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Edited by Brady Bowman and Allen Speight

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GEORG WILHELM FRIEDRICH HEGEL
Heidelberg Writings

The purpose of the Cambridge Hegel Translations is to offer translations of the best modern German editions of Hegel's work in a uniform format suitable for Hegel scholars, together with philosophical introductions and full editorial apparatus.

This work brings together, for the first time in English translation, Hegel's journal publications from his years in Heidelberg (1816–18), writings which have been previously either untranslated or only partially translated into English. The Heidelberg years marked Hegel's return to university teaching and represented an important transition in his life and thought. The translated texts include his important reassessment of the works of the philosopher F. H. Jacobi, whose engagement with Spinozism, especially, was of decisive significance for the philosophical development of German Idealism. They also include his most influential writing about contemporary political events, his essay on the constitutional assembly in his native Württemberg, which was written against the background of the dramatic political and social changes occurring in post-Napoleonic Germany. The translators have provided an introduction and notes that offer a scholarly commentary on the philosophical and political background of Hegel's Heidelberg writings.

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Introduction

This work brings together, for the first time in English translation, Hegel's journal publications from his years in Heidelberg (1816–18), writings which have been previously either untranslated or only partially translated into English. The two years Hegel taught at the University of Heidelberg mark an unusually important transition in his life and thought. Following the closing of the University of Jena in the wake of Napoleon's famous victory at the Battle of Jena, Hegel was unable to find a university teaching position. After a decade in which he worked briefly as a newspaper editor and then as a gymnasium rector, Hegel returned to a university teaching position as Professor of Philosophy at Heidelberg in 1816. During his two years at Heidelberg, before he left to take up his final academic position in Berlin, Hegel brought to fruition a number of projects that characterize the mature phase of his work: he published the first version of his mature philosophical system, the *Encyclopedia*; served as editor of a journal, the *Heidelberger Jahrbücher der Literatur* (*Heidelberg Yearbooks*), which published two important contributions of his own; and began to give the first public lectures in which his developed social and political philosophy was on display.

The move to Heidelberg marked not only an important milestone for Hegel personally, but also came – as Hegel himself articulated it in this period – during a crucial generational shift in the larger political and philosophical climate in Germany and Europe. Hegel's generation, which had witnessed the beginning of the French Revolution twenty-five years before, had seen in the intervening years the swift overthrow of old philosophical systems as well as political upheavals stemming from Napoleon's rise and fall. This post-Napoleonic period, characterized by movements toward both restoration and reform, proved to be an all-too-brief moment in the larger trajectory of pre-1848 Germany: in a series of events partly triggered by a famous politically motivated murder and largely manipulated by Metternich and forces of political reaction, a very different political

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climate set in.¹ Hegel's writings during the years he spent at Heidelberg reflect the tensions involved in this period of German intellectual and political history and show at its most engaged his famous attention to the universal significance of concrete events.

An important part of Hegel's intellectual engagement during those two years at Heidelberg was his role as editor of the *Heidelberg Yearbooks*. Even before coming to Heidelberg, Hegel had had a relation with the *Yearbooks*, having been privy to the plans of its organizers at a very early date and having forwarded several ideas for reviews to the editors.² The project of the *Yearbooks* had begun, during a reform of Heidelberg University, with the intention of giving the university a distinctive voice in comparison with the journals associated with other universities. As that project had developed, their character had indeed taken on a distinctiveness associated with Heidelberg: against the rationalistic intentions of early proposals by the poet and Homer translator Johann Heinrich Voss to bring the Jena and Halle versions of the *Allgemeine Literatur-Zeitung* to Heidelberg, the editorial board which came to run the *Yearbooks* gave them a romantic and idealist stamp.³ The members of that board included, at one time or another, the historian of religion Georg Friedrich Creuzer (who devoted an initial issue to the importance of Neoplatonism for interpreting ancient mythology), the philologist August Boeckh, the theologian Karl Daub, the jurist Anton Friedrich Justus Thibaut, and the philosopher (and rival of Hegel's) Jakob Friedrich Fries; reviewers included Jean Paul and Friedrich

¹ The March 1819 murder of the reactionary German poet (and Tsarist agent) August von Kotzebue by Karl Sand, a radical student associated with the nationalist *Burschenschaften* movement, touched off a wave of political reaction leading to the famous Carlsbad Decrees, which ushered in new restrictions on academic and press freedom, among other things. For the importance of these events in the context of Hegel's emerging political and social thought, see Terry Pinkard, *Hegel: A Biography* (Cambridge: Cambridge University Press, 2000), pp. 435–450.

² Hegel had been told by Karl Wilhelm Gottlob von Kastner in November 1806 about the efforts to get the *Yearbooks* underway, and, early in 1807, as the faculty of the University of Jena fled to other academic (and non-academic) opportunities, Hegel's botanist friend Franz Josef Schelver had also encouraged him to apply to come to Heidelberg and participate in the founding of the *Yearbooks*. The suggestions which Hegel had forwarded to the editors for works to be reviewed (including Jacobi's and Schelling's addresses to the Bavarian Academy of Sciences and Fichte's *Address to the German Nation*) had, however, not eventuated in any reviews being actually assigned to him in the years before he arrived in Heidelberg. Two of Hegel's own writings had been reviewed in the *Yearbooks* prior to his arrival: the *Phenomenology of Spirit* by his student Karl Friedrich Bachmann and the *Science of Logic* by his rival Jakob Friedrich Fries. (See *Hegel: The Letters*, trans. Clark Butler and Christiane Seiler [Bloomington: Indiana University Press, 1984], pp. 93–94.)

³ On romanticism and idealism at Heidelberg, cf. Otto Pöggeler, "Die Heidelberger Jahrbücher im wissenschaftlichen Streitgespräch," in *Heidelberg im säkularen Umbruch. Traditionsbewusstsein und Kulturpolitik um 1800*, ed. Friedrich Strack (Stuttgart: Klett-Cotta, 1987), pp. 154–164, and Hans-Georg Gadamer, "Hegel und die Heidelberger Romantik," in Gadamer, *Hegels Dialektik. Sechs hermeneutische Studien* (Tübingen: J. C. B. Mohr, 1980), pp. 87–97.

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Schlegel (both of whom wrote famous reviews of works of Fichte for the *Yearbooks*), Isaak von Sinclair, A. W. Schlegel, and Achim von Arnim.

When Hegel arrived in Heidelberg in the fall of 1816, he took over the editing of a number of areas, including theology, that had been handled previously by Fries; he became (with Thibaut and the historian Wilken) part of the triumvirate making ultimate editorial decisions.⁴ His own published contributions to the *Yearbooks* both concerned important generational shifts – the first a re-assessment of a “noble elder” who was central to the philosophical climate of the generation in which Hegel had come of age, and the second a significant political turn in the development of post-Napoleonic Germany. As it turned out, both also entailed significant milestones in Hegel’s own personal relationships – the first a consummation of a reconciliation between Hegel and that “elder” (who had been sharply criticized in Hegel’s earlier work) and the second a complete break with an old friend.⁵

The first of Hegel’s two writings to appear in the *Yearbooks*, his review of the collected works of the philosopher F. H. Jacobi, has never been translated into English.⁶ The importance of Jacobi for the development of German Idealism can hardly be overstated: for Schelling, Hegel, and Hölderlin – the generation that came philosophically of age in the 1790s – the interpretation of the Kantian critical philosophy was inflected in an important way by their encounter with Jacobi, and particularly by Jacobi’s engagement with Spinozism.⁷ Although contemporary interest from both German- and English-speaking scholarship in the relation

⁴ See Pöggeler, “Die Heidelberger Jahrbücher im wissenschaftlichen Streitgespräch,” p. 166.

⁵ Hegel’s reconciliation with Jacobi is discussed in the section below. The break connected with the Württemberg *Estates* essay concerned the theologian Heinrich Eberhard Gottlob Paulus, whose essay about the same topic had been submitted to the *Yearbooks* and rejected by Hegel and the other editors as “too long”; Hegel’s own publication of what turned out to be an even longer review concerning the same issue did not of course help matters. See Pöggeler, “Die Heidelberger Jahrbücher im wissenschaftlichen Streitgespräch,” pp. 166 ff.

⁶ There is a translation of the review into French: Andre Droz, *Rezension des oeuvres de F. H. Jacobi* (Paris: Vrin, 1976).

⁷ Like Schelling and Hölderlin, Hegel read Jacobi’s book *On Spinoza’s Doctrines in Letters to Herr Moses Mendelssohn*, as well as other writings of Jacobi’s, while still a student in the seminary at Tübingen. On the importance of this work and the pantheism controversy for German Idealism see, among other recent accounts, Frederick Beiser, *The Fate of Reason: German Philosophy from Kant to Fichte* (Cambridge, MA: Harvard University Press, 1987), pp. 44–49; Dieter Henrich, *Between Kant and Hegel: Lectures on German Idealism*, ed. David Pacini (Harvard: Harvard University Press, 2003), pp. 82–112; Paul W. Franks, *All or Nothing: Systematicity, Transcendental Arguments, and Skepticism in German Idealism* (Harvard: Harvard University Press, 2005), pp. 9–12; and Terry Pinkard, *German Philosophy 1760–1860: The Legacy of Idealism* (Cambridge: Cambridge University Press, 2002), pp. 90–96.

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between Hegel and Jacobi has been strong, Hegel's important review has remained untranslated.⁸

The second writing has never been fully translated into English but is without rival as the most influential piece of political journalism Hegel ever wrote.⁹ In fact, of the five striking writings on specific contemporary political issues and events that span his career – from his first publication in 1798 to his last in 1831 – *The Württemberg Estates* is the only piece that was fully published under Hegel's name in his lifetime.¹⁰ Hegel was a Württemberg native and had been drawn, since an earlier unpublished essay in 1798, to write about the political events of his homeland. The convening of the Württemberg Estates in 1815 for the purpose of ratifying a new constitution aroused Hegel's political interest not merely as a chapter in the particular history of Württemberg but rather more broadly (as it turned out) as an important moment in the development of European and German constitutionalism during the post-Napoleonic era. Hegel's take on the political and constitutional issues surrounding *The Estates* has been widely debated, but it has been a genuinely underestimated document for the construal of his political and social philosophy, upon which the present translation and critical commentary hopes to shed some light.

THE JACOBI REVIEW

Hegel's early published engagement with Jacobi's works had been distinctively critical. In his Jena essay on *Faith and Knowledge* (1802), Hegel directs a searching and frequently harsh critique at the assumptions of subjectivity and immediacy which he took to underlie Jacobi's philosophical position.

⁸ George di Giovanni recently published, for example, an almost 700-page volume translating many of Jacobi's works for the first time into English; his introduction to that volume ends in fact with a brief discussion of Hegel's review: *The Main Philosophical Writings and the Novel "Allwill,"* trans. George di Giovanni (Montreal: McGill-Queen's University Press, 1994), pp. 165–167.

⁹ The existing translation of the *Estates* essay by T. M. Knox is only a partial translation of approximately 53 of the 123 pages of text in Lasson's German edition (*Hegel's Political Writings*, trans. T. M. Knox with an introductory essay by Z. A. Pelczynski [Oxford: Clarendon Press, 1964]).

¹⁰ Of the five political writings Hegel devoted to specific contemporary issues – the *Confidential Letters on the Previous Constitutional Relation of Wadtiland to the City of Berne* (1798), the essay *On the Recent Domestic Affairs of Württemberg* (1798), the *German Constitution* (1799–1802), *The Württemberg Estates* (1817), and *The English Reform Bill* (1831) – the first was an anonymously published translation of an essay written by another author, the second and third were never published, and the fifth was partially suppressed by the Prussian king before Hegel's death. Translations of three of the other four essays can be found in *G. W. F. Hegel: Political Writings*, ed. H. B. Nisbet and Laurence Dickey (Cambridge: Cambridge University Press, 1999) and in Knox and Pelczynski, *Hegel's Political Writings*.

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Although Hegel's published work in the intervening years makes scant or oblique reference to Jacobi,¹¹ there was behind the scenes a substantial effort, particularly under the auspices of Immanuel Niethammer, a common friend of both men, to effect a personal reconciliation of some sort.¹²

The roots of that reconciliation, as Jaeschke has observed, may have had initially more to do with political, professional, and personal factors than with philosophical ones.¹³ Jacobi and Niethammer had become comrades-in-arms in their efforts to reform higher education in Bavaria, Jacobi serving as president of the Bavarian Academy of Sciences and Niethammer as Bavaria's central commissioner of education. The attacks on Jacobi – who, like both Niethammer and Hegel, was non-Bavarian and Protestant – became an issue about which Hegel could express some alliance with Jacobi, in spite of his harsh early critique of Jacobi's work.¹⁴ Hegel's frequent correspondence with Niethammer during this period – about, among other things, the possibilities of a position in Bavarian higher education for the underemployed Bamberg newspaper editor¹⁵ – shows an increasing sense of support for Jacobi's position. (By the end of 1807 Hegel claims, in response to an attack on Jacobi's address to the Bavarian Academy, that he “belonged to Jacobi's party in advance.”)¹⁶ In 1812, when the two men actually met

¹¹ Jacobi seems clearly to be on Hegel's mind in important sections of the *Phenomenology of Spirit* (1807) on sense certainty and conscience, but he is not explicitly mentioned there; the first references in Hegel's *Science of Logic* come in the 1816 *Begrifflogik*; the discussion of Jacobi in the third remark to “Becoming” is part of Hegel's reworking of the text in Berlin (Walter Jaeschke, *Hegel Handbuch. Leben-Werk-Wirkung* [Stuttgart/Weimar: J. B. Metzler, 2003], p. 254).

¹² Pinkard, *Hegel: A Biography*, pp. 251–255, 384–388; Jaeschke, *Hegel Handbuch*, pp. 32–34, 254–257. The poet Jean Paul Richter, a close friend of Jacobi's, also plays an important role here: Hegel had made a favorable impression on him when the two met in Bamberg in July of 1807.

¹³ Jaeschke, *Hegel Handbuch*, p. 32.

¹⁴ Hegel certainly recognized the delicacy of his situation: in a letter to Niethammer on May 30, 1807, about apparent prospects for a job that would need Jacobi's approval, he says: “You are, to be sure, kind enough to keep up courage for me, but at the same time the condition at once seems to be added *sine qua non* that I should become reconciled with Jacobi, that from my side I must do something or other which – however delicate the turnabout might be – could only, I fear, be a ‘Father, forgive me!’ [pater peccavi!] You know that you can command me unconditionally; but I am convinced you will spare me of this. You yourself say that Jacobi's relationship to me is more [a matter of] pain than opinion. If it were only a matter of opinion, some alteration would be possible. But the pain would be hard to alter – without transferring it to me instead, without receiving coals of fire upon my head, which I would even help to heap on myself” (*Hegel: The Letters*, p. 129).

¹⁵ Hegel remained in the newspaper position until late 1808, when Niethammer secured for him an appointment as rector of the Nuremberg gymnasium.

¹⁶ From Hegel's letter to Niethammer of December 23, 1807, which discusses Karl Rottmanner's *Critique of F. H. Jacobi's Essay on Learned Societies* (*Hegel: The Letters*, p. 153). In a letter to Karl Joseph Windischmann (December 31, 1807), Schelling by contrast applauded Rottmanner's attack, a fact which may be interpreted as a further symptom of the increasing philosophical and political distance between Schelling and Hegel.

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during a visit by Jacobi to Nuremberg, there was a great deal of apparent good will on both sides.¹⁷ Hegel repaid the visit with a trip to see Jacobi in Munich in 1815, the two men exchanged recent books,¹⁸ and Jacobi was even supposed to become godparent to an expected child of Hegel and his wife.¹⁹

Hegel's arrival in Heidelberg in 1816 thus appears to mark an occasion on which he could make public the turn in his relation to Jacobi. The personal change, as Pinkard has noted, coincided with a shift in Hegel's own status within the philosophical profession: with the publication of both volumes of the *Science of Logic* behind him, as well as the imminent completion of the Heidelberg version of his philosophical system as a whole, the *Encyclopedia*, Hegel could view Jacobi's works from a perspective that was no longer that of a critical rival but rather that of an established philosopher reviewing the work of a precursor.²⁰ What emerges is not only an extended review of a volume of Jacobi's collected works, but something of a reassessment on Hegel's part – one which involves, in tone, content, and presentation, a significantly different attitude toward Jacobi.

The volume of Jacobi's collected works which Hegel reviews is the third in that series – the last, as it turned out, that would be edited by the aging Jacobi himself. The four Jacobian texts included in the volume concern Jacobi's critique of Kant (the essay *On Critical Philosophy's Attempt to Bring Reason to Understanding and to Transform Philosophy as Such*), his contribution to the so-called "atheism dispute" over Fichte's departure from Jena (the famous public *Letter to Fichte*), and his contribution as well to the so-called "dispute on divine things" that featured a disagreement between Jacobi and Schelling (the two essays *On Divine Things and Their Revelation* and *On a Prophecy by Lichtenberg*).

Hegel's review does not simply take these writings up in order of publication, but instead places them as a group in the context of an Hegelian construal of the importance of Jacobi's work as a whole for the history of philosophy. As Hegel sees it, this construal requires the consideration of a text not included in the volume itself, but which had been of unusually decisive importance to Hegel's own generation: the *Doctrine of Spinoza in*

¹⁷ Jean Paul observed about the reconciliation that it was impossible not to love Jacobi "and indeed his philosophical enemy Hegel loves him now." Hegel wrote Niethammer in July of 1812 with thanks for his help in the reconciliation, noting Jacobi's "kind disposition toward me" (Jaeschke, *Hegel Handbuch*, p. 33).

¹⁸ Hegel sent Jacobi the second volume of his *Science of Logic*, and Jacobi sent Hegel the second volume of his collected works (the volume preceding the one which Hegel reviews in the *Heidelberg Yearbooks*).

¹⁹ Hegel's wife Marie miscarried, however, at the end of 1815.

²⁰ Pinkard, *Hegel: A Biography*, pp. 384, 388.

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Letters to Moses Mendelssohn. With this essay as its central point of departure, Hegel's review is thus thematically organized into roughly four parts that reflect Jacobi's philosophical engagement, respectively, with Spinoza, Kant, Fichte, and Schelling, while a coda takes up what Hegel finds distinctive about Jacobi's philosophical style.

(i) *Spinoza*: "Every consistent system of philosophy must in the end lead to Spinozism" had been the well-known claim of Jacobi's *Doctrine of Spinoza in Letters to Moses Mendelssohn*, published originally in 1785 and in a second edition in 1789. Jacobi had intended his work as a warning against the deterministic, mechanistic, and consequently nihilistic trajectory of all modern, i.e., Spinozist, philosophy, but it had had, on many in Hegel's generation, an opposite effect – rather of leading them to a more serious study of the philosopher whose view of substance had been famously captured by the phrase Jacobi attributed to Lessing: *hen kai pan* ("one and all"), words that Hölderlin inscribed as a sort of watchword in Hegel's *Stammbuch* during their days in the Tübingen seminary.²¹

Hegel's review does not focus on the historical details of the so-called "pantheist" controversy that followed upon the publication of Jacobi's book, but rather on the importance he sees Jacobi's appeal to Spinoza as having within the broader perspective of the history of modern philosophy. According to Hegel, both the French and German Enlightenments had moved from a critical encounter with givenness in the natural and social worlds to the positing of abstract determinations (such as "force" or "totality") in which, however, thought was equally unable to "possess itself." Against the sterility of the metaphysics which resulted, it was the achievement of Spinoza, according to Jacobi, to show that the "only relation in which . . . [such] determinations of knowledge attain their truth" was the "unwavering and infinite contemplation and knowledge of the one substantial being," or Spinoza's substance.

For a correct construal of this "Spinozism in possession of which we find Jacobi,"²² everything depends, says Hegel, on understanding the notion of

²¹ On the paradoxical effect of Jacobi's Spinoza book on Hegel's generation, see, for example, Frederick Beiser, *German Idealism: The Struggle against Subjectivism, 1781–1801* (Cambridge, MA: Harvard University Press, 2002), pp. 362–364 and Henrich, *Between Kant and Hegel*, pp. 82–95. On the significance of Hölderlin's inscription for the two friends, see H. S. Harris, *Hegel's Development: Toward the Sunlight 1770–1801* (Oxford: Clarendon Press, 1972), pp. 97–99.

²² Hegel's claim here about "the Spinozism in possession of which we find Jacobi" is interesting, given the harsh Jacobian criticism of Spinoza that Hegel had acknowledged already in *Faith and Knowledge*. As Rolf-Peter Horstmann has suggested, this appeal bears remarkable similarity to that of the 1795 Schelling, who stressed the common interest of Jacobi and Spinoza in seeking to integrate the role of the unconditional in their respective philosophical approaches. Rolf-Peter Horstmann, *Die Grenzen der Vernunft. Eine Untersuchung zu Zielen und Motiven des Deutschen Idealismus* (Frankfurt: Anton Hain, 1991), p. 277, n. 32.

negativity at work. Spinoza's substance implies the determinateness of finite things – as in the phrase which Hegel follows Jacobi in ascribing to Spinoza, *omnis determinatio est negatio*. But negation in this sense, as Hegel credits Jacobi with seeing, “fails to be seen as internal to substance” because there is no comprehension within that substance of the very work of negation. Jacobi's demand that God be not merely substance but “spirit,” which is both “free and a person [*persönlich*],” thus presages, on Hegel's view, his own distinction between substance and spirit: “the difference between determining the Absolute as substance and determining it as Spirit boils down to the question whether thought [*das Denken*], having annihilated its finitudes and mediations, negated its negations and thus comprehended the One Absolute, is conscious of what it has actually achieved in its cognition of absolute substance, or whether it lacks such consciousness.”

Although Hegel goes on to criticize Jacobi's notion of spirit for a further problem of immediacy – i.e., for staying put in the immediacy of intuition – he nonetheless makes the implicit concept of Spirit he finds in Jacobi into the organizing concept of the review and thus the key point of his assessment of Jacobi's importance for the history of philosophy. For it is “chiefly against the conception of Spirit as Jacobi finds it in his vision of reason that he measures the philosophical systems which are his subjects in the writings contained in the present volume” – i.e., those of Kant, Fichte, and Schelling.

(ii) *Kant*: Hegel credits Jacobi and Kant in the review with a shared achievement for the state of contemporary philosophy as a whole: they “put an end to the metaphysics of the old school” of Leibniz and Wolff and thus “established the necessity of a complete revision of logic.” When Hegel turns to an account of the criticism which Jacobi ultimately directed at the Kantian categories of space, time, identity, and difference, he praises Jacobi for undertaking it, at least in part, “in accord with true method, that is, dialectically.” But while Jacobi shows the contingent character of Kantian categories, he nonetheless “fails to give Kant the infinite credit due him for having seen that the freedom of the Spirit is the fundamental principle” of both theoretical and practical philosophy.

(iii) *Fichte*: As Jaeschke has observed, Hegel's discussion in the review of Jacobi's famous *Letter to Fichte* focuses not so much on the issues of the atheism dispute surrounding the publication of that letter as on Jacobi's critique of the one-sidedness of the Fichtean approach, particularly, to morality.²³ Hegel compares Jacobi's criticism of Fichte's rationalist moral

²³ Jaeschke, *Hegel Handbuch*, p. 256.

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principle to Aristotle's criticism of the Socratic attempt to "make the virtues into knowledge": "in the realm of the practical, universals articulate only what *ought to be*, and Aristotle (like Jacobi) finds this insufficient to account for the manner of the *existence* of the universal and the possibility of such existence." Yet, Hegel claims, Aristotle's appeal to "drives and character" – and moreover to the situating of an individual's ethical life within the context of the life of the *polis* – is to be distinguished as more richly concrete than Jacobi's appeal to the "mere *heart*." While Hegel thus praises (as he had earlier in *Faith and Knowledge*) the "fine passage" in which Jacobi insists upon the importance of individual moral decision when it must oppose the weight of conventional norms, he nonetheless ends the section on Jacobi's view of Fichte with a criticism of the temptation to romanticism.

(iv) *Schelling*: The final section on the controversy over "divine things" with Schelling gives the shortest discussion of any of the texts covered in the review. While there may have been some intentional reasons for Hegel's brevity here in discussing the dispute between Schelling and Jacobi,²⁴ Hegel claims that it is "without doubt still sufficiently present in public memory that it would be superfluous to spend much time on it here." Following two short paragraphs that concern the relation of the human spirit to God and the difficulties of the Schellingian project in the philosophy of nature, Hegel segues to a discussion of the distinctiveness of Jacobi's philosophical style – the particular *esprit* (*das Geistreiche*, a term close to untranslatable in English) that makes use of a wealth of images and "simple juxtapositions." However much such *esprit* may probe contradictions inherent in the claims of the understanding, it is, on Hegel's view, still "a kind of surrogate for methodically developed thought."

What, in the end, did Hegel's review of Jacobi achieve? First of all, the developing reconciliation between the two men was clearly sealed – and Jacobi, who had earlier evinced an extraordinary charity toward Fichte's and Schelling's quite different philosophical construals of his own work, reacted with similar openness to Hegel's account here.²⁵ While

²⁴ Jaeschke (*ibid.*, p. 257) suggests that the brief treatment may have arisen from Hegel's awkward position – between a developing friendship with Jacobi on the one hand and a philosophical stance on the issues in the dispute that actually may have come closer to Schelling's position, despite the distance that had developed between the two former Jena colleagues in the years since the publication of the *Phenomenology of Spirit*.

²⁵ Jacobi acknowledged that Hegel's work had "on the whole pleased me very much" (F. H. Jacobi to Jean Paul [Munich, 11.5.1817], Günther Nicolini, ed., *Hegel in Berichten seiner Zeitgenossen* [Hamburg: Meiner, 1970], p. 142). Regarding Hegel's criticism, Jacobi said in a letter to his friend Johann Neeb, "He may well be right" (F. H. Jacobi to Johann Neeb [Munich, 30.5.1817], *ibid.*,

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Hegel's Jacobi review certainly heralds a shift in tone in his treatment of Jacobi, there are also more importantly elements of a new philosophical contextualization of Jacobi's work that will be present in Hegel's later treatments of Jacobi in the *Encyclopedia Logic*, the *Science of Logic*, and the *History of Philosophy*.²⁶

THE REVIEW OF THE WÜRTTEMBERG ESTATES PROCEEDINGS

Hegel was born – as Terry Pinkard puts it in his recent biography – not in Germany, but in Württemberg. The experience of “Germanness” for Hegel's generation was one which continually oscillated between the local appeal of the specific area in which one grew up (the large number of principalities, duchies, and free cities which composed the German-speaking realm) and the aspirations – fired not only by the principles of the French Revolution but by the collapse of the Holy Roman “Empire” of the German Nation – to a more universal political life. While Hegel's life introduced him to a wide variety of German-speaking cities (from Swiss Berne to Bavarian Nuremberg to Prussian Berlin), it also provided in its experiences a distinct focus for his interest in the development of universal and rational political institutions. Hegel's interest at once in the specificity and the broader meaning of political institutions gave him an unusually careful eye – certainly in comparison with the rest of his German Idealist contemporaries – for the fine nuance of significant administrative detail. (One can indeed occasionally see in Hegel perhaps some inheritance from his father, who had been a secretary to the revenue office at the court of the duke of Württemberg – for example, in the aspiration of the young philosopher, abroad in Switzerland for the first time, to “work through the financial constitution of Berne to the smallest detail, even to highway funding [*Chausseegeld*].”)²⁷

p. 143). Reacting in 1797 to Fichte's and Schelling's citations of him, Jacobi had said in a letter to Baggese that it was possible that “these men have understood me better than I have myself.” The relevant portions of these letters, along with part of an important contemporary letter of Hegel's concerning the Jacobi review, are translated below in the Appendix (pp. 137–139).

²⁶ The 1827 and 1830 editions of the *Encyclopedia Logic* follow Hegel's review in placing Jacobi's philosophical position not, as in the earlier *Faith and Knowledge* essay, with Hume and Locke, but rather with Descartes, who did not come up for discussion in *Faith and Knowledge* at all. The Berlin *Lectures on the History of Philosophy* begin, as does the review, by locating Jacobi in the context of a reaction to French Enlightenment philosophy and contemporary German metaphysics. The 1832 *Science of Logic*, as Jaeschke points out (*Hegel Handbuch*, p. 254), also follows the lines of Jacobi's Kant criticism as discussed in the review (*Science of Logic*, trans. A. V. Miller [Atlantic Highlands, NJ]: Humanities Press International, 1989], pp. 95–98).

²⁷ Karl Rosenkranz, *Georg Wilhelm Friedrich Hegels Leben* (Berlin: Duncker and Humblot, 1844), p. 61.

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While such smaller details are part of what Hegel must contend with in the *Estates* essay, there are clearly larger issues on his mind. For the essay is one of the important documents in the explicit development of Hegel's mature social and political philosophy – a development which can in many respects be dated to Hegel's time at Heidelberg, where he lectured on the philosophy of right for the first time, but a development which itself takes place against the background of an unusually pregnant moment in European political and constitutional history. In the wake of Napoleon's defeat and the Congress of Vienna, a number of new political rearrangements emerged in Europe.²⁸ In Germany, the old empire had been replaced with thirty-nine "sovereign principalities and free cities of Germany" within a loose confederation, including the Kingdom of Württemberg, which, because of its strategic position in the Napoleonic wars, had not only risen in stature from its former status as a duchy, but had more than doubled in size.²⁹

Above all, however, this post-Napoleonic era was a time ripe for new attempts at constitution-making: Louis XVIII had just given the French a new *Charte Constitutionnelle* in 1814, and the Acts of Confederation emerging from the Congress of Vienna would specify that the new realms incorporated under those acts each provide for their citizens "estates constitutions" (*landständische Verfassungen*).³⁰ With an eye on both of these developments, Württemberg's King Friedrich I presented his country's Estates Assembly a new constitution in March 1815. This overture was initially rejected by the Estates, which argued for a return to its "old" rights under the constitution which Friedrich had declared null in 1805 on the eve of the collapse of the remaining "institutions" of the Holy Roman Empire.

This *contretemps* between king and Estates over the outlines of a new constitution – the central dramatic event analyzed in the *Estates* essay – presents a number of questions for the political theorist and the historian of ideas. Both the notions of an "Estates" and of a constitution appear, in fact, to be part of a larger set of terms in the political vocabulary of post-Napoleonic Europe which are shifting and under conflictual pressure.

²⁸ On these developments more generally, see James Sheehan, *German History: 1770–1866* (Oxford: Oxford University Press, 1989) and Thomas Nipperdey, *Germany from Napoleon to Bismarck: 1800–1866* (Dublin: Gill and Macmillan, 1966).

²⁹ See footnote 4 on p. 33.

³⁰ Article 13 of the Acts of the German Confederation stipulated that every member state have a constitution providing for an assembly of the Estates (*landständische Verfassung*). On the contemporary interpretation of this important phrase – and the distinction made between it and the notion of an explicitly *representative* (*repräsentative*) constitution – see Rolf K. Hočevár, *Stände und Repräsentation beim jungen Hegel. Ein Beitrag zu seiner Staats- und Gesellschaftslehre sowie zur Theorie der Repräsentation* (Munich: C. H. Beck, 1968).

King Friedrich's constitution was the first to be proposed within the new German states that were represented at the Congress of Vienna; his constitution involved rationalistic and representative elements that had not previously been seen in the existing political frameworks in German-speaking lands.³¹ Even prior to the 1815 Estates Assembly, however, Württemberg had had a constitutional history which in many ways set it apart from the political structure of other German realms – a fact acknowledged in the famous remark of the English statesman Charles James Fox that “there were only two constitutions in Europe, the British constitution, and that of Württemberg.”³² Perhaps the most distinctive element of the Württembergian constitution in this regard was the status of the *Landtag* (Estates Assembly or Parliament), which not only had acquired significant political powers in relation to the ruling duke but was also almost entirely dominated by an urban class of burghers. The role of the Württemberg Parliament was rooted in the Treaty of Tübingen, signed on July 8, 1514, which had granted the Estates basic civil rights and liberties, a say in decisions concerning war and peace as well as in major legislation, and – crucially – the administration of public finances. In return, the Estates had agreed to take on the responsibility of repaying the duke's foreign debts and to submit to taxation as necessary to supply the needs of the state. Effectively, this treaty was Württemberg's constitution, and talk of the “old law” or the “old constitution” invariably refers to the Treaty of Tübingen which had made Württemberg's Estates the most powerful in Germany.

While the term “estates” suggests a body broadly representative of the interests within the feudal state³³ – i.e., those of nobility, peasants, church, and bourgeoisie (the burgher class) – the Württemberg Estates

³¹ See Hartwig Brandt, *Parlamentarismus in Württemberg 1819–1870. Anatomie eines deutschen Landtags* (Düsseldorf: Droste, 1987), p. 25. The “firstness” of Württemberg's constitutional proposal is not without some historical irony, as Rolf Grawert points out, given the length of time it ultimately took Württemberg, in comparison with other realms of the German Confederation, to approve it (Grawert, “Der württembergische Verfassungstreit 1815–1819,” in “*O Fürstin, der Heimath! Glückliches Stuttgart.*” *Politik, Kultur und Gesellschaft im deutschen Südwesten um 1800*, ed. Otto Pöggeler and Christoph Jamme [Stuttgart: Klett-Cotta, 1988], p. 126).

³² Fox's remark is cited in a review of the *Proceedings* of the Württemberg Assembly for the *Edinburgh Review* by a contemporary of Hegel's: “Verhandlungen in der Versammlung der Landstände des Königreichs Württemberg,” in *Edinburgh Review* 29,58 (February 1818): 340. For a broader comparison of the emergence of parliamentary government in German political history, see F. L. Carsten, *Princes and Parliaments in Germany: From the Fifteenth to the Eighteenth Century* (Oxford: Clarendon Press, 1959).

³³ Pelczynski comments that both the notion of “estates” (*die Stände*) as the corporate entities within a state and that of the “Estates” as the parliamentary forum of the various parts of a state are words at some distance from active political vocabulary in English, whereas *Stand* and *Stände* have had a somewhat longer life in German (*Hegel's Political Writings* [Oxford: Clarendon Press, 1964], p. 82).

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Assembly was almost entirely made up of burghers. From the Treaty of Tübingen on, the nobility had refused to participate in the Assembly on the grounds that they had an “immediate” legal status (*Reichsunmittelbarkeit*) within the larger German Empire and stood under no intermediate authority;³⁴ the peasants, despite early attempts to press for representation, had been effectively excluded,³⁵ and the prelates had become, through intermarriage and co-optation, effectively side-lined as a separate “estate.”³⁶

The representativeness and effectiveness of the Estates Assembly in the years between the Treaty of Tübingen and 1815 had been blunted on two sides. On the one hand, a so-called “committee” that putatively was to meet only between adjournments of the Assembly came instead to be a political entity in its own right and was almost entirely dominated by a ruling class of burgher families (the Württemberg replacement for politically active nobles):³⁷ during the eighteenth century, the Assembly as a whole met only four times, as the committee controlled important political and financial issues within the duchy.³⁸ On the other hand, there was an ongoing battle between Assembly and dukes, and the latter occasionally got the decisive grip on power: Friedrich shut down the Assembly in 1805, and it did not meet again until he convened it for the constitutional process in 1815.³⁹

Within this power structure, there were clearly competing views of what a constitution was and what the political machinery in constitution-making exactly involved.⁴⁰ On the one hand, the king’s motives in proposing the constitution were clearly mixed. Friedrich had been the last to join the German Confederation but was the first to draft a constitution. While

³⁴ The nobles had declared in 1519 that they were “*kein Staind in der Wirtemberg Landschaft*” but instead “*frey Edelleut*” (free nobles). Cited in James Allen Vann, *The Making of a State: Württemberg 1593–1793* (Ithaca: Cornell University Press, 1984), p. 48.

³⁵ The 1514 “Poor Conrad” uprising, for example, had failed to produce a peasant representation in the Assembly. Despite the lack of political representation, the peasants still had some significant rights in Württemberg in contrast with other German states: Carsten cites, for example, the right of peasants to leave the state freely, and the general disintegration of the manorial system and duties associated with serfdom (Carsten, *Princes and Parliaments in Germany*, pp. 2–3).

³⁶ On the history of the Württemberg estates, see Brandt, *Parlamentarismus in Württemberg 1819–1870*; Carsten, *Princes and Parliaments in Germany*; Vann, *The Making of a State*; Walter Grube, *Der Stuttgarter Landtag 1457–1957* (Stuttgart: E. Klett, 1957).

³⁷ There were actually two committees, the inner and outer committees, with eight and sixteen members respectively.

³⁸ It was only the duke’s need for emergency funds during the Napoleonic wars that forced the re-convening of the Estates in 1796, since the committee itself could not approve the emergency outlays required.

³⁹ On Friedrich’s closing of the Assembly, Napoleon was said to have exclaimed: “I have made your master a sovereign, not a despot!” (see Hegel’s letter to Niethammer citing this remark in August of 1807: Hegel, *The Letters*, p. 141).

⁴⁰ See Grawert, “Der württembergische Verfassungsverstreit 1815–1819,” pp. 126 ff.

he had autocratically closed the Estates in 1805, he now had a political interest in subduing the newly “mediatized” nobles in his land; and, given the concern with constitution-making emerging from the Congress of Vienna, taking the initiative might ensure the final product would be more to his liking than something that might be imposed from outside. On the other hand, the burghers of the Estates were trying to reclaim the “good, old right” that had been suspended, yet – as Hegel never tires of pointing out – they started to give the appearance of oligarchs simply trying to hold on to their privileges. Besides king and Estates, there were other movements afoot as well. The Estates received numerous petitions from towns and citizens (*Volksadressen*) demanding that the king grant the people a constitution rooted in the Estates, and there was significant interest outside Württemberg from German intellectuals (including Görres, Stein, Fries, and Kotzebue) who favored the Estates’ cause. Finally, there emerged as well a “moderate” group between the two positions (taken especially by the publisher Johann Friedrich Cotta and Tübingen University Curator August von Wangenheim).

The constitutional debate that emerged – if it can be properly so called – lasted four years and fell into three distinct phases.⁴¹ Friedrich I initiated the first phase with his 1815 presentation of a draft of the constitution to the newly convened Estates Assembly; Hartwig Brandt characterizes this phase as a long-drawn-out stalemate that persisted until Friedrich’s death in October of 1816. A second phase beginning with his more liberal successor, Wilhelm I, fell in the year 1817: Wilhelm proposed in March of 1817 another draft version of the constitution that had been much influenced by the proposals of Tübingen chancellor Wangenheim, whom Wilhelm had now made minister of state.⁴² After an ultimatum from Wilhelm to vote

⁴¹ For an analysis of these three phases, see especially Brandt, *Parlamentarismus in Württemberg 1819–1870* and Joachim Gerner, *Vorgeschichte und Entstehung der württembergischen Verfassung im Spiegel der Quellen (1815–1819)* (Stuttgart: W. Kohlhammer, 1989).

⁴² Wangenheim’s anonymously published *The Idea of a State Constitution in its Application to Württemberg’s Old Estates Constitution and a Proposal for its Renewal* (*Die Idee der Staatsverfassung in ihrer Anwendung auf Württembergs alte Landesverfassung und den Entwurf zu deren Erneuerung*) had suggested, among other things, a bicameral estates, as opposed to the unicameral situation envisioned by Friedrich. Wangenheim and his constitutional proposal play an important role in the assessment of Hegel’s stance during the second phase of the process, since it was alleged by Rudolf Haym that Hegel had written his review of the *Proceedings* to gain influence with Wangenheim for an appointment to his old position at Tübingen. Haym, however, later recanted this story. On Wangenheim’s proposal, see Dieter Wyduckel, “Die Idee des Dritten Deutschlands im Vormärz. Ein Beitrag zur trialistischen Verfassungskonzeption des Freiherrn von Wangenheim,” in “*O Fürstin, der Heimath! Glückliches Stutgard*,” pp. 159–183. For an analysis of the Haym charge, see especially Franz Rosenzweig (*Hegel und der Staat* [Munich and Berlin: Oldenbourg, 1920], vol. II, pp. 30–62), who finds also important textual grounds – including the rather circumscribed mention of bicamerality that appears in the *Proceedings* essay below – for casting doubt on Haym’s claim.

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on the new proposal, the Estates voted it down on June 2, 1817 by a margin of 67–42. The third and final phase, following Wangenheim's departure, was dominated by the conservative minister Theodor Eugen Maucler and culminated in the ratification of the constitution on September 23, 1819, in the wake of the adoption of the Carlsbad Decrees.

Hegel's essay on the Württemberg Estates was written and published during the second phase of this dispute,⁴³ but limits itself almost exclusively to discussing the published *Proceedings* concerned with the events of 1815–16. In his review of those *Proceedings*, Hegel sees that what is at issue is the inheritance of a generation of political experience in the wake of the French Revolution: these twenty-five years, Hegel says, are “perhaps the richest that world history has had,” years which “teach us the most, because our world and our ideas belong to them.”⁴⁴

The central philosophical concern for political philosophy and constitutional law emerging from this period is, for Hegel, the notion of the *rational* justification of institutions and governmental structures. The desire of the Estates to return to their old rights is, however, rooted in a “positive” conception of right (following his earlier writings, Hegel means here by “positive” a notion of right as what happens to be posited by authorities in a given historical or political situation). But if the members of the old Estates see things in a “positive” light that takes no account of the rational import of the French Revolution, theorists who would wish to construe political matters in the overly “abstract” French terms of “pure number and quanta of wealth” employ “atomistic principles” which are, in science as in politics, “death for every rational concept, articulation and liveliness.”⁴⁵

The notion of an “articulated” or “organic” rather than atomistic relationship at the heart of the citizen's relation to the state implies as well that the terms of a contractual relation between ruler and people are equally off the mark. In an argument which links closely to the stance Hegel will take on Hobbes, Rousseau, and the contract tradition in the *Philosophy of Right*, Hegel holds that what is at issue in acts of constitution-making is a notion of the relation of citizen to state which cannot be understood in terms of a contract between a ruler and the people. This relationship demands instead philosophical consideration of a notion of the

⁴³ The essay was originally published in two installments in the *Heidelberg Yearbooks*: the issue of November 1817 and the continuation in the December 1817 issue (which did not actually appear until January 1818).

⁴⁴ G. W. F. Hegel, *Gesammelte Werke (GW)*, vol. XV, *Schriften und Entwürfe I (1817–1825)*, ed. Friedrich Hogemann and Christoph Jamme (Hamburg: Meiner, 1990), pp. 61–62.

⁴⁵ *Ibid.*, p. 45. As examples of such “atomistic principles,” Hegel mentions age and property qualifications for voting.

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political – defined, as Hegel presents it here, as a set of obligations which extend beyond those of merely private interests.

Hegel begins his account with a description of the opening of the Estates Assembly by the king, followed by a characterization of the rigid political stance taken by members of the Assembly advocating the “good, old right,” the stultifying style of *verbatim* speech-reading, and lack of actual political dialogue among members. Hegel also devotes a significant section of the review to a consideration of the various abuses of existing administrative arrangements in Württemberg (including the notorious network of “notaries” whose interests are defended by many of the Estates members).

The review does not offer a chronological analysis or account of the proceedings, even of the limited phase of them that Hegel discusses (as Rosenzweig remarks, Hegel seems to focus unduly on the first few days of the Assembly). And, although the essay was once called “one of the best pamphlets that came from a German pen,”⁴⁶ it is rather the polemical sharpness and apparent one-sidedness that most readers have in fact noticed. Rudolf Haym called it “Asiatically eloquent,” a “servile and sycophantic defense of the government line.”⁴⁷ Fries, one of Hegel’s bitterest rivals, describes the essay as one phase of an accommodationism that characterized Hegel’s relations with whatever regime was in power at the moment.⁴⁸ Even Hegel’s close friend Niethammer told him that he had “cleverly supported a dubious cause.”⁴⁹

Hegel’s not entirely unfair attack on the Estates ignores some legitimate complaints on their part which Hegel himself in earlier contexts had endorsed – for example, the Estates’ criticism of Friedrich’s autocratic dissolution of its meetings.⁵⁰ But Hegel’s philosophical aim is, he says, not to give a concrete description of this particular Estates but rather – in a wider public compass – to show the concept or *Begriff* of an Estates Assembly. That concept, Hegel holds, concerns precisely the educative function that he wishes to elucidate for the public by means of the essay: an education

⁴⁶ M. Lenz, *Geschichte der königlichen Friedrich-Wilhelms-Universität zu Berlin* (Halle: Waisenhaus, 1910–18), p. 203, cited in Pelczynski.

⁴⁷ Rudolf Haym, *Hegel und seine Zeit. Vorlesungen über Entstehung und Entwicklung, Wesen und Werth der Hegel’schen Philosophie* (Hildesheim: Olms, 1962 [Berlin: Rudolf Gaertner, 1857]), p. 352.

⁴⁸ See the letter from Fries to L. Rödiger on January 6, 1821: “Hegel’s metaphysical mushroom did not spring up in the gardens of science, anyway, but on the dung-heap of servility. Until 1813 his metaphysics was French, then it became royal Württembergian, and now it is kissing von Kamptz’ whip . . .” (Nicolin, ed., *Hegel in Berichten seiner Zeitgenossen*, p. 221). [Our translation.]

⁴⁹ Hegel, *Briefe von und an Hegel*, ed. Johannes Hoffmeister (Hamburg: Meiner, 1969), vol. II, p. 172.

⁵⁰ See his approving remark on Napoleon’s complaint about Friedrich’s dissolution of the Assembly.

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both of the government concerning the people's needs and an education of the people themselves about what their genuine political needs and will are.

Seen from this perspective, the review essay gives an interesting window onto the development of Hegel's political thought, in that the articulation of his stance on the shaping of the Württemberg constitution appears to contribute to the increasingly concrete character of his "official" philosophical teaching concerning political institutions. As the editors of the Hegel Archive edition of the Heidelberg writings note, the essay was written in the fall of 1817, exactly between the publication of the first edition of the *Encyclopedia* (summer semester 1817), with its relatively sparse section on political institutions in the "Objective Spirit" section, and the richer account of political institutions in the lectures on the philosophy of right which Hegel began giving in the winter semester 1817–18.⁵¹

One of the most prominent philosophical concerns at issue between the sparse *Encyclopedia* account of political philosophy and Hegel's *Philosophy of Right* is the emergence of Hegel's articulation of the difference between civil society and the state. Rolf-Peter Horstmann has suggested that it may have been exactly the (negative) public reaction to Hegel's review essay that prompted him to formulate more clearly his position regarding the relation between civil society and the state.⁵² There are in fact a number of concerns that Hegel appears to be developing simultaneously between the review essay and the new lectures on the philosophy of right: (a) the explanation of the Assembly as a "mediating" body (*Vermittlung*) between ruler and people;⁵³ (b) the role of the Assembly for the political education (*Erziehung*) of the people;⁵⁴ (c) the difficulty of "permanence" in a constitution and the importance of the monarch establishing the constitution from "outside," as it were (as the ancient figures Solon, Moses, and Lycurgus presented fundamental laws to people from whom they had a certain

⁵¹ For a comparison of the institutional analysis of the "Proceedings" essay with the philosophical stance Hegel takes in the Heidelberg lectures on the philosophy of right, see Christoph Jamme, "Die Erziehung der Stände durch sich selbst: Hegels Konzeption der neuständisch-bürgerlichen Repräsentation in Heidelberg 1817/18," in *Hegels Rechtsphilosophie im Zusammenhang der europäischen Verfassungsgeschichte*, ed. Hans-Christian Lucas and Otto Pöggeler (Stuttgart-Bad Cannstatt: Frommann-Holzboog, 1986), pp. 149–174.

⁵² Rolf-Peter Horstmann, "The Role of Civil Society in Hegel's Political Philosophy," in *Hegel on Ethics and Politics*, ed. Robert Pippin and Otfried Höffe (Cambridge: Cambridge University Press, 2004), pp. 208–238.

⁵³ GW vol. XV, *Schriften und Entwürfe I (1817–1825)*, p. 80; compare *Vorlesungen über Naturrecht und Staatswissenschaft. Heidelberg 1817/18 mit Nachträgen aus der Vorlesung 1818/19. Nachgeschrieben von P. Wannenmann*, ed. C. Becker et al. (Hamburg: Meiner, 1983), §§147–148.

⁵⁴ GW vol. XV, pp. 114, 121; cf. *Vorlesungen*, §154.

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distance);⁵⁵ and (d) the role of opposition in Parliament (especially in relation to the English system).⁵⁶

The *Estates* essay thus opens an intriguing window on to Hegel's emerging concrete political philosophy in the years prior to the publication of the *Philosophy of Right*. As is well known, Hegel's articulation of his political philosophy at Berlin came to be complicated by the repressive measures of the period of the Carlsbad Decrees shortly after he moved to Berlin. A letter from Hegel in Berlin back to his Heidelberg colleague Creuzer captures well how the political tone of things had changed from the somewhat more optimistic vein of the *Estates* essay's praise of what the twenty-five years since the French Revolution had wrought:

I am about to be fifty years old, and I have spent thirty of these fifty years in these ever-unrestful times of hope and fear. I had hoped that for once we might be done with it. Now I must confess that things with us remain as ever; indeed, in one's darker hours it even seems that they are going to get worse.⁵⁷

It is difficult not to look back from this somewhat grayer perspective when assessing the political contribution of the *Estates* essay. While the essay's re-publication at government expense⁵⁸ gave it a far wider influence than anything else Hegel ever wrote about contemporary events, it also lent particular currency to the charges of Hegelian accommodationism (even though Hegel's brief on behalf of the king's constitution clearly had not been uncritical).⁵⁹ Rosenzweig's account of the new political situation in Württemberg after 1819, however, notices that both parties which emerged at that time – both the “liberal party” of officials and the educated classes, as well as the more leftist, so-called *Bürgerfreunde* party – recognized a truth that was central to Hegel's analysis of the constitutional situation: that the days of the positive claims of the “old right” were over.⁶⁰

⁵⁵ Ibid., p. 77; cf. *Vorlesungen*, §134A. ⁵⁶ Ibid., p. 67; cf. *Vorlesungen*, §156.

⁵⁷ Letter of October 30, 1819 (*Hegel: The Letters*, p. 451).

⁵⁸ The essay was republished in the *Württembergischer Volksfreund* (see GW vol. XV.291–2).

⁵⁹ Jamme's essay stresses three aspects of Hegel's criticism of the king's proposal that each link to larger elements of the emerging *Philosophy of Right*: the insistence that state officials not be left out of the Assembly, the criticism of the “atomism” of voting rights connected merely to age or property qualifications, and the criticism of the tax-approval right demanded by the Estates (see Jamme, “Die Erziehung der Stände durch sich selbst”).

⁶⁰ Rosenzweig, *Hegel und der Staat*, vol. II, pp. 57–62.

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We have used the corrected text of the Jacobi review and the *Estates* essay in volume XV of the critical edition of Hegel's collected works produced by the Hegel-Kommission of the Rheinisch-Westfälischen Akademie der Wissenschaften and the Hegel-Archiv at the Ruhr-Universität Bochum (*Schriften und Entwürfe I: 1817–1825*, ed. Friedrich Hogemann and Christoph Jamme).¹ The marginal numbering in our translation refers to the pagination of this edition. The (few) lettered footnotes in the translations are Hegel's own, while numbered footnotes are ours. In the *Estates* essay, Hegel cites page numbers of the official *Proceedings* of the Estates meetings in parentheses in the body of the main text; we have chosen to put these references in the numbered footnoting sequence.

In the numbered footnotes, we refer in the majority of cases to standard English translations of Hegel's and Jacobi's works, occasionally modifying them. As there is currently no complete translation of Jacobi's major works, however, we frequently make reference to the standard German edition by Klaus Hammacher, Walter Jaeschke *et al.* In the case of Hegel's works in German, preferential treatment is given to the critical edition. In the few instances in which Hegelian texts have yet to appear in this edition, we refer to the widely used edition revised by Eva Moldenhauer and Klaus Markus Michel (Frankfurt am Main: Suhrkamp, 1970/1986). While neither of the two Heidelberg texts presents the sort of technical challenges familiar to the translators of, say, the *Science of Logic* or the *Phenomenology of Spirit*, Hegel's more "public" journal style still requires some editorial decisions for translators. The first of the issues concerns the rather long, unbroken expository style Hegel seems to prefer here: neither text features

¹ (Hamburg: Meiner, 1990), pp. 7–125. We are grateful to Felix Meiner Verlag for permission to consult their critical edition in the preparation of our translation. There were a number of mostly slight corrections to the text of this edition, which are printed in volume XVI, *Schriften und Entwürfe II: 1826–1831*, ed. Friedrich Hogemann with the assistance of Christoph Jamme (Hamburg: Meiner, 2001), p. 441.

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basic divisions or subject headings of any sort, and Hegel tends toward what are, for contemporary English (or for that matter, German) readers, rather long sentences and paragraphs. Hegel does break up sentences at places with semi-colons, and his long paragraphs are likewise punctuated by occasional end-of-sentence dashes within those paragraphs to suggest points of transition (the longer paragraphs thus often have two, three, or more indicated sub-divisions).

In our translation, we have attempted to indicate the most basic subject-matter shifts in Hegel's texts as a whole with the insertion of bracketed headings and sub-headings. We have tried where possible to preserve Hegel's sentence and paragraph structure, but since the mid-sentence semi-colons and the mid-paragraph dashes often correspond, respectively, in today's usage to periods and paragraph breaks, we have often divided the larger sentences and paragraphs at just those points. These correlations are, of course, rough and ready and hence do not allow for mechanical substitution. In no case, however, have we inserted a paragraph break where there is no dash or paragraph break in the original.

We do not keep to Hegel's practice of italicizing text both for emphasis and to indicate indirect speech. Clear cases of indirect speech are indicated by quotation marks, and, in keeping with contemporary stylistic sensibility, we have not always reproduced Hegel's italicized emphases.

The other main set of translational difficulties connected with these texts concerns Hegel's use of terms. Though both texts are remarkable for presenting a far less technical mode of philosophical argument than many other Hegelian works, the reader will nevertheless encounter frequent instances of Hegel's "speculative" terminology. In rendering technical terms into English, we have adopted the principles formulated by Terry Pinkard in the preface to his forthcoming translation of *The Phenomenology of Spirit*, and for a reasoned account of these principles the reader is directed to that volume.

Several remarks may nonetheless be in order here. Perhaps the most distinctive conception in Hegel's philosophy is what he calls "*Geist*." Like the French *esprit*, German *Geist* has a number of distinct meanings not directly associated with the English word "mind," so that the latter is often (and especially in Hegelian contexts) a poor equivalent of the German term. Frequently, "spirit" would serve as a better translation, as when Hegel speaks of the "great spirit [*großer Geist*] of the Cartesian *cogito ergo sum*" in his review of Jacobi. There *Geist* is used in a sense similar to the French *esprit de corps* or our "spirit of the age." *Geist* in the further sense of

intelligence or wit (*ingenium*) is a virtue that Hegel repeatedly and emphatically attributes to Jacobi; he even goes into some detail in appraising the uses and general value of what he refers to as “*das Geistreiche der Philosophie*,” a kind of philosophical *esprit* he sees as the distinguishing feature of Jacobi’s philosophical style. That Hegel’s nominalization of the adjective *geistreich*, which in most contexts would appropriately be rendered as “witty,” “inventive,” or “intelligent,” resists translation is not only due to its resonance with Hegel’s more technical use of the term *Geist*. For one thing, the term “wit” has almost entirely lost its association with the Latin *ingenium* as the faculty of discovering (*inventio*) subtle similarities and connections between disparate things and creating incisive, suggestive, or especially vivid expressions of thought, while the etymologically more closely related “ingenuity” has taken on a too narrowly instrumental sense, and “genius” is both too vague and too emphatically positive to allow of the kind of critical analysis to which Hegel subjects what is *geistreich* in philosophy. Like the German *Witz*, “wit” nowadays refers almost exclusively to the brilliant but superficial quality typical of so-called witticisms.² Thus, depending on the context, we have translated *Geist* variously as either “mind” or “spirit,” *geistlos* as “spiritless,” and *das Geistreiche* as *esprit*. In contexts which made a different translation desirable, the German word *Geist* or its cognate is supplied in a footnote.

The verb “sublate” (and its cognates, e.g., “sublation”) is a term of art introduced by James Hutchison Stirling in his 1865 work *The Secret of Hegel*³ in order to have an equivalent for Hegel’s term *aufheben*. The term appears to have been in common use in English-language textbooks of logic in the nineteenth century⁴ and is formed from *sublatum*, the past participle of the Latin verb *tollere*. Apart from its semantic aptness, Stirling’s choice of *sublatum* as the root from which to form the English term of art may have been motivated by Hegel’s own observation in a scholium to the section of

² Cf. Kant’s remarks on the terms *Witz*, *Geist*, *esprit*, and *genius* in his *Anthropology from a Pragmatic Point of View*, trans. and ed. Robert B. Loudon (Cambridge: Cambridge University Press, 2006), §§44 and 54–59.

³ *The Secret of Hegel: Being the Hegelian System in Origin, Principle, Form and Matter* (Edinburgh: Oliver and Boyd, 2nd ed., 1898. Reprint: Dubuque, Iowa: William C. Brown, 1972), pp. 242 ff.

⁴ Cf. Sir William Hamilton, *Lectures on Metaphysics and Logic*, ed. H. L. Mansel and J. Veitch (Boston: Gould and Lincoln, 1860), vol. 1, Lecture XVII, p. 234: “If the essential character of the Disjunctive Syllogism consists in this – that the affirmation or negation, or, what is a better expression, the position or sublation, of one or other of two contradictory attributes follows from the subsumption of the opposite; – there is necessarily implied in the disjunctive process, that, when of two opposite predicates one is posited or affirmed, the other is sublated or denied; and that, when the one is sublated or denied, the other is posited or affirmed.”

the *Logic* entitled “*Aufheben des Werdens*” that the ambiguity of *aufheben* bears strong affinity to that of the Latin *tollere*, although he remarks that “the double meaning of the Latin *tollere* (which the Ciceronian wit – *tollendum esse Octavium* – has made notorious) is more circumscribed [sc. than that of the German expression], its affirmative character amounting only to a lifting-up.”⁵ Hence although “sublation” will sound a good deal stranger to English ears than Hegel’s term *Aufhebung* does to German ones, both its long standing as a favored English equivalent and its etymology, which links it to a term Hegel himself viewed as close in meaning to *Aufhebung*, led us to retain it in this translation. It should be noted that although Hegel consciously plays on the “double meaning” of the term, he does not always use *aufheben* in its full technical sense and that it is sometimes debatable whether he means to include both its usual senses or whether he intends it to be taken in the sense of negation (abolishment, annulment, or revocation) only. In cases in which Hegel arguably uses the term only in this one sense, it has been translated accordingly and the German term has been supplied in a note.

Hegel explicitly distinguishes his use of the term *Begriff* (“concept”) from its more ordinary use.⁶ We have departed from the older custom of translating *Begriff* as “notion” (which stressed its relation to the scholastic term *notio*), adopting “concept” as the translation for Hegel’s technical term. Due to the specific technical meaning Hegel gives to this term, however, it would seem misleading and inappropriate to render Hegel’s frequent use of *begrifflos* as “non-conceptual.” In analogy to the translation “spiritless” for *geistlos*, we render *begrifflos* as “concept-less.”

The specific political and legal vocabulary employed in the *Estates* essay presents difficulties of a different kind. Hegel’s review of the *Proceedings* draws on a wide variety of often archaic terms for governmental functions and legal and economic relationships which have few or no equivalents in contemporary parliamentary or administrative practice. The familiarly named *Schreiberei-Institut* is not (as one might otherwise guess) an authors’ guild but an oppressive layer of local officialdom; we have translated *Schreiber* consistently as “notary,” indicating a particular class (or actually caste) of officials whose approval was needed for the most diverse

⁵ Translated in *The Secret of Hegel*, p. 244. Thus Stirling himself was clearly familiar with the passage, and since he also seems to consider “resolution” a possible equivalent for *Aufhebung*, he certainly did settle on “sublation” in the light of other alternatives.

⁶ For a concise exposition of Hegel’s speculative notion of the concept and its difference from what are ordinarily referred to as concepts, see the initial section of the “Subjective Logic” in Hegel’s *Science of Logic*.

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transactions. In some cases we resorted to (usually periphrastic) descriptive equivalents, translating, for example, the difficult term *Virilstimmführer* as “non-elected member.” Throughout the text of the *Estates* essay, footnotes provide glosses on historical terminology and supply background information on the relevant institutions where necessary. For an overview of terms and their translations, the reader may refer to the Glossary (pp. 143–162).