another entrusted to me and nothing else besides, has an entirely different meaning from the generally expressing tautology of practical legislation: a foreign property entrusted to me is a foreign property entrusted to me; for over against this proposition stands just as well the other: a non-property of the other entrusted to me is non-property of the other; i.e. a determinacy which is raised into the concept is thereby ideal, and the one opposed to it can just as well be posited. On the other hand, the expression of intuition contains a *This*, a living relation and absolute presence, with which possibility itself is absolutely bound up and a possibility separated from it or an otherness absolutely annihilated, in which possible otherness unethicity lies.

If now the unity of practical reason were not even this positive unity of intuition, but had solely the negative meaning of annihilating the determinate, then it would express purely the essence of negative reason or of infinity, of the absolute concept. But because infinity is fixed and separated from the absolute, it shows itself, in its essence, to be the opposite of itself, and mocks the reflection which wants to hold it fast and grasp an absolute unity in it, in that it absolutely also brings about the opposite of this, a difference and multiplicity, and so between this opposition, which

[469] reproduces itself infinitely, allows only a relative identity, and thus is itself as infinity the opposite of itself, absolute finitude. And in that it is thus isolated, it is itself only the powerless form, abandoned by the truly annihilating might of reason, which takes the determinacies up into itself and harbours them without annihilating them, but on the contrary perpetuates them.

It is on the presented opposition, the fixing of it as a reality and its incomplete connection as a relative identity, that the more recent determination of the concept of natural right and of its relation in the whole science of the ethical depends, and we must consider what has so far been set out in general in this closer relation, how the separation, once posited as insurmountable, appears in the science of natural right in its peculiar way.

The absolute concept, which is the principle of opposition and opposition itself, presents itself, fixed as it is, in separation in such a way that, as pure unity, it is opposed to itself as plurality, so that it remains the absolute concept under the form of pure unity as well as of pure plurality, and hence in the form of plurality is not a manifoldness of differently determined concepts but, as under unity, so also under plurality is subsumed; in many determinate concepts *it* subsumes and is not a many but one. The absolute concept, as itself a plurality, is a multitude of subjects, and to these it is opposed, in the form of pure unity, as absolute quantity, against this its qualitative positedness. Both are therefore posited: an inner oneness of the opposed, which is the essence of both, the absolute concept, and a separatedness of the same under the form of unity, in which it is right and duty, and under the form of plurality, in which it is thinking and willing subject. That first side, according to which the essence of right and duty and the essence of the thinking and

[470] willing subject are absolutely one, is - like the higher abstraction of infinity in general - the great side of the Kantian and Fichtean philosophy; but it has not remained faithful to this oneness, but, while it does acknowledge it as the essence and as the absolute, it posits the separation into one and many just as absolutely, the one with equal dignity beside the other. Hereby it is, on the one hand, not the positive absolute that would constitute the essence of both and in which they would be one, but the negative, or the absolute concept; and, on the other, that necessary oneness becomes formal, and the two opposed determinacies, posited as absolute, fall hereby in their subsistence under ideality, which is to that extent the mere possibility of both. It is possible that right and duty have reality independently, as a particular, separated from the subjects, and the subjects separated from that; but it is also possible that both be connected. And it is absolutely necessary that these two possibilities be particular and be distinguished, so that each found a science of its own: the one concerning the oneness of the pure concept and the subjects, or the morality of actions, the other concerning the non-oneness, or legality, and indeed in such a way that, when in this separation of the ethical into morality and legality these two become mere possibilities, for that very reason both are equally positive. The one is indeed negative for the other, but in this way both are; it is not the one that is the absolutely positive, the other the absolutely negative, but each is both in the relation to the other, and because, in the first place, both are only relatively positive, neither legality nor morality is absolutely positive or truly ethical. And then, because both, the one being as positive as the other, are absolutely necessary, the possibility that the pure concept and the subject of duty and of right are not one must be posited unalterably and absolutely.

The fundamental concepts of the system of legality result

[471] from this immediately in the following way. It is a condition of pure self-consciousness, and this pure self-consciousness, I, is the true essence and the absolute, notwithstanding which, however, it is conditioned, and its condition is that it proceed to a real consciousness, which [two forms] in this relation of being conditioned remain absolutely opposed to one another. That pure self-consciousness, the pure unity or the empty ethical law, the universal freedom of all, is opposed to real consciousness, that is, to the subject, the rational being, the individual freedom - which Fichte expresses in a more popular way as the presupposition that good faith is lost³⁾, and upon this presupposition a system is founded through which, notwithstanding the separation of the concept and the subject of ethical life, but precisely for that reason only formally and externally - and this relation is called *coercion* - both are to be united. Since hereby this externality of oneness is absolutely fixed and posited as something absolutely in itself, inwardness, the rebuilding of the lost good faith, the oneness of universal and individual freedom, and ethical life are made impossible.

3) *Editors: Naturrecht, T. I, S. 166 f.; SW, Bd. III, S. 139 f.*

In the system of such an externality - and here we refer to the Fichtean as the most consistent presentation, which is the least formal, and instead really attempts a consistent system that would not need an ethical life and religion foreign to it - there can, as in everything that proceeds from conditioned to conditioned, either be shown no unconditioned, or, if one is posited, then it is the formal indifference, which has the conditioned differing outside itself: essence without form, might without wisdom, quantity without inner quality or infinity, rest without motion.

The supreme task in the arrangement

[472] operating with mechanical necessity⁴⁾, that the activity of each individual be coerced by the universal will, is how this universal will is necessarily real in the subjects who are its organs and administrators - a task whose presupposition is the opposition of the individual will to the universal will; oneness with the universal will can hence not [be] grasped and posited as an inner absolute majesty, but as something that is to be brought about through an external relation or coercion. Here, however, in reality, in the progression of coercing and supervising that is to be posited, one cannot proceed into infinite series and leap from the real to the ideal; there must be a highest positive point from which the coercing according to the concept of universal freedom begins. But this point, like all other points, must be coerced into coercing thus according to the concept of universal freedom; a point that was not coerced in this universal system of coercion would step out of the principle and would be transcendent. The question is thus now how this highest will is likewise, through coercion and supervision, to become adequate to the concept of the universal will, and so the system remain wholly immanent and transcendental. This could happen in no other way than by the might of the whole being distributed to the two sides that stand opposite one another, so that the governed are coerced by the government and the government by the governed. If the might, and hence the possible coercion, is posited on both sides in unequal strength, then, by as much as the one part has more power than the other, or by the surplus of both, only the one part and not the opposed one is coerced, which is not supposed to be. But strictly the overmighty alone is the mighty, for, for something to be a limit for the other, it must be equal to it; the weaker is therefore no limit

4) *Editors: Naturrecht, T. I, S. 169 ff.; SW, Bd. III, S. 142 ff.*

[473] for the same; both must therefore be reciprocally coerced with equal power and coerce one another. Yet if in this way action and reaction, stand and resistance, are equally strong, then the power on both sides reduces itself to equilibrium; all activity, expression of will and acting is hereby sublated - whether the reduction be thought positively or negatively, that action and reaction are as being, as operative, or that they are posited negatively and the equilibrium consists in there being as little an acting as a reacting present. To want to remedy this death by extending the immediate standing-opposite into a circle of effects, and thus having the middle of contact, and the point in which the reduction of the opposed appears, seemingly sublated through the deceptive leaving-empty of this middle, is just as little a true expedient. Against the hierarchy of coercion descending from the supreme power through its ramifications down to all individualities, there is to rise again from these a pyramid of the same kind upward to a supreme apex of counter-pressure against the descending one, and thus the whole is to curve itself in a circle in which the immediacy of contact would vanish, the forces, insofar as they make up a mass, would be held apart and that artificial difference be brought about by intermediate members, and so no member would react immediately upon that by which it is moved (whereby the reduction to equilibrium arises), but always upon another than that by which it is moved - so that the first would move the last and this last in turn that first. But such a *perpetuum mobile*, whose parts are all to move in turn around the series, sets itself, instead of moving, at once in perfect equilibrium and becomes a perfect *perpetuum quietum*, for pressure and counter-pressure, coercing and being coerced, are

|474| perfectly equal to one another and stand just as immediately opposite one another and bring about precisely the reduction of the forces as in the first representation; pure quantity does not let itself be deceived by such a mediacy, through which no difference or true infinity and form is brought into it at all, but it remains, as before, a wholly undivided, pure, shapeless might. In this way no coercion is possible against might, that it be adequate to the concept of universal freedom, for outside it no power is to be found and within it itself no separation is to be posited.

For that reason, then, recourse is had to a wholly formal distinction. The *actual* power is indeed posited as *one* and united in the government; but what is set over against it is the *possible* power, and this possibility is, as such, to be capable of coercing that actuality. To this second, powerless existence of the common will, namely, is to fall the judging whether the power has left the former, to which it is bound, whether the power no longer conforms to the concept of universal freedom; it is to supervise the supreme power in general and, when in it a private will steps into the place of the universal one, to wrest it from him, and the manner in which this is to happen is to be a public declaration, having absolute effect, of the complete nullity of all acts of the supreme power of the state from this moment on. That the power separate itself of its own accord by its own judgement, which would be insurrection, is not to, may not, happen; for this pure power consists of nothing but private wills, which therefore cannot constitute themselves as common will. But it is that second common will which is to declare this multitude as community, or the pure power, to be united also with the Idea of the universal will, since this is no longer present in the preceding holders of power. Whatever determinacy be posited through which something is to be extorted against the supreme power, then

[475] with that determinacy not the mere possibility but real power would have to be connected; but since this is in the hands of the other representation of the common will, the latter is capable of preventing any such determinacy and of annulling, whatever functions be entrusted to the ephorate, the supervising, the public declaration of the interdict, and whatever formalities be hatched - and indeed with the same right as those in whose hands the effectiveness of this determinacy would be placed, for these ephors are no less at the same time private wills than those, and whether the private will of the latter has separated itself from the universal will, about this the government can judge just as well as the ephorate about it, and at the same time make this judgement absolutely valid. As is well known, on the occasion of a dissolution, undertaken in recent times by a government, of a legislative power that was rivalling and paralysing it, a man who had himself been implicated in it judged, rightly, regarding the notion that the establishment of a supervisory commission similar to the Fichtean ephorate would have prevented such an act of violence, that such a council, exercising supervision and wanting to oppose the government, would have been treated just as violently. - Finally, however, if the supreme holders of power were voluntarily to permit these second representatives of the universal will to summon the community, so that it might judge between them and the supervisors - what would be done with such a rabble, which is supervised even in everything that is a private matter, still less leads a public life, and which is hence cultivated not at all to the consciousness of the common will and to acting in the spirit of a whole, but solely to the opposite.

What has hereby been shown is that the ethical, which is posited solely according to the relation, or externality and coercion, thought as totality, sublates itself. It is thereby indeed proved that coercion is nothing

[476] real, nothing in itself, but this will become still clearer if we show it in it itself, according to its concept and according to the determinacy which the relation of this relationship has, - for that the relation in general is nothing in itself is partly for dialectic to prove, partly has been briefly presented above.

Of the concepts in general that are connected with coercion and express precisely this relation, it has partly already been shown that they are essenceless abstractions, thought-things or beings of the imagination, without reality; there occurs, in the first place, the null abstraction of a concept of the universal freedom of all, which would be separated from the freedom of individuals, then, on the other side, precisely this freedom of the individual, equally isolated. Each posited for itself is an abstraction without reality; but both, absolutely identical and then posited merely *in* this first underlying identity, are something wholly other than those concepts which have their meaning solely in non-identity. Then natural or original freedom is to restrict itself through the concept of universal freedom; but that freedom which can be posited as restrictable is for that very reason again nothing absolute; and then it is in itself contradictory to compose an Idea that, with absolute necessity, the freedom of the individual be adequate to the concept of universal freedom through the externality of coercion - which means nothing other than that it is represented that the individual is nevertheless, through something not absolute, absolutely equal to the universal. In the concept of coercion itself something external is immediately posited for freedom; but a freedom for which something truly external, alien, were, is no freedom; its essence and its formal definition is precisely that nothing is absolutely external.

The view of freedom is to be wholly rejected according to which it is supposed to be a choice between opposed determinacies, so that, if + *A* and - *A* were at hand, it

[477] would consist in determining itself *either* as + A or as - A , and were absolutely bound to this *Either-Or*. Something like this possibility of choice is absolutely an empirical freedom, which is one with empirical common necessity and absolutely not separable from it. It is rather the negation, or ideality, of the opposed, of + A as well as of - A , the abstraction of the possibility that neither of the two is; something external would be for it only insofar as it were determined solely as + A or solely as - A , but it is precisely the opposite of this and nothing external for it, and so no coercion is possible for it.

Every determinacy is, according to its essence, either + A or - A , and to the + A the - A , as to the - A the + A , is indissolubly chained; as soon as the individual has placed itself in the determinacy of + A , it is also bound to - A , and - A is something external for it and not under its power, but it would be, for the [sake] of the absolute connection of + A with - A , immediately through the determinacy of + A under an alien power of - A , and the freedom which would consist in choosing to determine itself either as + A or as - A would not get out of necessity at all. If it determines itself as + A , it has not annihilated - A , but this subsists, with absolute necessity, as something external for it, and so conversely, if it determines itself as - A . It is freedom solely in that it, positively or negatively, unites - A with + A and so ceases to be in the determinacy + A . In the union of both determinacies both are annihilated; + A - A = o . If this nothing is thought only relatively to + A and - A , the indifferent A itself as a determinacy and a plus or minus against another minus or plus, then absolute freedom is just as exalted above this opposition as above every other opposition and every externality, and absolutely incapable of any coercion, and coercion has no reality at all.

But this Idea of freedom seems itself to be an abstraction,

[478] and if, e.g., there were talk of a concrete freedom, the freedom of the individual, then that being of a determinacy, and thereby mere empirical freedom as a possibility of choice, would be [posited], and thus empirical necessity too and the possibility of coercion, in general the opposition of universality and individuality, posited. For the individual is an individuality, and freedom is an annihilating of individuality; through individuality the individual is immediately under determinacies, thereby something external is present for it and thereby coercion possible. But it is one thing to posit determinacies in the individual under the form of infinity, another to posit them absolutely in it. The determinacy under the form of infinity is thereby at the same time sublated, and the individual is only as a free being; that is, since determinacies are posited in it, it is the absolute indifference of these determinacies, and in this consists formally its ethical nature; just as organisation, and hence - because only in organisation is there totality - the positive of ethical life consists in this, that, insofar as individuals in general - be it towards themselves or something else - are different and have a relationship to something external, this externality itself be indifferent and a living relationship. - But the indifference of the individual as an individual is, in relation to the being of the determinacies, a negative one; but where its being as individuality, i.e. a negation positively insurmountable for it, a determinacy through which the external as such holds itself fast, is really posited, there remains to it only the absolutely *negative* absoluteness or infinity - the absolute negation of - A as well as of + A , or that it absolutely takes up this being-individual into the concept. Since - A is something external to the determinacy + A of the subject, it is through this relation in alien power; but because it can likewise posit negatively, sublate and alienate its + A as a determinacy, it remains, in the face of

[479] the possibility and the actuality of alien power, absolutely free. Since it negates + *A* as well as - *A*, it is *subdued*, but not *coerced*; it would have to suffer coercion only if + *A* were absolutely fixed in it, whereby an infinite chain of other determinacies could be shackled to it as to a determinacy. This possibility of abstracting from determinacies is without restriction, or there is no determinacy which is absolute, for this would contradict itself immediately; but freedom itself or infinity is indeed the negative, but the absolute, and its being-individual is absolute individuality taken up into the concept, negatively absolute infinity, pure freedom. This negatively absolute, pure freedom, is in its appearance death, and through the capacity for death the subject proves itself free and absolutely exalted above all coercion. Death is the absolute subduing; and because it is absolute, or because in it individuality becomes absolutely pure individuality - namely not the positing of a + *A* with exclusion of - *A* (which exclusion would be no true negation, but only the positing of - *A* as something external and at the same time of + *A* as a determinacy), but sublation of the plus as well as of the minus -, it is the concept of itself, thus infinite and the opposite of itself, or absolute liberation, and the pure individuality which is in death is its own opposite, universality. In subduing, then, there is freedom by its being directed purely to the sublation of a determinacy, both insofar as it is posited as positive and insofar as it is posited as negative, subjective and objective, not merely of one side of it, and so, considered in itself, keeps itself purely negative; or since the sublating itself can also be grasped and expressed positively by reflection, then the sublating of both sides of the determinacy appears as the perfectly equal positing of the determinate according to its two sides.

Applied to punishment, for example, in it alone is

[4.80] retribution rational; for through it the crime is subdued. A determinacy + A, which the crime has posited, is supplemented by the positing of - A and so both annihilated; or viewed positively: with the determinacy + A the opposed - A is connected for the criminal and both equally posited, since the crime posited only one. Thus punishment is the restoration of freedom, and the criminal has remained free, or rather been made free, just as the punisher has acted rationally and freely. In this its determination, then, punishment is something in itself, truly infinite and something absolute, which hereby has its respect and fear in itself; it comes from freedom and remains, even as subduing, in freedom. If, on the other hand, punishment is represented as coercion, then it is posited merely as a determinacy and as something absolutely finite, carrying no rationality in itself, and falls wholly under the common concept of a determinate thing, against another, or of a commodity, for which something else, namely the crime, is to be bought; the state, as judicial power, keeps a market in determinacies which are called crimes and which are for sale to it against other determinacies, and the code of laws is the price list.

[III]

Cross-reference: Absolute ethical life. In the *Groundlines*, § 142 ff.; on the relation of the individual and the people § 257 f.

But as null as these abstractions and the relation of externality arising from them are, the moment of the negatively absolute or of infinity, which in this example is designated as determining the relation of crime and punishment, is a moment of the absolute itself and must be shown in *absolute ethical life*, and we shall grasp the versatility of the absolute form or of infinity in its necessary moments and show how they determine the shape of absolute ethical life, from which the true concept and the relation of the

[4.81] practical sciences will result. Since what matters here first is the determination of these relations contained herein, and the side of infinity must therefore be brought out, we presuppose the positive, that absolute ethical totality is nothing other than a people, which will also already make itself clear in the negative that we consider here, in the following moments of it.

In absolute ethical life, then, infinity or form, as the absolutely negative, is nothing other than the subduing itself, grasped above, taken up into its absolute concept, in which it does not relate to individual determinacies but to the whole actuality and possibility of them, namely life itself, so that the matter is equal to the infinite form, but in such a way that the positive of it is the absolutely ethical, namely belonging to a people, the oneness with which the individual proves in the negative, through the danger of death alone, in an unequivocal manner. Through the absolute identity of the infinite, or of the side of the relation, with the positive, the ethical totalities, such as the peoples are, take shape, constitute themselves as individuals and thereby place themselves as individual against individual peoples; this placing and individuality is the side of reality, and thought without it they are thought-things; it would be the abstraction of essence without the absolute form, which essence would be essenceless precisely thereby. This relationship of individuality to individuality is a relation and therefore a doubled one: the one the positive, the calm equal subsistence of both beside one another in peace, the other the negative, the excluding of the one by the other; and both relationships are absolutely necessary. For the second we have grasped the rational relation as a subduing taken up into its concept, or as absolute formal virtue, which is bravery. Through this second side of the relationship, the

[4.82] necessity of war is posited for the shape and individuality of the ethical totality, which - because in it there is the free possibility that not only individual determinacies but the completeness of them as life is annihilated, and indeed for the absolute itself or for the people - preserves the ethical health of the peoples in their indifference to the determinacies and to their becoming habituated and fixed, just as the movement of the winds preserves the lakes from the putrefaction into which a lasting calm would put them, as a lasting or even perpetual peace would put the peoples.

With the negative of infinity just considered - because the shape of the ethical totality and its individuality are determined as an individuality directed outwards, and the movement of this as bravery - the other side is immediately connected, namely the subsistence of the opposition. The one is infinity, negative, as is the other; the first is the negation of the negation, the opposition against the opposition, the second the negation and opposition itself in its subsistence as determinacies or manifold reality. These realities in their pure inner formlessness and simplicity, or the feelings, are in the practical sphere feelings reconstituting themselves out of difference and passing through, out of the sublatedness of the differenceless self-feeling, an annihilation of intuitions, and restoring themselves - physical needs and enjoyments which, posited again for themselves in totality, obey, in their infinite entanglements, *one* necessity and form the system of universal reciprocal dependence with regard to physical needs and to labour and accumulation for them and - this as a science - the system of so-called political economy. Since this system of reality is wholly in negativity and in infinity, it follows for its relation to the positive totality,

[4.83] that it must be treated wholly negatively by it and remain subjected to its dominion; what is by its nature negative must remain negative and may not become something fixed. To prevent it from constituting itself for itself and becoming an independent might, it is not enough to set up the propositions that everyone has the right to live, that in a people the universal must see to it that every citizen has his livelihood, and that a perfect security and ease of acquisition be present; this last, thought as an absolute principle, would rather exclude a negative treatment of the system of possession and let it have its way completely and settle itself absolutely. But rather the ethical whole must keep it in the feeling of its inner nullity and hinder its shooting up, in respect of quantity and culture, to ever greater difference and inequality, towards which its nature tends; which, in every state too - more unconsciously and in the shape of an external natural necessity, from which the state itself would wish to be exempt, through the ever greater expense of the state itself, growing with the growth of the system of possession, and correspondingly rising imposts and thus a diminution of possession and a hampering of acquisition, most of all through war, which brings into manifold confusion whatever tends that way, as well as through the jealousy of other estates and the oppression of trade, partly with will, partly against their will through lack of understanding, etc. - is brought about to such degrees in which the positive ethical life of the state itself permits independence from the purely real system and the maintenance of the negative and restrictive posture.

Reality in the relationship in which it has just been considered, and of which physical need, enjoyment, possession and the objects of possession and enjoyment are different sides, is pure reality; it merely expresses the extremes of the relation. But the relation also contains an

[484] ideality, a relative identity of the opposed determinacies, and this can therefore not be positively absolute but only formal. Through the identity into which the real is posited in the relationship of the relations, possession becomes property, and particularity in general, the living too, is at the same time determined as a universal, whereby the sphere of right is constituted.

As for the reflex of the absolute in this relation, it has already been determined above, according to its negative side, against the subsistence of the real and determinate, as a subduing; according to the positive side, for the subsistence of the real, indifference in this determinate material can express itself only as an external, formal equality, and the science that relates to this can aim only at determining partly the gradations of inequality, partly (so that this may be possible) the way in which a living or inner being in general is to be posited so objectively and externally that it be capable of that determination and calculation. To this superficial appearance the absolute reality of ethical life in this potency is restricted through the subsistence of the reality present in opposition. Not only does, for the sake of the fixed determinacy which includes an absolute opposition, the equating and the calculation of inequality have its limits and run up, like geometry, against incommensurability, but - because it [remains] wholly in determinacy and yet cannot abstract like geometry, but absolutely, since it is in living relations, always has before it whole bundles of such determinacies - also absolutely against endless contradictions. This contradicting of the determinacies is indeed remedied, and an end made to it, in the case of an intuition by fixing and holding fast to individual determinacies, whereby a decision can ensue, which is still always better than that none ensue; for since in the matter itself there is nothing absolute, it is properly the formal, that in general

[4.85] it is decided and determined, that is the essential. But it is something wholly other that decision be made in this way according to true total justice and ethical life, which is impossible precisely through the fixing and absolute holding fast to the determinacies, possible only in the confusion of them, and actual through immediate ethical intuition, which subjugates the determinacies posited as absolute and alone holds fast the whole. - It is - says Plato, in his simple language, about the two sides of the endless determining, of the infinite taking-up of the qualities into the concept, and of the contradiction of their individuality against intuition and, in this, among themselves - it is clear that the art of legislation belongs to the kingly art; but the best is not that the laws hold, but the man who is wise and kingly, because the law is not able to prescribe perfectly that which, most exactly and quite universally, would be the most excellent and the most just; because the inequalities of human beings and of actions and the never-keeping-at-rest of human affairs permit nothing self-identical to be presented in regard to any matter, over all sides of it and for all time, in any art. But the law we see directing itself precisely to one and the same thing, like an obstinate and crude man who lets nothing happen contrary to his ordinance, nor lets himself be questioned about it by anyone, when something other, something better, occurs to someone against the relation which he has fixed; - it is therefore impossible that for what is never self-identical what is throughout self-identical should be good.⁵⁾

5) *Editors: Politikos, Steph. 294*

That the thought is held fast to, that in this sphere of human affairs an in-itself-being and absolute determinate right and duty is possible, comes from the formal indifference, or the negatively absolute, which alone has a place in the fixed reality of this sphere and which

[486] indeed is in itself; but insofar as it is in itself, it is empty, or there is in it nothing absolute but precisely the pure abstraction, the wholly contentless thought of unity. It is not, say, an inference from previous experience, nor is it to be regarded as a contingent imperfection of the concrete and of the execution of an Idea true a priori; rather it is to be recognised that what is here called Idea, and a hope for a better future in this regard, is in itself null, and that a perfect legislation, as well as a true justice in the concrete of judicial power corresponding to the determinacy of the laws, is in itself impossible. As for the former, since the absolute is supposed to be in the determinacies as such, it is only the infinite, and there is posited precisely the same empirical infinity and in-itself endless determinability which is posited in the thought of a comparison of a determinate measure with an absolutely indeterminate line, or of a determinate line with an absolutely indeterminate measure, of the measuring of an infinite line or of the absolute dividing of a determinate line. As for the other, of the likewise infinitely many and infinitely variously formed intuitions which are the object of the judicial, each is determined more manifoldly with the growing multitude of determinations; that cultivation of distinctions by legislation makes each individual intuition more distinguishable and more cultivated, and the extension of legislation is not an approach to the goal of a positive perfection, which here, as shown above, has no truth, but only the formal aspect of increasing culture. And so that, in this manifoldness, the one of the judicial intuition of right and of judgement may organise itself, become a true one and whole, it is absolutely necessary that each individual one of the determinacies be modified, i.e. precisely as an absolute, being-for-itself, which is what it declares itself to be as law, be partly sublated, that is, that its being-absolute not be respected; and of a

[487] pure application there can be no question, for a pure application would be the positing of individual determinacies with exclusion of others. But through their being these equally make the demand that they be taken into consideration, so that the counteraction, determined not by parts but by the whole, may itself be a whole. To this clear and determinate cognition the empty hope and the formal thought both of an absolute legislation and of a pronouncing of right withdrawn from the judge's inner being must succumb.

It has been shown in the system of reality under consideration that absolute ethical life must conduct itself negatively towards it; in that system the absolute, as it appears under the fixed determinacy of the same, is posited as negative absolute, as infinity, which presents itself in opposition to the antithesis as formal, relative, abstract unity; in that negative conduct hostile, in this latter itself under its dominion, in neither indifferent towards it. But the unity which is the indifference of the opposed and annihilates and comprehends them within itself, and the unity which is merely formal indifference or the identity of the relation of subsisting realities, must themselves be absolutely as one, through the complete taking up of the relation into indifference itself; that is, the absolutely ethical must organise itself completely as shape, for the relation is the abstraction of the side of shape. In that the relation is absolutely made indifferent in the shape, it does not cease to have the nature of a relation; it remains a relation of organic to inorganic nature. But as was shown above, the relation, as side of infinity, is itself a twofold one; at one time insofar as the unity or the ideal, at another insofar as the many or the real is the first and dominant. According to that side it is properly in the shape and in indifference, and the eternal unrest of the concept or of infinity is partly, within the organisation itself, self-consuming

[4.88] and surrendering the appearance of life, the purely quantitative, so that, as its own seed, it eternally raises itself from its ashes to new youth, - partly eternally annihilating its difference outwardly and nourishing itself on the inorganic and producing it, calling forth out of indifference a difference or a relation of an inorganic nature, and again sublating the same and consuming it as it consumes itself. We shall see presently what this inorganic nature of the ethical is. But secondly, in this side of the relation or of infinity the subsistence of what is annihilated is also posited, for just because the absolute concept is the opposite of itself, the being of difference is posited along with its pure unity and negativity; or the annihilating posits something which it annihilates, or the real, and thus there would be an actuality and difference insuperable for ethical life. Individuality, which through the seat that infinity has set up here in the whole force of its antithesis is in the antithesis not merely in possibility but *actu*, according to actuality, would be unable to purify itself of difference and to take itself up into absolute indifference. That both, the sublatedness of the antithesis and the subsistence of it, be not only ideal but also real, is in general the positing of a separation and segregation, so that the reality in which ethical life is objective is divided into a part which is absolutely taken up into indifference, and one in which the real as such subsists, is therefore relatively identical and bears within itself only the reflected light of absolute ethical life. There is hereby posited a relation of absolute ethical life, which is wholly indwelling in the individuals and is their essence, to relative ethical life, which is likewise real in individuals. The ethical organisation can maintain itself pure in reality in no other way than that the universal spread of the negative in it be checked and set on one side. How indifference appears in the subsisting real

[489] and is formal ethical life has been shown above. The concept of this sphere is the real *practical*, considered subjectively that of feeling or of physical need and enjoyment, objectively that of labour and possession; and this practical, as it can occur according to its concept, taken up into indifference, is the formal unity or *right* possible in it, above which two the third is the absolute or the *ethical*. The reality, however, of the sphere of relative unity or of the practical and of right is constituted in the system of its totality as an estate of its own.

Thus, according to the absolute necessity of the ethical, there form two estates, of which the one, as the estate of the free, the individual of absolute ethical life, whose organs are the single individuals and which, considered from the side of its indifference, is the absolute living spirit, from the side of its objectivity the living movement and the divine self-enjoyment of this whole in the totality of individuals as its organs and members, whose formal or negative side, however, must likewise be the absolute one, namely labour, which is directed not at the annihilation of individual determinacies but at death, and whose product likewise is not anything individual but the being and preservation of the whole of the ethical organisation. To this estate Aristotle assigns as its business that for which the Greeks had the name πολιτεύειν, which expresses living in and with and for one's people, leading a universal life belonging wholly to the public, or else philosophising, - which two businesses Plato, in keeping with his higher vitality, wants to see not separated but absolutely bound together. - Then an estate of the unfree, which is in the difference of need and labour and in the right and justice of possession and property, whose labour is directed at individuality and therefore does not include the danger of death in

[490] itself. To which the third estate must be reckoned, which in the rawness of its uncultivating labour has to do only with the earth as element and whose labour has the whole of need before it in the immediate object without intermediate terms, and is therefore itself a solid totality and indifference like an element, and accordingly maintains itself outside the difference of the understanding of the second estate, and its bodies and its spirit in the possibility of formal absolute ethical life, of bravery and of a violent death, and is therefore able to augment the first estate in mass and in elemental being. - These two estates relieve the first of the relation in which reality is fixed, partly in its resting, partly in its active reference, as possession and property and as labour, in the way in which, in a manner restricted for the time being to this, among the modern peoples the acquiring class gradually [has] ceased to render military service, and bravery has formed itself, more purified, into a particular estate, which is relieved of acquiring by the former and to which possession and property are at least something contingent. The constitution of that second estate, according to its matter, Plato determines in such a way that the royal art subdues and casts out, through death and banishment and the ultimate disgrace, those who are unable to partake of brave and disciplined custom (and of whatever else otherwise drives to virtue), but only of what pushes through its evil violent nature towards godlessness and arrogance and injustice, whereas the royal art subjugates to the servile race the natures that lie in rawness and lowliness⁶⁾, and Aristotle recognises as belonging to it that which by its nature is not its own but another's, which stands to a spirit as a body does⁷⁾.

6) *Editors: Politikos, Steph. 308 f.*

7) *Editors: Politik I, c. 4; c. 5*

But the relation of this, which by its nature is another's and does not have its spirit in itself, to absolutely independent individuality is able, according to its form, to be a twofold one, namely either a relation of the individuals of this estate as particulars to the individuals of the first as particulars, or of universal to universal. That relation of slavery disappeared of itself in the empirical appearance of the universality of the Roman Empire; in the loss of absolute ethical life and with the debasement of the noble estate the two previously particular estates became equal to one another, and with the ceasing of freedom slavery necessarily ceased. Since the principle of formal unity and of equality had to assert itself, it sublated in general the inner true difference of the estates and in the first place did not bring about the segregation of estates posited above, still less the form of their segregation conditioned by it, according to which, under the form of universality, they stand to one another only as a whole estate to a whole estate in the relation of dominion and dependence, so that in this relation too the two that are in the reference remain universal; whereas in the relation of slavery, on the contrary, the form of particularity is the determining one of it, and it is not estate against estate, but this unity of each part is dissolved in the real reference and the individuals are dependent on individuals. The principle of universality and equality had first to take possession of the whole in such a way that it put in the place of a segregation a mixing of the two estates; in this mixing under the law of formal unity the first estate is in truth wholly sublated and the second made into the sole people; of which change Gibbon⁸⁾ gives in

8) Editors: Edward Gibbon, *The History of the Decline and Fall of the Roman Empire*, 1787; Bd. I, S. 74 f.

[492] these features the picture: The long peace and the uniform dominion of the Romans introduced a slow and secret poison into the vital forces of the empire. The dispositions of men were gradually brought to *one* level, the fire of genius was extinguished, and even the military spirit evaporated. Personal courage remained, but they no longer possessed that *public* courage which is nourished by the love of independence, the sense of national honour, the presence of danger and the habit of command; they received laws and commanders from the will of their monarch, and the descendants of the boldest chiefs were content with the rank of citizens and subjects. The more aspiring minds gathered to the standard of the emperors, and the deserted provinces, deprived of political strength or unity, sank imperceptibly into the dull indifference of *private life*. - With this universal private life, and for the condition in which the people consists only of a second estate, the formal relation of right, which fixes individual being and posits it as absolute, is immediately present, and the most complete formation of the legislation relating to it also formed and developed out of such a corruption and universal debasement. This system of property and right, which for the sake of that fixity of individuality is in nothing absolute and eternal but wholly in the finite and the formal, must, really segregated and separated from the noble estate, constitute itself in an estate of its own and then be able to extend itself here in its whole length and breadth. To it belong partly the questions, subordinate for themselves and remaining in the formal, concerning the legal ground of possession, contract and so on, but partly also the whole endless expansion of legislation over - as Plato enumerates the rubrics of these things - "these judicial matters of the contracts of individuals against individuals concerning things or manual works, as also of insults and blows, regulations

[493] concerning competence and appointments of judges, and where a collecting or imposing of duties in markets and harbours is necessary, - about which it is not worthy to prescribe to beautiful and good men, for they will easily find of themselves the many things that must be laid down about them, if God gives them the blessing of a truly ethical constitution. But where this is not the case, it follows that they spend their lives in laying down and improving much of the kind, supposing that they will at last get possession of the best, - that they live like the sick, who out of intemperance will not depart from their bad diet and accomplish by the remedies nothing but the engendering of more manifold and greater diseases, while they always hope, if someone recommends them a remedy, to become healthy by it. Just as ridiculous are those who give laws about the matters mentioned and always improve them, in the opinion of reaching an end of the matter, - not knowing that they are in fact, as it were, cutting up the *Hydra*.⁹⁾ - "If it is now true that with increasing licentiousness and sickness in the people the many courts of law open, and no greater sign of a bad and shameful discipline can be found than that excellent physicians and judges are needed not only by the bad and by the artisans, but also by those who boast of having been brought up in a free culture, and are compelled to have a justice imposed by others as masters and judges, and to spend much time in courts with accusing and defending"¹⁰⁾, - if this system must at the same time develop as a universal condition, and destroy free ethical life, where the latter is mixed with those relations and not originally separated from them and their consequences, then it is necessary that this system be taken up with consciousness,

9) Editors: *Politeia IV*, Steph. 425 f.

10) Editors: *Politeia III*, Steph. 404 f.

[494] recognised in its right, excluded from the noble estate and an estate of its own granted to it as its realm, in which it can establish itself and develop its full activity in its confusion and in the sublation of one confusion by another. The potency of this estate is accordingly determined in such a way that it is found in possession in general and in the justice that is possible herein concerning possession, that it at the same time constitutes a coherent system, and [that] immediately through the relation of possession being taken up into formal unity, each individual, since he is in itself capable of a possession, conducts himself towards all as a universal or as citizen, in the sense of *bourgeois*, finds for the political nullity, according to which the members of this estate are private persons, the compensation in the fruits of peace and of acquisition and in the perfect security of the enjoyment of them, both insofar as it is directed to the individual and to the whole of it. But the security for each individual is directed to the whole insofar as he is relieved of bravery and released from the necessity, belonging to the first estate, of exposing himself to the danger of a violent death, which danger for the individual is the absolute insecurity of all enjoyment and possession and right. Through this sublated mixing of the principles and the constituted and conscious separation of them each receives its right, and there is brought about alone that which ought to be, the reality of ethical life as absolute indifference and at the same time of the very same as the real relation in subsisting antithesis, so that the latter is subdued by the former and this subduing is itself made indifferent and reconciled, which reconciliation consists precisely in the cognition of necessity and in the right which ethical life gives to its inorganic nature and to the subterranean powers, in that it leaves and sacrifices to them a part of itself; for the power of sacrifice consists in the intuiting and

[495] objectifying of the entanglement with the inorganic, through which intuition this entanglement is dissolved, the inorganic separated off and, recognised as such, itself taken up into indifference, while the living, in that it places into it what it knows as a part of itself and sacrifices it to death, has at the same time recognised its right and at the same time purified itself of it.

This is nothing other than the performance of the tragedy in the ethical, which the absolute eternally plays with itself, - that it eternally gives birth to itself into objectivity, in this its shape thereby surrenders itself to suffering and death, and raises itself from its ashes into glory. The divine in its shape and objectivity has immediately a twofold nature, and its life is the absolute being-one of these natures. But the movement of the absolute conflict of these two natures presents itself in the divine one, which has comprehended itself therein, as bravery, with which it frees itself from the death of the other, conflicting one, yet through this liberation gives its own life, for this life is only in being bound together with this other, but equally rises absolutely out of it, for in this death, as the sacrifice of the second nature, death is subdued; - appearing in the other, however, the divine movement presents itself in such a way that the pure abstraction of this nature, which would be a merely subterranean, purely negative power, is sublated through the living union with the divine, that the latter shines into it and through this ideal being-one in spirit makes it its reconciled living body, which as body remains at the same time in difference and in transience and through spirit intuits the divine as something foreign to itself. - The image of this tragic drama, more closely determined for the ethical, is the outcome of that trial of the Eumenides, as the powers of the right that is in difference, and of Apollo, the god of indifferent light, over Orestes before the ethical organisation, the people of Athens, - which in a human manner

[496] as the Areopagus of Athens casts equal votes into the urn of both powers, acknowledges the coexistence of both, but thus does not settle the dispute and determines no reference and relation of them, yet in a divine manner as the Athena of Athens gives him who was entangled in difference by the god himself wholly back to the latter, and with the separation of the powers, which both had a share in the criminal, also carries out the reconciliation in such a way that the Eumenides would be honoured by this people as divine powers and now have their seat in the city, so that their wild nature would enjoy the intuition of Athena, enthroned high on the citadel opposite their altar erected below in the city, and would thereby be calmed.

If the *tragedy* consists in this, that the ethical nature, lest it entangle itself with it, separates its inorganic from itself as a fate and sets it over against itself and, through the recognition of it in the struggle, is reconciled with the divine essence as the unity of both, then, to carry out this image, *comedy* will on the contrary in general fall on the side of fatelessness; either in that it [falls] within absolute vitality and therefore [presents] only shadow-images of antitheses or jests of struggles with a made-up fate and invented enemy - or falls within non-vitality and therefore presents only shadow-images of independence and of absoluteness: the former the old or divine comedy, the latter the modern comedy. The *divine comedy* is without fate and without true struggle, because in it there is the absolute confidence and certainty of the reality of the absolute without antithesis and, what as antithesis brings a movement into this perfect security and repose, is only an unserious antithesis having no inner truth, - let this antithesis now present itself against the divinity appearing foreign and outside, yet standing there in absolute certainty, as the remnant or dream of a consciousness of isolated independence, also

[497] as a consciousness of peculiarity, indeed fixed and held fast, but the same in complete impotence and powerlessness; or else let the antithesis present itself also in a divinity self-feeling and conscious in itself, which with consciousness generates for itself antitheses and games in which it with absolute levity stakes individual ones of its members on the winning of a definite prize and lets its manifold sides and moments bring themselves forth into perfect individuality and form themselves into organisations of their own, just as it can also as a whole take its movements not as movements against a fate but as contingencies, holding itself invincible, esteeming loss as nothing, certain of the absolute dominion over every peculiarity and excess and conscious of what Plato says in another respect, that a polis has a nature strong to be marvelled at. Such an ethical organisation will thus, for example, without danger and anxiety or envy drive individual members out to extremes of talent in every art and science and skill and make them into something particular therein, - sure of itself that such divine monstrosities do not harm the beauty of its shape but are comic features that cheer a moment of its shape. As such cheerful heightenings of individual features we shall be able, to cite a definite people, to regard Homer, Pindar, Aeschylus, Sophocles, Plato, Aristophanes and so on, but [shall] also, both in the serious reaction against the particularisation of Socrates, growing more serious, and above all in the repentance over it, and [also] in the teeming multitude and high energy of the individualisations sprouting up at the same time, not fail to recognise that the inner vitality [had] thereby stepped out into its extremes, in the ripeness of these seed-grains announced its strength,

[498] but also the nearness of the death of this body that bore it, and that the antitheses which it evoked in general, and which before, even in their more serious and more far-reaching appearance, such as wars, it could rouse and pursue as contingencies and with like levity, it had no longer to take for shadow-images but for a fate growing overpowering.

On another side, however, there is the *other comedy*, whose entanglements are without fate and without true struggle because the ethical nature is itself caught up in that; the knots are tied here not in playful antitheses but in antitheses serious for this ethical drive, yet comic for the spectator, and the rescue against them is sought in an affectation of character and absoluteness, which constantly finds itself deceived and deposed. The ethical drive (for it is not the conscious absolute ethical nature that plays in this comedy) must, to put it briefly, transform what subsists into the formal and negative absoluteness of right and thereby give to its anxiety the opinion of firmness for its possession, raise its belongings through treaties and contracts and all conceivable hedgings-in of clauses to something secure and certain, deduce the systems concerning them from experience and reason, as from certainty and necessity themselves, and ground them with the most profound ratiocinations, - but, as subterranean spirits in the poet saw the plantations which they laid out in the infernal wastes swept away by the next storm wind, so through the next turning over or even upheaval of the earth-spirit see half and whole sciences, which had been proved from experience and reason, washed away, one system of right displaced by another, here humanity take the place of harshness, there at the same time the will of power take the place of security of contract, and in the scientific as in actuality the best-acquired and most assured possessions of principles and rights

[499] laid waste - and either suppose that it is their own efforts, hovering with reason and will above fate, which labour away in such material and which had brought about such changes, or else become heated over them as something unexpected and improper, and first call upon all the gods against such necessity and then submit to it. In both cases the ethical drive, which seeks in these finitudes an absolute infinity, gives only the farce of its faith and of its undying delusion, which - darkest where it is brightest - is already in loss and wrong where it supposes itself to rest in the arms of justice, reliability and of enjoyment itself.

Comedy separates the two zones of the ethical from one another in such a way that it lets each prevail purely for itself, so that in the one the antitheses and the finite are an essenceless shadow, in the other, however, the absolute is a delusion. The true and absolute relation, however, is that the one shines in earnest into the other, each [is] in bodily reference with the other, and that they are for one another reciprocally the serious fate; the absolute relation is therefore set forth in tragedy.

For although in the living shape or the organic totality of ethical life that which makes up its real side is in the finite and therefore, in and for itself, cannot indeed take up its bodily essence perfectly into its divinity, it nevertheless already in itself expresses its absolute Idea, though distorted. It does not indeed unite the moments of it, held apart as necessity, inwardly within itself into absolute infinity, but has this unity only as an imitated negative independence, namely as the freedom of the individual; yet this real essence is nevertheless absolutely bound to the absolute indifferent nature and shape of ethical life, and if it must intuit the latter only as something foreign, it nevertheless intuits it and is one with it in spirit.

[500] It is, even for that real essence, absolutely the first that the wholly pure and indifferent shape and the ethical absolute consciousness *be*, and the second is the matter of indifference, that it as the real should relate itself to it only as its empirical consciousness, - as it is the first that an absolute work of art *be*, and only the second whether this determinate individual *be* its author or merely intuit and enjoy it. As necessary as that existence of the absolute is, so necessary also is this distribution, that some *be* the living spirit, the absolute consciousness and the absolute indifference of the ideal and the real of ethical life itself, but another its bodily and mortal soul and its empirical consciousness, which may not perfectly unite its absolute form and the inner essence, but yet enjoys the absolute intuition as of something, as it were, foreign to it and, for the real consciousness, through fear and trust as well as through obedience is one with it, for the ideal consciousness, however, in religion, the common god and the service of him, unites itself wholly with it.

But that which we have placed on the one side under the outward form of the first estate is the real absolute consciousness of ethical life. It is consciousness and as such, according to the negative side, pure infinity and the highest abstraction of freedom, that is, the relation of subduing driven to its sublation, or the free violent death; - according to the positive side, however, consciousness is the individuality and particularity of the individual. But this in itself negative, namely consciousness in general, of which the indicated distinctions are only its two sides, is absolutely taken up into the positive, its particularity and infinity or ideality absolutely into the universal and real in a perfect manner, which being-one is the Idea of the absolute life of ethical life. In this being-one of infinity and reality in the ethical organisation the divine nature - of which Plato says that it is an immortal animal,

[501] whose soul and body, however, are born together for ever¹¹⁾ - appears to present the wealth of its manifoldness at the same time in the highest energy of infinity and unity, which becomes the wholly simple nature of the ideal element. For the most perfect mineral presents indeed in every part that is separated from a mass the nature of the whole, but its ideal form, both as the inner form of the fracture and as the outer form of crystallisation, is an outside-one-another; and not as in the elements of water, fire and air is every particular part the perfect nature and the representative of the whole, both according to essence and according to form or infinity. No less is the real form of it not penetrated by the true identity of infinity, but its senses have no consciousness. Its light is a single colour and does not see; or if it is the indifference of them, there is no point of arrest against their passage through it. Its sound sounds when struck by something foreign, but not from itself; its taste does not taste, its smell does not smell, its weight and hardness do not feel; if it does not belong to the individuality of the determinations of sense, but unites them in indifference, it is the undeveloped, closed-up differencelessness, not the unity that separates itself within itself and subjugates its separation, - just as the elements, which are alike in all their parts, have only the possibility, not the actuality of differences, and only indifference under the form of quantity, not as indifference of the qualitatively posited in itself. The earth, however, as the organic and individual element, extends itself through the system of its shapes from the first rigidity and individuality onward into the qualitative and difference, and resumes itself only in the absolute indifference of the ethical nature alone into the perfect equality of all parts and the absolute real being-one

11) *Editors: Phaidros, Steph. 246*

[502] of the individual with the absolute - into the first ether, which out of its self-equal, fluid and soft form scatters its pure quantity through the individual formations into individuality and number, and thereby perfectly subdues this absolutely brittle and rebellious system, in that number is purified into pure unity and into infinity and becomes intelligence, and so the negative, in that it becomes absolutely negative - for the absolute concept is the absolute immediate opposite of itself, and the nothing is, as an ancient says¹²⁾, no less than the something - can be perfectly one with the positively absolute; and in intelligence the form or the ideal is absolute form and as such real, and in absolute ethical life the absolute form is most truly bound with the absolute substance. Of the individualities of the formations which lie between the simple substance in reality as pure ether and it as the marriage with absolute infinity, none can bring the form and qualitative unity (whether through the quantitative, elemental equality of the wholes and the parts, or in higher formations through the individualisation going into what is more individual in the parts) and at the same time the formal union of them into a whole (through the sociality of the leaves of plants, of the genus, of the herd-wise life and common labour of animals) to absolute indifference with the essence and the substance, which indifference is in ethical life, because in intelligence alone the individualisation is driven to the absolute extreme, namely to the absolute concept, the negative up to the absolutely negative, to being the unmediated opposite of itself. This alone, then, is capable, in that it is absolute individuality, of being absolute universality; in that it is absolute negation and subjectivity, of being absolute position and objectivity; in that it is absolute difference and infinity, of being absolute

¹²⁾ Editors: *Aristoteles, Metaphysik I, 4*

[503] indifference, and the totality - *actu* in the unfolding of all antitheses and *potentia* in the absolute annihilatedness and being-one of them - of being the highest identity of reality and ideality.

If the ether has thrown out its absolute indifference into multiplicity in the light-indifferences and in the flowers of the solar systems has given birth to its inner reason and totality into expansion, but those light-individuals are scattered in plurality, while those that form the circling leaves of these must comport themselves towards the former in rigid individuality, and so the unity of the former lacks the form of universality, the unity of the latter pure unity, and neither of the two bears the absolute concept as such within itself, then in the system of ethical life the flower of the heavenly system, unfolded asunder, is folded together, and the absolute individuals are perfectly united into universality, and reality or the body is at the highest one with the soul, because the real plurality of the body is itself nothing other than abstract ideality, the absolute concepts pure individuals, whereby these themselves are capable of being the absolute system. Therefore, if the absolute is this, that it intuitively itself, and indeed as itself, and that absolute intuition and this self-cognition, that infinite expansion and this infinite taking back of it into itself, are simply one, then, if both are real as attributes, spirit is higher than nature; for if the latter is the absolute self-intuiting and the actuality of the infinitely differentiated mediation and unfolding, then spirit, which is the intuiting of itself as itself or the absolute cognition, is, in the taking back of the universe into itself, both the totality of this plurality, thrown asunder, over which it reaches, and the absolute ideality of it, in which it annihilates this outside-one-another and reflects itself into itself as the unmediated point of unity of the infinite concept.

[504] From this Idea of the nature of absolute ethical life there now results a relation of which something remains to be said, the relation of the *ethical life of the individual to real absolute ethical life*, and the relation of the sciences of these, of morals and natural right. For since real absolute ethical life comprehends within itself, united, infinity or the absolute concept, pure individuality simply and in its highest abstraction, it is immediately the ethical life of the individual, and conversely the essence of the ethical life of the individual is simply real and therefore universal absolute ethical life; the ethical life of the individual is a pulse-beat of the whole system and itself the whole system. Here we also notice an intimation of language which, otherwise rejected, is perfectly justified by what has gone before: that it lies in the nature of absolute ethical life to be a universal or *customs*, that thus the Greek word which designates ethical life, and the German one, excellently express this its nature, but that the more recent systems of ethical life, since they make a being-for-itself and individuality their principle, cannot fail to exhibit their relation in these words, and this inner intimation proves so powerful that those systems, in order to designate *their* matter, could not misuse those words for it, but adopted the word morality, which indeed, according to its origin, likewise points that way, but, because it is more a word merely coined, does not so immediately resist its worse meaning.

Absolute ethical life, however, according to what has gone before, is so essentially the ethical life of all that one cannot say of it that it is mirrored as such in the individual; for it is so much his essence as the ether pervading nature is the inseparable essence of the shapes of nature, and as the ideality of their appearing forms, space, in none of them particularises itself in the least; but as the lines and corners of the crystal, in which it expresses the outer form

[505] of its nature, are negations, so ethical life, insofar as it expresses itself in the individual as such, is a negative. In the first place it cannot express itself in the individual unless it is his soul, and it is so only insofar as it is a universal and the pure spirit of a people. The positive is by nature prior to the negative, or, as Aristotle puts it, the people is by nature prior to the individual; for if the individual, separated, is nothing self-subsistent, he must, like all parts, be in *one* unity with the whole; but whoever cannot be communal or, from self-sufficiency, needs nothing, is no part of the people and therefore either beast or god.¹³⁾ Then, insofar as it expresses itself in the individual as such, it is posited under the form of negation, i.e. it is the possibility of the universal spirit, and the ethical qualities that belong to the individual, such as courage or temperance or thrift or generosity etc., are negative ethical life - namely that in the particularity of the individual no individuality be truly fixed and no real abstraction be made - and possibilities or capacities to be in universal ethical life. These virtues, which are in themselves possibilities and in a negative signification, are the object of morals, and one sees that the relation of natural right and morals has in this way been inverted, namely that to morals falls only the domain of the in itself negative, but to natural right the truly positive, according to its name, that it is to construct how the ethical nature attains its true right; whereas - if both the negative and this as the abstraction of externality, of the formal moral law, of the pure will and of the will of the individual, and then the syntheses of these abstractions, such as coercion, the limitation of the freedom of the individual by the concept of universal freedom

¹³⁾ *Editors: Politik I, 2*

[506] etc., expressed the determination of natural right - it would be a natural wrong, since, where such negations are laid at the foundation as realities, the ethical nature is placed in the highest ruin and misfortune.

But as these qualities are the reflex of absolute ethical life in the individual as the negative, yet as the individual that is in absolute indifference with the universal and the whole, hence its reflex in its pure consciousness, so there must also be a reflex of the same in its empirical consciousness, and such a reflex must constitute the ethical nature of the second estate, which is in fixed reality, in possession and property, and apart from bravery. It is this reflex of it for which the ordinary meaning of morality can fit more or less, - the *formal* setting-indifferent of the determinacies of the relation, hence the ethical life of the *bourgeois* or of the private person, for which the difference of the relations is fixed and which depends on them and is in them. A science of this morality is accordingly first of all the knowledge of these relations themselves, so that, insofar as they are considered in relation to the ethical, since this, for the sake of absolute fixity, can only be formal, precisely that enunciation of tautology mentioned above finds its place here: this relation is only this relation; if you are in this relation, then be, in reference to it, in it; for if in actions which have relations to this relation you do not act in reference to it, you destroy it, you sublate it. The true sense of this tautology includes at the same time immediately within itself that this relation itself is nothing absolute and hence also the morality that goes to it is something dependent and nothing truly ethical, which true sense, according to the above, results from this, that only the form of the concept, the analytic unity, is the absolute and hence negatively absolute on account of the content, which as a determinate contradicts the form.

Those qualities, however, which are truly ethical, in that in them the particular or negative appears, taken up purely into indifference, may be called ethical qualities and only then virtues when they individualise themselves again in a higher energy and, yet within absolute ethical life, become as it were proper living shapes, like the virtues of an Epameinondas, Hannibal, Caesar and some others. As such energies they are shapes and hence not in themselves absolute, any more than the shapes of the other organic formations, but the stronger emergence of one side of the Idea of the whole, and the morals of the virtues or - if we wish to assign morals in general to morality and were to take for the presentation of virtue the name *ethics* - ethics must therefore be only a natural description of the virtues.

Now as this has relation to the subjective or negative, so the negative in general must be distinguished as the persistence of difference and as the lack of it; that first negative is what was spoken of a moment ago, but this other negative, the lack of difference, presents the totality as something enveloped and non-unfolded, in which movement and infinity are not in their reality. The living under this form of the negative is the *becoming* of ethical life and *education*, according to its determinacy, the appearing continuing sublation of the negative or subjective, for the child, as the form of the possibility of an ethical individual, is a subjective or negative, whose coming to manhood is the ceasing of this form and whose education is the discipline or subjugation of it; but the positive and the essence is that, nursed at the breast of universal ethical life, it lives in its absolute intuition at first as of an alien essence, comprehends it ever more and so passes over into the universal spirit. It is evident from this of itself that those virtues as well as absolute ethical life, no more than the

[508] becoming of them through education, are an endeavour after peculiar and separate ethical life, and that the striving after a peculiar positive ethical life is something vain and in itself impossible, and that with regard to ethical life the saying of the wisest men of antiquity alone is true: that to be ethical is to live in accordance with the customs of one's country, - and with regard to education that which a Pythagorean answered to someone who asked what was the best education for his son: if you make him the citizen of a well-ordered people¹⁴⁾

14) *Editors*: Diogenes Laertios VIII, § 16

If thus the absolutely ethical has its proper organic body in the individuals and has its movement and vitality in the common being and doing of all, absolutely identical as universal and particular, and we have considered it just now in particularity, but in such a way that its essence be the absolutely identical, but in general in that identity, then it must also present itself in the *form of universality* and of cognition, as *system of legislation*, - so that this system perfectly expresses the reality or the living present customs, lest it happen, as is often the case, that what in a people is right and in actuality cannot be recognised from its laws, which clumsiness in bringing the true customs into the form of laws, and the anxiety of thinking these customs, of regarding them as its own and avowing them, is the sign of barbarism. But this ideality of the customs and their form of universality in the laws must, insofar as it subsists as ideality, at the same time again be perfectly united with the form of particularity, and so the ideality as such receive a pure absolute shape, hence be intuited and worshipped as the god of the people, and this intuition itself again have its stirring and joyful movement in a cult.

[IV]

Cross-reference: The estates and the relation of the ethical to the juridical: § 201 ff., § 303.

Having thus presented absolute ethical life in the moments of its totality and constructed its Idea, having also annihilated, as essenceless thought-things, the distinction prevailing in relation to it between legality and morality together with the connected abstractions of the universal freedom of a formal practical reason, and, not by some mixing of the two principles but by the sublation of them and the constitution of the absolute ethical identity, having determined the differences of the science of natural right and of morals according to the absolute Idea, we have established that their essence is not an abstraction but the vitality of the ethical and that their difference concerns only the external and negative and that this difference is at the same time the wholly inverted relation to the other, in that according to the latter natural right is to be given the formal and negative, morals however the absolute and positive as essence, but so that even this absolute, according to the truth, is no less a formal and negative and, what is here called formal and negative, is altogether simply nothing at all.

In order still to state *the relation of natural right to the positive sciences of right*, we now need only pick up its threads where we did not pursue it further, and designate the place where it runs out.

In advance we remark generally that philosophy, through the universality of the concept of a determinacy or of a potency, arbitrarily sets its boundary in relation to a determinate science. The determinate science is nothing other than the continuing presentation and analysis (the word taken in the higher sense) of how that which philosophy leaves undeveloped as a simple determinacy ramifies again and is itself totality. The possibility of such a development, however, lies

[510] *formally* in this, that in the Idea there is immediately the law of the absolute form and of totality, according to which a determinacy is to be cognised and developed further. The *real* possibility, however, is present through this, that such a determinacy or potency not developed by philosophy is not an abstraction or a truly simple atom, but, like everything in philosophy, reality [is], and a reality is reality for this reason, that it is totality and itself the system of potencies; [to] present the potency as such is the development which belongs to the determinate science.

It follows from this that we could say for the time being that a good part of what is called the positive sciences of right, perhaps the whole of them, would fall within philosophy fully developed and expanded, and that they are therefore, because they constitute themselves as separate sciences, neither excluded from philosophy nor opposed to it; by the being-for-itself and the empirical distinction of this corps of sciences no true distinction of it from philosophy is posited. That they call themselves empirical sciences, which partly have their applicability in the actual world and also wish to make their laws and mode of procedure valid before the common mode of representation, partly relate to individual systems of existing constitutions and legislations and belong to a determinate people as well as a determinate time, determines no difference that would necessarily exclude them from philosophy, for nothing must be so applicable to actuality and so much justified before the general mode of representation, namely the truly general (for there are common modes of representation which are very particular in this), as what comes from philosophy, just as also nothing can [must] be so individual, living and existing as precisely the same. In order to be able to speak of the relation of these sciences to philosophy, a difference must first

[511] be established and determined through which they are positive sciences.

In the first place, then, the positive sciences comprehend under the actuality to which they pretend to relate not only the historical but also the concepts, principles, relations and in general much that in itself belongs to reason and is supposed to express an inner truth and necessity. To appeal, with regard to such things, to actuality and experience and to hold them fast as a positive against philosophy must be recognised in and for itself as inadmissible. What philosophy proves to be not real, of that it is impossible that it should truly occur in experience; and if positive science appeals to actuality and experience, philosophy can equally, according to the empirical relation, pronounce its proof of the non-reality of a concept asserted by positive science and deny that what positive science pretends to find in experience and actuality is found in them. The opining that such a thing is experienced, a contingent subjective view, philosophy will indeed concede; but positive science, when it pretends to find and to point out its representations and basic concepts in experience, wants thereby to assert something real, necessary and objective, not a subjective view. Whether something is a subjective view or an objective representation, an opining or truth, philosophy alone can decide. To positive science it can, *ad hominem*, pay back its own way, and besides denying it the fact that a representation of it occurs in experience, assert on the contrary that only the representation of philosophy is to be found in experience. That philosophy can point out its representation in experience, the ground of this lies immediately in the ambiguous nature of what is called experience. For it is not immediate intuition

[512] itself, but the same raised into the intellectual, thought and explained, taken from its individuality and pronounced as necessity, that counts as experience. Thus, in what is pointed out in experience and as experience, what matters is not that in it which we can call actuality in relation to the separation brought into intuition by thinking. But with intuition drawn into the field of thought, opining must succumb to the truth of philosophy. That distinction, now, of what positive science believes it has taken immediately from intuition, whereby, however, it has itself determined it as by a relation and concept of it, from that which does not belong to thinking, is in every case very easy to point out, and hence the complete entitlement of philosophy to take possession of it is easy to demonstrate. Then, because such a thinking, appealing to actuality, is wont to be truly positive in its opining by being in opposition and holding determinacies fast, thus taking thought-things or things of the imagination for absolute and taking its principles from these, it is exposed to this, that in every determinacy the opposite determinacy is always proved to it and from what it assumes the very contrary is rather derived. As when increased density or specific gravity of a body is explained as an increase of the attractive force, it can just as well be explained as an increase of the repulsive force, for there can be attraction only so far as there is repulsion; the one has meaning only in relation to the other; by as much as the one were greater than the other, by so much it would not be at all, and what should therefore be regarded as an increase of the one can just as exactly be regarded as an increase of the opposite.

So, then, if in natural right generally or in the theory of punishment in particular a relation is determined

[513] as coercion, but philosophy proves the nullity of this concept and positive science claims experience and actuality, that coercion is after all really something real, that coercion really takes place, the non-reality of it proved by philosophy can, with just as much right and with appeal to experience and actuality, be expressed thus: that there is no coercion at all and never is a human being coerced nor has ever been coerced. For here it depends entirely on the explanation of the appearance, whether for the purpose of the representation of coercion something is regarded as a merely external or rather as an inner. Wherever, then, the existence of coercion is to be demonstrated, from one and the same appearance precisely the opposite can be shown, namely that it is not a coercion, but rather an expression of freedom; for by its being taken up into the form of representation and thereby determined through the inner, the ideal, the subject is in freedom relative to it. And if that which is to be regarded as external and as coercion is transposed into the inner itself, in order to remove the opposition of the inner or freedom, and a psychological coercion is accordingly asserted, this taking up of the external into the inner helps just as little. For thought remains absolutely free, and psychological or thought-coercion is unable to bind it. The possibility of sublating the determinacy which is represented and is to serve as coercion is absolute; it is absolutely possible that the loss of a determinacy with which punishment threatens be taken upon oneself and that be given up which the law wants to wrest away in the punishment. If, therefore, in the explanation of an appearance the representation of a determinacy is to act or to have acted as coercion, then the explanation from the opposite, that the appearance is an expression of freedom, is just as absolutely possible. That the sensuous incentive, whether it be that which is to drive to the action or that which is to

[514] deter from it from the side of the law, is something psychological, namely something inner, thereby it is immediately posited in freedom, which could abstract from it or not, and the one as much as the other is freedom of the will. If, however, it is objected that one does *opine*, and that it is a general mode of representation, that a coercion, and a psychological one, takes place, then this is in the first place not true, but it is just as well, and without doubt more generally, opined that an action or the omission of an action comes from free will, and then one would have as little to concern oneself with opining in setting up principles and determining laws as astronomers allow themselves, in the cognition of the laws of the heavens, to be detained by the opinion that the sun and the planets and all the stars move around the earth, are just as large as they appear, etc.; as little as the ship's master concerns himself with the opinion that the ship is at rest and the shores move away. If both held to the opinion, the former would find it impossible to comprehend the solar system, and the latter would have the rowers stop their work or take in the sails, and both would at once find themselves in the impossibility of attaining their purpose and become immediately aware of the non-reality of the opinion as soon as they wanted to concede reality to it, - as has been shown above that coercion, thought as reality, i.e. represented in a system and in totality, immediately sublates itself and the whole.

Since thus a determinacy which is held fast by the opining of positive science is the very contrary of itself, it is equally possible for the two parties, each of which holds to one of the opposed determinacies, to refute the other, which possibility of refuting consists in this, that of each determinacy it is shown that it is not at all thinkable and nothing at all without relation to the one opposed to it; but because it only is and only has meaning in relation to this,

[515] this opposed one can and must immediately be equally present and be pointed out. That + *A* has no sense without relation to a - *A*, from this it is to be proved that with + *A* there is immediately - *A*, which the opponent then grasps in such a way that rather - *A* is present here than + *A*; but to his - *A* just this can be retorted. Often, however, even this trouble is not taken and, e.g., of *the* freedom opposed to the sensuous incentives, which for the sake of this opposition is just as little a true freedom, it is not shown that everything that would be explained as an expression of this freedom must properly be explained as an effect of the sensuous incentives, which can very well be done, but no more than can be shown again on the contrary that what is supposed to be experienced as an effect of the sensuous incentive must properly be experienced as an effect of freedom, but freedom is directly abstracted from and asserted not to belong here at all, because it is something inner, still more something moral and indeed something metaphysical, but without considering that the other determinacy, at which one stops, namely coercion and the sensuous incentive, through which it is supposed to be posited as something external, has no meaning at all without the opposed inner or freedom and that this is absolutely inseparable from coercion. The action which is a crime, viewed from the side that thereby, contrary to the threatened punishment and to the sensuous incentive which the law sets up by this threat, something *determinate* is willed, this determinate is called something sensuous, and one will say that it is a sensuous stimulus from which the crime derives; but from the side that the action is a willing, and the possibility in it of abstracting from the sensuous incentive of the law, it appears as free, and no view, neither that determinacy nor this possibility, can be left out,

[516] but the one is simply tied to the other, and thereby each can immediately be derived from its opposite. But the logic of opining supposes, when one determinacy, an opposite, is posited, that the other, opposed determinacy can really be abstracted from and dispensed with, just as that logic, by virtue of the nature of its principle of contradiction, cannot comprehend at all that in such determinacies the opposite of each is wholly indifferent for the determination of intuition, and in this abstracting and negative essence the opposite is wholly equal to its opposite, still less that both together, like the freedom which is over against sensuousness, and sensuousness and coercion, are simply nothing real, but mere thought-things and entities of the imagination.

Insofar, then, as a science of right is positive by holding to opining and essenceless abstractions, its appeal to experience or to its determination of applicability to actuality or to common sense and the general mode of representation, or even its appeal to philosophy, has not the slightest sense.

If we now consider more closely the ground through which science becomes positive in the manner indicated, and weigh the ground of semblance and of opining in general, it turns out that it lies in the *form*, - namely in that what is ideal, an opposed, one-sided, and has reality only in absolute identity with the opposed, is isolated, posited as being for itself and pronounced as something real. It is this form by which intuition is immediately sublated and the whole, dissolved, ceases to be a whole and something real; this difference of the positive and the non-positive thus does not concern the content. It is possible through this form that not only, as in what was indicated above, a purely formal abstraction is fixed and falsely asserted as a truth

[517] and reality, but also that a true Idea and genuine principle is misjudged from the side of its limit and posited outside the potency in which it has its truth and thereby wholly loses its truth. That a principle belongs to a potency is the side of its determinacy; but in the potency itself this determinacy is just as much made indifferent and present as really permeated by the Idea and thereby a true principle; and then it is recognised, as the Idea appearing in these determinacies as its shape, only as the principle of this potency and thereby as the limit and conditionedness of the same. But it is wholly torn from its truth if it is made absolute in its conditionedness or even extended over the nature of other potencies. The absolute clear unity of ethical life is absolute and living in this, that neither a single potency nor the persistence of the potencies in general can be fixed, but that, just as it eternally extends them, it equally absolutely folds them together and sublates them and enjoys itself in undeveloped unity and clarity and, in relation to the potencies, sure of its inner life and indivisible, now does damage to the one through the other, now passes wholly into the one and annihilates the others, just as in general from this movement it equally withdraws into absolute rest, in which all are sublated. On the other hand, sickness and the beginning of death are present when a part organises itself and withdraws from the dominion of the whole, through which isolation it affects it negatively or even forces it to organise itself solely for this potency, - as when the vitality of the entrails, obedient to the whole, forms itself into animals of their own, or the liver makes itself the ruling organ and forces the whole organisation to its function. Thus it can happen in the general system of ethical life that, e.g., the principle and system of civil right, which goes to possession and property, so deepens itself in itself

[518] and in the extensiveness in which it loses itself takes itself for a totality that is in itself, unconditioned and absolute. The inner negativity of this potency, also according to its content, which is the existing finite, has already been determined above, and the reflected shine of indifference that is possible in it can the less be taken for something absolute, - just as little as the system of acquisition and possession itself, the wealth of a people, and in this system again a single potency, be it agriculture or manufactures and factories or trade, can be made unconditioned.

But a single potency becomes positive still more when it and its principle forget their conditionedness so much that they reach over into others and subject them. As the principle of mechanics has forced its way into chemistry and natural science, and that of chemistry again quite particularly into the latter, so in the philosophy of the ethical this has been the case at various times with various principles. But in modern times, in the inner economy of natural right, this external justice, the infinity reflected in the existing finite and therefore formal, which constitutes the principle of civil right, has acquired a particular sovereignty over the right of the state and the right of nations. The form of such a subordinate relation as the contract has forced its way into the absolute majesty of the ethical totality, and, e.g., for monarchy the absolute universality of the centre and the being-one of the particular in it has been conceived, now according to the contract of authorisation as a relation of a supreme official of the state to the abstraction of the state, now according to the relation of the ordinary contract in general as a matter of two determinate parties, each of which needs the other, as a relation of reciprocal performance, and through such relations, which are wholly in the finite, the Idea and absolute majesty have been immediately annihilated; just as it is also

[519] self-contradictory if for the right of nations the relation of absolutely self-subsistent and free peoples, which are ethical totalities, is to be determined according to the relation of the civil contract, which goes immediately to the individuality and dependence of the subjects. Thus the right of the state too could relate as such simply to the individual and, as a perfect police, want wholly to permeate the being of the individual and so annihilate civil freedom, which would be the harshest despotism; as Fichte wants all doing and being of the individual as such to be supervised, known and determined by the universal and abstraction opposed to him. The moral principle too could want to force its way into the system of absolute ethical life and place itself at the head of public as well as private right and also of the right of nations, - which would be as much the greatest weakness as the deepest despotism and the total loss of the Idea of an ethical organisation, since the moral principle, like that of civil right, is only in the finite and the individual.

Just as in science such a fixing and isolating of the individual principles and their systems, and their encroachment upon others, is prevented by philosophy alone, in that the part does not recognise its limit but rather must have the tendency to constitute itself as a whole and an absolute, whereas philosophy, in the Idea of the whole, stands above the parts and thereby both holds each within its limit and also, through the loftiness of the Idea itself, prevents the part from proliferating, in its partitioning, into endless pettiness; so too in reality this restricting and positing-as-ideal of the potencies presents itself as the history of the ethical totality, in which it, firm in its absolute equilibrium, both sways up and down in time between the opposed

[520] terms, now admonishing the right of the state of its determinacy through a slight preponderance of the civil, now making breaches and fissures through the preponderance of the former in the latter, and thus on the one hand reviving every system in general for a time through a more forceful indwelling, on the other reminding all of them, in their separation, of their temporality and dependence, - and also destroys their proliferating expansion and their self-organising by confounding them all at once in single moments, presenting them as drawn into itself and, reborn out of the unity, with the recollection of this dependence and with the feeling of their weakness if they want to be for themselves, letting them go forth again.

This character of positivity of the sciences of right concerns the form through which a potency isolates itself and posits itself as absolute; and from this side, like religion, and whatever else it may be, every philosophical science too can be perverted and contaminated. But we must consider positivity from the side of the matter as well. For although both what we earlier called positive and what we now consider as matter are something particular, nevertheless earlier we considered the external connection of the form of universality with particularity and determinacy, whereas now we consider the particular as such.

And in this respect we must above all take up the cause, against formalism, of that which can be posited as positive according to its matter; for formalism tears apart intuition and its identity of the universal and the particular, sets the abstractions of the universal and the particular over against one another, and what it can exclude from that emptiness but subsume under the abstraction of particularity counts for it as the positive, - without considering that through this opposition the universal becomes

[521] a positive just as much as the particular, for, as was shown earlier, it becomes positive through the form of opposition in which it is present in that abstraction. But the real is absolutely an identity of the universal and the particular, and therefore that abstraction, and the positing of the one of the opposites which arise through the abstraction, of the universal as something existing in itself, cannot take place. In general, if formal thinking is consistent, then, when it grasps the particular as the positive, it must have absolutely no content at all; in the pure reason of formal thinking every multiplicity and distinguishability must drop out altogether, and it is not at all foreseeable how it should arrive even at the most meagre multiplicity of rubrics and chapters; just as those who grasp the essence of the organism as the abstraction of a vital force must, properly speaking, grasp the limbs and the brain and the heart and all the viscera as something particular, contingent and positive, and leave them out.

Because, like everything living, the ethical too is absolutely an identity of the universal and the particular, it is an individuality and shape; it bears particularity, necessity, relation, i.e. relative identity, within itself, but indifferently, assimilated, and thereby it is free in it, and this, which can be regarded by reflection as particularity, is not a positive nor something opposed to the living individual, which is thereby connected with contingency and necessity, but alive; this side is its inorganic nature, but in shape and individuality it organises itself. Thus, to name the most general, the determinate climate of a people and its period belong, in the formation of the general kind, to necessity, and of the widely extended chain of this necessity only *one* link falls upon its present, which is to be comprehended, on the former side, from geography, on the other from

[522] history. But into this link the ethical individuality has organised itself, and the determinacy of this link does not concern it, but necessity; for the ethical vitality of the people consists precisely in this, that it has a shape in which determinacy is, but not as a positive (according to our use of this word so far), but absolutely united with universality and enlivened by it. And this side is also very important, in order that it may be recognised how philosophy teaches us to honour necessity, both because it is a whole and only limited insight clings to individuality and despises it as a contingency, and also because it sublates the view of individuality and contingency by showing of it how it does not hinder life in itself, but that life, in letting it subsist as it is according to necessity, at the same time also wrests it from this, permeates and enlivens it. Just as little as the element of water, to which one part of the animal world an-organises itself, and the element of air, to which another does, are, because they are individual elements, something positive or dead, the former for the fish, the latter for the bird, just as little is this form of ethical life, in which it organises itself in this climate and in this period of a particular and of the general culture, something positive in it. As the totality of life is in the nature of the polyp just as much as in the nature of the nightingale and of the lion, so the world-spirit has in every shape its duller or more developed, but absolute self-feeling, and has enjoyed, in every people, under every whole of customs and laws, its essence and itself.

Outwardly the stage is equally justified, - which outer side belongs to necessity as such, for even in this abstraction of necessity individuality is again absolutely sublated through the Idea; this individuality of the stage of the polyp and of the nightingale and of the lion is a potency of a whole, and in this connection

[523] it is honoured. Above the individual stages hovers the Idea of totality, which however reflects itself back out of its whole scattered image and beholds and recognises itself therein; and this totality of the extended image is the justification of the individual as something subsisting. It is therefore the formal standpoint that brings the form of particularity to bear on an individuality and sublates the vitality in which particularity is real, - but the empirical standpoint that, where the reality of a determinate stage is posited, demands a higher one. The higher one, even in its developed reality, and empirically, is equally present; the higher development of the life of the plant is in the polyp, the higher development of the polyp in the insect, etc. It is only empirical unreason that wants to see in the polyp the empirical presentation of the higher stage of the insect; the polyp that were not a polyp remains nothing but this determinate dead piece of matter standing in an empirical relation with me, which is dead and matter in that I posit it as an empty possibility of being something else, which emptiness is death. If it is absolutely without an empirical relation that the concern is with the higher presentation, then it is to be found, for it must be present according to absolute necessity. - Thus, e.g., the feudal constitution may well appear as something wholly positive; but in the first place, from the side of necessity, it is not an absolute individual but absolutely within the totality of necessity; inwardly, however, in regard to life itself, whether it is positive depends on whether the people has truly organised itself in it as an individuality, completely fills the shape of that system and vitally permeates it, whether the law of these relations is custom. If, then, the genius of a nation is in general lower and weaker - and the weakness of ethical life is hardest in barbarism and in formal culture - if they let themselves be defeated by another, must lose their independence,

[524] if it has therefore preferred the misfortune and disgrace of the loss of independence to struggle and death, if it is so crudely sunk in the reality of animal life that it does not even raise itself to formal ideality, to the abstraction of a universal, and thus in the determination of the relations for the physical need cannot endure the relation of right but only that of personality, - or equally, if the reality of the universal and of right has lost all faith and all truth and it is unable to feel and enjoy the image of divinity in itself but must posit it outside itself and be content with it with a dull feeling, or with the wholly painful feeling of the wide distance and sublimity, then the feudal constitution and servitude have absolute truth, and this relation is the only possible form of ethical life and therefore the necessary and just and ethical one.

From this individuality of the whole and the determinate character of a people the whole system too, into which the absolute totality organises itself, is to be recognised; it is to be recognised how all parts of the constitution and of legislation, all determinations of the ethical relations are absolutely determined by the whole and form an edifice in which no connection and no ornament has been present for itself a priori, but each has come to be through the whole and is subordinate to it. In this sense Montesquieu founded his immortal work on the intuition of the individuality and character of peoples and, even if he did not raise himself to the most living Idea, yet absolutely did not deduce the individual institutions and laws from so-called reason, nor abstract them from experience and then raise them to something universal, but comprehended, like the higher relations of the parts belonging to the right of the state, so also the lower determinations of civil relations, down to testaments,

[525] marriage laws, etc., wholly and solely from the character of the whole and its individuality, and thereby showed the empirical theorists, who believe they recognise the contingencies of their systems of the state and of laws from reason and have taken them from human understanding itself or even from universal experience, in a way comprehensible to them, that the reason and human understanding and experience from which the determinate laws derive are not a reason and human understanding a priori, nor an experience a priori, which would be an absolutely universal one, but wholly and solely the living individuality of a people - an individuality whose highest determinacies are again to be comprehended from a more universal necessity.

As it has been shown above, with regard to science, that every single potency can be fixed and science thereby become positive, so precisely this must be asserted of the ethical individual or the people. For according to necessity the totality, as the subsistence of the scattered determinacies, must present itself in it, and the individual link of the chain under which it is placed in the present must pass away and another enter. As the individual grows in this way, one potency stepping forth more strongly and the other receding, it happens that the parts which have organised themselves in the latter find themselves excluded and dead. This division, in which some reach out towards a new life, while the other, which has settled itself at the stage of a determinacy, stays behind and sees life flee from it, is possible only because the determinacy of a stage has been fixed and made formally absolute. The form of law, which has been given to the determinate custom and which is universality or the negative absolute of identity, gives it the semblance of something in itself; and if the mass of a people is great, then the part of it too that organises itself in that

[526] determinacy is great, and the consciousness that is over them in the law has great weight over the unconscious element of the newly aspiring life. As long as custom and law were one, the determinacy was nothing positive; but as with the growth of the individual the whole does not progress evenly, law and custom separate, the living unity that binds the members grows weak, and in the present of the whole there is no longer absolute connection and necessity. Here, then, the individual cannot be recognised from itself, for its determinacy is without the life which explains it and makes it comprehensible; and as the new custom likewise begins to grasp itself in laws, an inner contradiction of the laws among themselves must absolutely emerge. As in the foregoing history was only one side of the view and what is necessary is at the same time free, so here, by contrast, necessity is no longer one with freedom and to that extent falls wholly to pure history; what has no truly living ground in the present has its ground in a past, i.e. a time is to be sought in which the determinacy fixed in the law, but now dead, was living custom and in agreement with the rest of legislation. But the effect of the purely historical explanation of laws and institutions reaches no further than precisely this purpose of cognition; it will exceed its vocation and truth if through it the law, which had truth only in a bygone life, is to be justified for the present. On the contrary, this historical cognition of the law, which knows how to show its ground solely in lost customs and a dead life, demonstrates precisely that it now lacks sense and meaning in the living present, even if it still has power and force through the form of law and through the fact that parts of the whole are still interested in it and tie their existence to it.

But for the correct distinction between what is dead and has no truth and what is still living, one must recall a distinction which can escape the formal view and which must prevent that which is in itself negative from being taken for living law, and thus the dominion of the laws that are in themselves negative for the animation of the organisation. For laws which withdraw individual determinacies and parts from the sovereignty of the whole, exclude the power of the latter from them and constitute the exceptions of the individual from the universal, are in themselves something negative and signs of incipient death, which becomes ever more threatening for life the more negative things and exceptions there are, and the more these laws, which tend towards this dissolution, become too powerful for the true ones, which constitute the unity of the whole. To the positive and the dead, therefore, must be reckoned not only that which belongs wholly to a past and no longer has a living present and has only a senseless and, because it is without inner meaning, shameless power, but that too is without truly positive truth which fixes the negative, the dissolution and separation from the ethical totality; the former is the history of a bygone life, the latter, however, the determinate representation of present death. Thus in a dissolved people, as for example, indeed, in the German, the laws may seem to have truth if one does not distinguish whether they are laws of the negative and of separation or laws of the truly positive and of unity. Immediately with the fact that the laws organising a whole have significance only for a past and relate to a shape and individuality which has long since been stripped off as a dead husk, that they have interest only for parts and thereby posit not a living relation to the whole but a force and dominion alien to it, and that that in which a living bond and inner unity presents itself, as

[528] means for its purpose, no longer has the slightest adequacy, and thus this means has neither sense nor truth - for the truth of the means lies in its being adequate to the purpose, through which innermost untruth of the whole it then also follows that in the science of philosophy in general, in ethical life, equally in religion, little that is true can any longer be, - immediately with this the dissolution determines and fortifies itself and establishes itself in a system of the negative, thus giving itself the formal semblance both of cognition and of laws whose inner essence is nothing. When the cognition and science of such a people expresses itself in saying that reason recognises and knows nothing and is only in empty freedom, as a flight, in nothingness and its semblance, then the content and essence of the negative legislation is that there is no law, no unity, no whole; that first untruth is therefore the one which is unconscious and unreflective, but this second is the one which arrogates the form to itself and thereby fortifies itself.

It is thus not philosophy which takes the particular for a positive because it is a particular, but only insofar as, outside the absolute connection of the whole, it has won independence as a separate part. The absolute totality checks itself as necessity in each of its potencies, brings itself forth upon it as totality, repeats there both the preceding potencies and anticipates the following ones; but one of them is the greatest power, in whose colour and determinacy the totality appears, without however being anything restrictive for life, as little as water is for the fish, air for the bird. It is at the same time necessary that the individuality progress, metamorphose itself, and that what belongs to the ruling potency grow weak and die off, so that all stages of necessity may appear in it as such; but the misfortune of the period of transition, that this strengthening of the new culture has not absolutely purified itself from the

[529] past, is that wherein the positive lies. And nature, although within a determinate shape it proceeds with even, yet not mechanically uniform but uniformly accelerated motion, nevertheless also enjoys a new shape which it has won; as it leaps into it, so it lingers in it. As the bomb gives a jolt at its culmination and then rests in it for a moment, or as heated metal does not soften like wax but leaps all at once into flux and lingers in it – for the appearance is the transition into the absolutely opposed, hence infinite, and this stepping forth of the opposed out of infinity or its nothing is a leap, and the existence of the shape in its newborn strength is at first for itself, before it becomes conscious of its relation to something alien –, so also the growing individuality has both the joyfulness of that leap and a duration of the enjoyment of its new form, until it gradually opens itself to the negative and in its downfall too is all at once and breaking.

If now the philosophy of ethical life teaches us to comprehend this necessity and to recognise the connection of its content, as well as the determinacy of the same, as absolutely bound up with spirit and as its living body, and sets itself against formalism, which regards what it can subsume under the concept of particularity as contingent and dead, then the philosophy of ethical life recognises at the same time that this vitality of individuality in general, whatever its shape may be, is a formal vitality; for the limitedness of what belongs to necessity, although absolutely taken up into indifference, is only a part of necessity, not absolute total necessity itself, hence always a non-correspondence of the absolute spirit and its shape. For this absolute shape, however, it cannot flee to the shapelessness of cosmopolitanism, nor to the

[530] emptiness of the rights of humanity and the equal emptiness of a state of peoples and the world republic, which abstractions and formalities contain the very opposite of ethical vitality and by their essence are protestant and revolutionary against individuality, but it must recognise for the high Idea of absolute ethical life also the most beautiful shape; and since the absolute Idea is in itself absolute intuition, so with its construction the purest and freest individuality is immediately determined too, in which spirit intuitively itself perfectly objectively in its shape and wholly, without return to itself out of the intuition, immediately recognises the intuition itself as itself, and precisely thereby is absolute spirit and perfect ethical life, which at the same time, in the manner presented above, wards off its entanglement with the negative - for what we have hitherto called positive is, as has emerged from the matter itself, regarded in itself the negative - sets it over against itself as objective and fate, and by consciously conceding to it a power and a realm through the sacrifice of a part of itself, keeps its own life purified of it.