CAMBRIDGE TEXTS IN THE
HISTORY OF POLITICAL THOUGHT

G. W. F. HEGEL

Elements of the Philosophy of Right
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Elements of the Philosophy of Right

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## Contents

*Editor's introduction*  
*Chronology*  
*Translator's preface*  
*Key to abbreviations*

### Elements of the Philosophy of Right

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Editorial notes</td>
<td>381</td>
</tr>
<tr>
<td>Glossary</td>
<td>481</td>
</tr>
<tr>
<td>Select bibliography</td>
<td>496</td>
</tr>
<tr>
<td>Index of subjects</td>
<td>501</td>
</tr>
<tr>
<td>Index of names</td>
<td>509</td>
</tr>
</tbody>
</table>
Editor’s introduction

Hegel was born on 27 August 1770 in Stuttgart, in the south German state of Württemberg, son of a middle-class civil servant. His professional career, pursued entirely outside his home state, did not begin until he was over thirty, and was interrupted between 1806 and 1816. His eventual rise to prominence was meteoric: Hegel was offered a professorship at the University of Heidelberg in 1816, followed by an appointment two years later to the prestigious chair in philosophy at the University of Berlin which had had Fichte as its only previous occupant. Hegel occupied this position until his death from cholera on 14 November 1831. The influence of his philosophy began to decline even before his death, but its impact on Prussian academic life was perpetuated through the activity of some of his students, especially Johannes Schulze, who was Privy Councillor in charge of education from 1823 until the 1840s.¹

Hegel’s first lectures on right, ethics and the state were delivered in 1817, during his first autumn at Heidelberg. As his text he used the paragraphs on ‘objective spirit’ from his newly published *Encyclopaedia of the Philosophical Sciences* (1816) (EH §§ 400–452).² His second series of lectures came a year later in Berlin. He soon formed the intention of expanding his treatment of this part of the system in a longer text, which probably existed in draft well before his third series of lectures on right and the state were delivered in 1819–1820.

A fateful turn of political events in Prussia forced him to delay publication of this new work. Since the defeat of Prussia by Napoleon in 1806–1807, a reform movement within the government had been taking the country away from absolutism and toward constitutionalism.
Editor’s Introduction

After the defeat of Napoleon in 1815, this made Prussia an object of suspicion and alarm throughout the relatively less progressive continental states, especially Austria and Russia. In the summer of 1819, the cause of reform was decisively defeated by its opponents within the feudal nobility (see Preface, note 18). In September there was a conference of German states in Carlsbad. It imposed censorship on all academic publications and set forth guidelines for the removal of ‘demagogues’ from the universities. This resulted in the dismissal of several prominent academics, including Hegel’s old personal enemy J. F. Fries, but also in the arrest of some of Hegel’s own students and assistants (see Preface, notes 6, 8, 11, 12, 15, 18). In the light of the new situation, Hegel revised his textbook on right, composing a new preface in June, 1820. Published early in 1821, it was to be his last major work.

Images of Hegel’s political thought

From the beginning the Philosophy of Right was an object of controversy. The earliest reviews, even those written by men Hegel had counted among his friends, were almost uniformly negative. Hegel’s attack on Fries in the Preface was interpreted as showing unqualified approval of the academic repression. His declaration: ‘What is rational is actual; and what is actual is rational’ was read as bestowing an unqualified blessing on the political status quo (see Preface, note 22). Many could see nothing in Hegel’s book except an attempt to ingratiate himself with the authorities. As Fries himself put it: ‘Hegel’s metaphysical mushroom has grown not in the gardens of science but on the dunghill of servility.’

The earliest attacks on the Philosophy of Right viewed it solely in relation to the immediate political situation. Later critics in the liberal tradition followed their interpretation, but gave to the image of Hegel as conservative sycophant a broader philosophical significance. Right-Hegelian interpretations of Hegel’s political thought under Friedrich Wilhelm IV and German nationalist and statist interpretations during the Bismarck period tended only to confirm the idea that Hegel’s political thought consorts well with the spirit of absolutism and the Prussian Machistaat. In the first half of our century the same image of Hegel naturally led critics to see him as a forerunner of German imperialism and National Socialism. Together with the
thought that the roots of Marxism lie in Hegel’s philosophy, this secured for Hegel a prominent if unenviable place in the popular demonology of totalitarianism.8

There were always those, however, who insisted that Hegel was fundamentally a theorist of the modern constitutional state, emphasizing in the state most of the same features which win the approval of Hegel’s liberal critics. This was always the position of the Hegelian ‘centre’, including Hegel’s own students and most direct nineteenth-century followers.9 This more sympathetic tradition in Hegel scholarship has reasserted itself decisively since the middle of this century, to such an extent that there is now a virtual consensus among knowledgeable scholars that the earlier images of Hegel, as philosopher of the reactionary Prussian restoration and forerunner of modern totalitarianism, are simply wrong, whether they are viewed as accounts of Hegel’s attitude toward Prussian politics or as broader philosophical interpretations of his theory of the state.10

Hegel and the Prussian state

Hegel’s political thought needs to be understood in relation to the institutions and issues of its own time. Yet this is something even Hegel’s contemporaries themselves were often unable to do. The difficulty and obscurity of Hegel’s writings posed problems for them, just as they have for subsequent readers. The Preface of the Philosophy of Right, with its immediate relation to events of the day, provided the earliest critics with an easy and obvious way of grasping, labelling, and categorizing its contents. From Hegel’s attacks on Fries and his evident attempt to placate the censors, they inferred that he was an opponent of the Prussian reform movement, siding with the reaction’s repressive policies toward intellectual life generally and the universities in particular. In the light of these conclusions, they judged (or prejudged) the political theory presented in the rest of the book. Had the critics studied the actual contents of the Philosophy of Right more closely, however, they could not have reconciled them with the idea that Hegel’s defence of the state is an apology either for the conservative position or for the Prussian state as it existed in 1820.

In 1815, under the reform administration of Chancellor Hardenberg, King Friedrich Wilhelm III solemnly promised to give his people a written constitution. The political victory of the conservatives
Editor's Introduction

in the summer of 1819 ensured that the promise would never be kept, and it was a firm tenet of the conservative position that it never should be kept, that it never should have been given in the first place. Yet earlier in the year both Hardenberg and the progressive Interior Minister Wilhelm von Humboldt drew up constitutional plans, providing for representative institutions, in the shape of a bicameral estates assembly. These plans are strikingly similar to the Estates as described by Hegel in PR §§ 298–314 (see § 300, note 1; § 303, note 1; § 312, note 1).

The Prussian officer corps and the higher levels of the civil service were open only to the hereditary nobility. Reformers under the administration of Chancellor Karl Freiherr vom Stein (1808–1810) had attempted without success to open them to the bourgeoisie. In Hegel’s rational state, all citizens are eligible for military command and the civil service (PR § 271, note 2; § 277, note 1; § 291 and note 1). Hegel advocates public criminal trials and trial by jury, neither of which existed in Prussia during his lifetime (PR § 228 and note 1).

Hegel’s rational state does strongly resemble Prussia, not as it ever was, but Prussia as it was to have become under the reform administrations of Stein and Hardenberg, if only they had been victorious. Where Hegel’s state does resemble the Prussia of 1820, it provides for the liberalizing reforms which had been achieved between 1808 and 1819 (PR § 206 and note 1; § 219 and note 2; § 288 and note 1; § 289 and note 1).

Hegel was no radical, and certainly no subversive. In relation to the Prussian state of 1820 he represented the tendency toward moderate, liberalizing reform, in the spirit of Stein, Hardenberg, Humboldt and Altenstein (who had arranged for his appointment to his chair in Berlin). Hegel did not have to be ashamed of publishing his views (until the middle of 1819, most of them were even the official position of the monarch and his chief ministers). But they were diametrically opposed to the views of Prussian conservatives on some of the largest and most sensitive political issues of the day.

If Hegel was not a conservative, does that mean that he was a ‘liberal’? It does mean that Hegel was a proponent (usually a cautious and moderate one) of many social and political policies and tendencies that we now recognize as part of the liberal tradition. But the term ‘liberalism’ normally connotes not only these policies, but also a deeper philosophical rationale for them, or rather a plurality of

x
Editor's Introduction

rationales which to some degree share a common spirit and social vision. The vision is individualistic, conceiving society as nothing but the outcome of the actions and interactions of human individuals pursuing their individual ends. The spirit is one which tends to be suspicious of grand theories of human destiny or the good, preferring instead to protect individual rights and freedoms, and living by the faith that human progress is most likely if individuals are left to find their own way toward whatever they happen to conceive of as the good. In line with what has just been said, it is also a moralistic spirit, for which individual conscience, responsibility and decency are paramount values. The power of this vision and this spirit in modern society can perhaps best be measured by the fact that ‘liberalism’ in this sense is the common basis of both ‘liberalism’ and ‘conservatism’ as those terms are now used in everyday political parlance, and by the fact that liberalism’s principles sound to most of us like platitudes, which no decent person could think of denying.

Hegel does not see liberalism in this sense as a foe, since he sees its standpoint as expressing something distinctive and valuable about the modern world. But he does regard its standpoint as limited, and for this reason potentially destructive of the very values it most wants to promote. He regards this standpoint as salvageable only when placed in the context of a larger vision, which measures the subjective goals of individuals by a larger objective and collective good, and assigns to moral values a determinate, limited place in the total scheme of things. In this sense, Hegel is a critic of liberalism, even its deepest and most troubling modern critic. This is what gives the greatest continuing interest to Hegel’s ethical thought and social theory.

Freedom

The Philosophy of Right is founded on an ethical theory which identifies the human good with the self-actualization of the human spirit. Hegel’s name for the essence of this spirit is freedom (PR § 4). But Hegel does not mean by ‘freedom’ what most people mean by it. Most people, according to Hegel, think that freedom consists in possibilities of acting, but freedom is really a kind of action, namely one in which I am determined entirely through myself, and not at all by anything external (PR § 23). Even in the case of free action, Hegel thinks that most people identify it with ‘arbitrariness’ (Willkür), with doing
Editor’s Introduction

whatever we please (PR § 15, R) or with venting our particularity and idiosyncrasy (PR § 15A). Hegel regards this view as shallow and immature; he insists that we are free only when we overcome ‘particularity’ and act ‘universally’ or ‘objectively’, according to the ‘concept’ of the will (PR § 23).

Free action is action in which we deal with nothing that is external to our own objective nature. That does not mean that freedom consists in withdrawing from what is other than ourselves. On the contrary, Hegel insists that ‘absence of dependence on an other is won not outside the other but in it, it attains actuality not by fleeing the other but by overcoming it’ (EG § 382A). Thus Hegel describes freedom as ‘being with oneself in an other’, that is, actively relating to something other than oneself in such a way that this other becomes integrated into one’s projects, completing and fulfilling them so that it counts as belonging to one’s own action rather than standing over against it. This means that freedom is possible only to the extent that we act rationally, and in circumstances where the objects of our action are in harmony with our reason. The most spiritual of such objects is the social order in which we live: just as Hegel’s treatment of individual human psychology falls under the heading of ‘subjective spirit’, so his treatment of the rational society, in the Philosophy of Right, constitutes the sphere of ‘objective spirit’ (EG § 385). Freedom is actual, therefore, only in a rational society whose institutions can be felt and known as rational by individuals who are ‘with themselves’ in those institutions.

Hegel’s name for a rational system of social institutions is ‘ethical life’ (Sittlichkeit) (PR §§ 144–145). Corresponding to ‘objective’ ethical life (the system of rational institutions) is a ‘subjective’ ethical life, an individual character which disposes the individual to do what the institutions require (PR §§ 146–148). The ethical disposition is Hegel’s answer to the Kantian separation of duty from inclination, and more generally to the moralistic psychology which supposes that unless we are moved by impartial reason to follow moral principles adopted from a universalistic standpoint, we will inevitably adopt the utterly selfish policy of maximizing our own interests. On the contrary, Hegel is convinced that the most potent, as well as the most admirable, human dispositions follow neither of these two patterns. A rational society is one where the demands of social life do not frustrate the needs of individuals, where duty fulfils individuality.
Editor’s Introduction

rather than suppressing it. In such a society rational individuals can promote their self-interest to a satisfactory degree without having to maximize it, and they need not make great sacrifices in order to give priority to right and duty or to show concern for the good of others. Because our social life is in harmony with our individuality, the duties of ethical life do not limit our freedom but actualize it. When we become conscious of this, we come to be ‘with ourselves’ in our ethical duties. Such duties, Hegel insists, do not restrict us, but liberate us (PR § 149).

We might put the point by saying that for Hegel I am free when I ‘identify’ myself with the institutions of my community, feeling myself to be a part of them, and feeling them to be a part of me. But Hegel would deny that such feelings constitute freedom unless they are a ‘certainty based on truth’ (PR § 268). That is, the institutions of the community must truly harmonize the state’s universal or collective interest with the true, objective good of individuals; and individuals must be conscious of this harmony. Of course there is no freedom at all in a society whose members ‘identify’ themselves with it only because they are victims of illusion, deception, or ideology.11

Personhood and subjectivity

Liberals are usually proud of the fact that they mean by freedom what most people mean by it, not what Hegel means. They usually think freedom is the absence of obstacles to doing as we like, whether our choices are good or bad, rational or arbitrary. Confronted with Hegel’s doctrines, they often think that his praise of freedom is a dangerous deception; they fear that he wants to restrict freedom as they mean it in the name of freedom as he means it. Such fears are largely unfounded. Hegel’s ethical theory is not based on freedom in the ordinary sense, but it does not follow from this that Hegel’s theory is hostile or even indifferent to freedom in the ordinary sense. On the contrary, Hegel thinks that in the modern world, people cannot be free in his sense unless social institutions provide considerable scope and protection for arbitrary freedom.

This is because Hegel thinks that, in the modern world, we are conscious of ourselves in new ways, and that we cannot be ‘with ourselves’ in social institutions unless they provide for the actualization of our self-image in these respects. First, we think of ourselves as
Editor's Introduction

*persons*, indeterminate choosers, capable of abstracting from all our desires and qualities (PR § 5), and demanding an external sphere for the exercise of our arbitrary freedom (PR § 41). This sphere begins with the person's external body and extends to all the person's property (PR §§ 45–47). The category of 'abstract right' applies to such a sphere of arbitrary freedom. It is called 'abstract right' because in protecting the rights of persons we must abstract from the particular use they make of these rights, even from its bearing on the person's own interests (PR § 37). Abstract right is a variety of freedom in the Hegelian sense because it involves 'being with oneself' in the external objects which one owns. The rationality of the modern state requires that the abstract right of persons be safeguarded; this is the primary function of legal institutions (PR § 209, R).

Modern individuals not only regard themselves as arbitrarily free choosers, but they also see themselves as giving meaning to their lives through the particular choices they make. So regarded, individuals are *subjects* (PR §§ 105–106). Subjects derive what Hegel calls 'self-satisfaction' from their role in determining for themselves what will count as their own particular good or happiness (PR §§ 121–123). Their sense of self-worth is bound up with the fact that they are aware of leading a reflective life, shaped through their own deeds. Subjectivity is also the sphere of morality, in which individuals measure their choices by universal standards and reflect on their actions from the standpoint of conscience.

Hegel gives the name 'subjective freedom' to the variety of 'being with oneself in an other' in which the 'other' is the individual's own actions and choices. Modern individuals cannot be free in the Hegelian sense unless social institutions provide for subjective freedom in several ways. Modern ethical life must provide for individual self-satisfaction by enabling people to shape and actualize their own determinate individualities (PR § 187). Thus the state must respect my right as an individual self to direct my own life, and provide for this right in the form of its institutions (PR §§ 185R, 206R). It must also honour moral conscience (PR § 137R) and hold me responsible for my actions only in so far as they are the expression of my subjectivity (PR §§ 115–120). A state which fails to do these things is to that extent a state in which individuals cannot be free or 'with themselves'.

For modern individuals, Hegelian freedom cannot exist unless
there is room for freedom in the ordinary sense. Hegel wants to replace the ordinary concept of freedom with his concept not because he is opposed to freedom in the ordinary sense, but because he thinks that starting with his concept of freedom enables us to see why freedom in the ordinary sense is objectively a good thing for people to have. In that way, Hegel's view is not at odds with those who value freedom in the sense of the unhindered ability to do as we please. On the contrary, Hegel's ethical theory shows how their position can be justified.

At the same time, Hegel's view also proposes to tell us something about when freedom in the ordinary sense is objectively valuable, and when it is not. Like John Stuart Mill, Hegel thinks the ability to do as we please is good not in itself but because it is required for the achievement of other vital human goods. The chance to do as we please is valuable when it is necessary for or conducive to freedom in the Hegelian sense; otherwise, it may be worthless or even harmful. Hegel's view implies that freedom in the ordinary sense should be protected when it belongs to the rightful sphere of some person or when it is conducive to a subject's self-satisfaction or to the actualization of that subject's individuality. It also implies that in a case where doing as we please is not conducive to these goods, there is no reason to value such freedom at all.

Hegel does not believe that we can decide in the abstract and irrespective of a structured social context when freedom in the ordinary sense falls within our right and serves to actualize our individuality. He does name certain things which are central to our personality, and hence belong without exception to our inalienable and imprescribable rights: the right to our own body and free status (PR §57); the right to hold private property (PR §§45–49); and the right over one's own ethical life, religion, and conscience (PR §66). But he does not agree with Kant that we should try to construct our social institutions so that they maximize the amount of personal freedom which everyone can enjoy according to a universal law.12 Instead, Hegel thinks that the precise content of our right as persons and subjects depends on a system of rational institutions, apart from which we cannot even be sure what 'maximal personal freedom' might mean, much less determine how it might be achieved.

It is the function of positive law, for example, to make right determinate. Our rights as persons have validity only when they are expressed
in law. Conversely, however, Hegel holds that positive laws are obligatory only to the extent that they agree in content with what is in itself right (PR §§ 209–213). Although personal rights are not determinate except within a system of law, Hegel does think that some laws (e.g. those establishing slavery or forbidding persons to hold private property) are plainly unjust in the context of any system of law. In such cases, he agrees with the natural law tradition that those laws do not obligate us.

Hegel’s liberal critics are in the habit of saying that he does not believe in founding a social order on the conception of individual rights. The element of truth in this assertion is that Hegel thinks personal right, apart from a developed system of ethical life, is an empty abstraction; he believes that a social order founded (as in liberal political theory) on such abstractions will be unable even to protect individual rights, much less to actualize the whole of concrete freedom. In fact, Hegel thinks that the greatest enemy of personal and subjective freedom is a ‘mechanistic’ conception of the state, which views the state solely as an instrument for the enforcement of abstract rights; for this sets the state up as an abstraction in opposition to individuals. In Fichte’s theory, for example, Hegel sees the state as a police power whose only function is to supervise and regulate the actions of individuals through coercive force (NR 519/124). The only real guarantee of freedom is a well-constituted ethical life, which integrates the rights of persons and subjects into an organic system of customs and institutions providing individuals with concretely fulfilling lives.

Hegel is not an enemy of what liberals value in the name of freedom, but his agenda regarding freedom is not the liberal one. He believes there are limits to the state’s legitimate power to interfere in the conduct of individuals, but he insists that these limits cannot be drawn precisely (PR § 234). This does not bother him because he does not share the liberals’ fear that the state will inevitably trespass into the rightful territory of individual freedom unless we guard the boundaries jealously. On the contrary, Hegel maintains that the ‘enormous strength’ of the modern state lies in the fact that the state’s ‘substantive unity’ rests on the principles of ‘subjectivity’ and ‘personal particularity’ (PR § 260). An inevitable tendency to violate these principles could belong only to a state which is inherently self-destructive, out to destroy the source of its own power.

xvi
Editor's Introduction

From Hegel’s point of view, a more serious threat to freedom in modern society is what he calls the ‘principle of atomicity’, the tendency in modern life for individuals to be only abstract persons and subjects, who fail to actualize their personality and subjectivity in a fulfilling social context. If people insist too stubbornly on their rights or withdraw too far into their subjectivity, Hegel believes that they become alienated from the common social life, without which nothing they do has any significance for them. This is a threat to people’s freedom because it means that they cannot be ‘with themselves’ in their social life; it renders them powerless to make their lives their own. Where this is so, people’s options, however vast and unhindered they may be, are all alike hollow and meaningless to them; wider choices only confront them with an emptiness more vast and appalling.

Hegel’s primary aim in the Philosophy of Right is to show how personal right and subjective freedom can receive real content through the institutions of the modern state. In other words, it is to show us how the modern state is after all the actuality of concrete freedom (PR § 258). This state as Hegel describes it differs little from the state which liberal theories try to justify, but Hegel’s state is not the same as theirs because his justification is different. Hegel’s state is about different things, serves different human needs, sets itself different ends.

Civil society

Human beings have not always known themselves as persons and subjects. These conceptions, according to Hegel, are historically quite recent, and are still geographically restricted. They are products of European culture, deriving from the tradition of Greek ethical life and Christian spirituality. But they did not become actual even in European culture as long as there was slavery or serfdom, or property and economic relationships were bound by feudal feticers and encumbrances, or states were subject to ecclesiastical authorities or treated as the private property of an individual or a family. Personality and subjectivity were not actual in the democratic Greek polis, or the medieval Church, or the feudal state of the early modern era. They have become actual only in the modern state which arose out of the Lutheran Reformation and the French Revolution.

xvii
Editor's Introduction

The modern state contains one specific institution which separates it decisively from earlier and less developed social orders: Hegel's name for it is 'civil society'. Prior to Hegel, the term 'civil society' (bürgerliche Gesellschaft, and its cognates in Latin, French, and other languages) was generally interchangeable with the term 'state'. 'Civil' society was the realm of citizens (Bürger, civis, citoyen), in contrast to 'natural' society or the family.11 Hegel, however, distinguishes civil society from both the family, the private society based on love (PR § 158), and from the state, i.e. the public community based explicitly on reason and aiming at collective or universal ends. Civil society is the realm in which individuals exist as persons and subjects, as owners and disposers of private property, and as choosers of their own life-activity in the light of their contingent and subjective needs and interests. In civil society, people's ends are in the first instance purely private, particular and contingent (PR § 185), not communal ends shared with others through feeling (as in the family) or through reason (as in the state).

In other words, civil society is the realm of the market economy. Hegel holds that individuals are given their due as free persons, and achieve actuality as subjects, only when they depend on themselves for their own livelihood and welfare (PR § 182). He is a strong partisan of the view that the collectivized or state-run economy is a pre-modern institution, incompatible with the modern principle of individual freedom.

At the same time, civil society is not simply identical with the market economy. As a member of civil society, the individual has a determinate social identity signified by the term Bürger, not in the sense of the French word citoyen but in the sense of the French word bourgeois (PR § 190R). A bourgeois for Hegel is much more than a self-interested, calculating homo economicus. Hegel's study of the science of political economy (in the writings of people such as Adam Smith, Say and Ricardo) convinces him that people's collective market behaviour possesses a kind of collective rationality, which is none the less real for being unintended (PR § 189R). This 'inner necessity' forms the unconscious basis of genuine social relationships between people, and gives rise to a 'principle of universality' within civil society, harmonizing with the principle of free individuality (PR §§ 182–184). Civil society is not merely the natural result of people's free and self-interested behaviour (a conception Hegel had earlier satirized under
Editor's Introduction

The title ‘the spiritual animal kingdom’ (PhG ¶ 397)). It is a genuine form of society, a ‘universal family’ which makes collective demands on its members and has collective responsibilities toward them (PR § 239).

As members of this society, individuals have the duty to support themselves through labour which benefits the whole, while civil society as a whole owes each individual the opportunity to labour in a way which provides a secure, respected and self-fulfilling mode of life (PR § 238). This means that civil society is charged with the education of individuals for membership in it (PR § 239), and also collectively responsible for preventing them from falling into poverty, whether through their own improvidence (PR § 240) or through the contingencies of the market system. The poor in civil society are victims not of some natural misfortune, but of a social wrong (PR § 241).

Though the market economy has a tendency toward rationality, Hegel sees that it is the scene of systematic conflicts of interest between producers and consumers, and also of occasional imbalances which adversely affect everyone; the activities of civil society must be consciously supervised if it is to remain just and stable (PR §§ 235–236). Thus he regards state-run economy and complete freedom of trade and commerce as extremes; the health of civil society requires a middle course (PR § 236R). The responsibility for overseeing and regulating civil society’s economic activities belongs to what Hegel calls the state’s ‘police’ function (see PR § 231, note 1).

Estates and corporations

Individual freedom in civil society involves much more than simply being left alone to find our way through life in a market system. If we are to be ‘with ourselves’ as members of civil society, we must also achieve a determinate social identity, a specific trade or profession (Gewerbe), conferring upon us a determinate social estate, standing or status (Stand) (PR § 207). Through membership in an estate, our economic activity ceases to be mere individual self-seeking. It becomes a determinate kind of contribution to the welfare of civil society as a whole, recognized for what it is by others.

In the case of the urban trades and professions, Hegel thinks this calls for the organization of civil society into ‘corporations’ –
professional associations or guilds, recognized by the state. A corporation provides its members with a collective responsibility and aim within civil society: to look after the special business of their profession, to train new people to work in it, and to set standards for the work it does. Corporations also look after their own interests, providing assistance to members who are out of work, without undermining their dignity as tends to happen when they depend on either private charity or public assistance (PR § 253R). In Hegel's state, as in the constitutional proposals of Humboldt and Hardenberg, corporations are also the chief vehicles for popular political representation (see PR § 303, note 1). Probably the only reform of the Stein or Hardenberg administrations about which Hegel had serious reservations was the abolition of guild monopolies, which were terminated in the interests of free trade (see PR § 255, note 2).

Above all, corporation membership provides individuals with a sense of concrete social identity. Civil society provides for subjective freedom by offering individuals a wide variety of different lifestyles between which to choose. But Hegel does not sympathize with Mill's notion that society should encourage individuals to engage in all sorts of eccentric experiments with their lives, in the hope that by trial and error they may occasionally find something worth imitating. He thinks their choices must be between recognized ways of life, systematically integrated into the organic system of modern ethical life; the various ways of life should be known to provide dignity and fulfilment to those who lead them. Corporation membership helps individuals to achieve a recognized estate or status (Stand) of this kind. Without this, individuals will be isolated from others, alienated from civil society, and lacking in any determinate standards for success in life. They will gauge their self-worth in civil society not by ethical standards, but only by the selfish pursuit of wealth, which can never satisfy them because it has no determinate measure (PR § 253).

In Hegel's state, however, corporation membership is open mainly to the male urban middle class. Hegel argues that civil servants do not need corporations since the place of corporations for them is taken by the organization of the government service; he also thinks that the unreflective ethical disposition of the rural population is unsuited to the corporate spirit (PR § 250). But he also recognizes that wage-labourers are not eligible for corporation membership (PR § 252R).
Editor's Introduction

Hegel is disturbed by civil society’s systematic tendency toward extremes of wealth and poverty. He notes that the economic processes of civil society themselves produce a class which is systematically excluded from civil society’s wealth, its spiritual benefits, and consequently even from its ethical life (PR §§ 243–244). Hegel’s treatment of this topic is characteristically hard-headed, perceptive and unsentimental. His main concern is with the social causes of poverty and with its consequences for the ethical health of civil society. He sees the fundamental cause of poverty as the process of ‘universalization’ applied both to people’s needs (through the standardization and mass-marketing of commodities) and to their labour (through mass-production). The greatest profits come as a result of employing cheap mass-labour, so that the wealthy have an interest in the existence of a poor class, whose bargaining power is weak in relation to capital (PR § 243). ‘When there is great poverty, the capitalist finds many people who work for small wages, which increases his earnings; and this has the further consequence that smaller capitalists fall into poverty’ (VPR IV, 610). For Hegel, poverty in civil society is not an accident, or a misfortune or the result of human error or vice; rather, ‘the complications of civil society itself produce poverty’ (VPR17 138), which (along with personal right and subjective freedom) is a special characteristic of modern civil society. ‘The emergence of poverty is in general a consequence of civil society; from which on the whole poverty arises necessarily’ (VPR19 193).

Hegel refuses to blame either the wealthy or the poor, as individuals, for the fact of poverty. But he does regard poverty as a cause of moral degradation, turning those subject to it into a ‘rabble’ (Pöbel). Since Hegel thinks every member of civil society has a right to earn an adequate living as a member of a recognized estate, he regards the poor as victims of wrong at society’s hands. The basis of the ‘rabble mentality’ (Pöbelhaftigkeit) is the outrage of the poor (against the rich, civil society, and the state) at the wrong they suffer (PR § 241). Under the conditions of life to which the poor are subject, however, the effect of this justified outrage is to produce a disposition which is fundamentally at odds with the ethical principles of civil society. Because they have no chance of the dignity and self-sufficiency afforded by recognized labour in civil society, the rabble lose both a sense of self-respect and a sense of right and wrong as applied to their
Editor’s Introduction

own actions. They cease to recognize the rights of others, and the only right they are interested in is their own imagined right to live at civil society’s expense without working at all.

Thus the rabble mentality becomes a criminal mentality. Hegel suggests that a similar attitude may also develop among the wealthy. The rich find that they can buy anything, that they do not need to work, that no one’s personality or subjectivity is immune to the power of their wealth. The rich and the poor equally come to regard the ethical principles of civil society with scorn (see PR §244, note 1). ‘Hence wealth can lead to the same mockery and shamelessness as we find among the rabble. The disposition of the master over the slave is the same as that of the slave’ (VPR19 196).

For Hegel’s student and colleague Eduard Gans (to whom Hegel left the task of lecturing on the Philosophy of Right in Berlin during the last half of the 1820s), the philosophical proposition that the modern state is rational entails the conclusion that the problem of poverty must be soluble, that it must be possible to prevent the formation of a rabble. ‘Hence the police must be able to bring it about that there is no rabble. [The rabble] is a fact, not a right. We must be able to go to the basis of this fact and abolish it.’15 Hegel’s own reflections on the problem of poverty are less aprioristic, and less optimistic. Poverty provides plenty of occasion for exercise of morally good intentions, but Hegel thinks that private charity is no solution to the problem of poverty, and often even makes it worse (see PR §242, note 1). The state, in its action on civil society (which Hegel calls the state’s ‘police power’) is the agency responsible for preventing poverty; but Hegel considers the various means at its disposal for doing so, and argues that none of them can solve the underlying social problems (PR §245). Hegel holds that poverty and the rabble mentality are systemic products of civil society, but he does not pretend that civil society has any remedy for the ills it creates.

The political state

As the distinctively modern social institution, civil society is decisive for the form of the other institutions of modern ethical life. Because modern individuals are persons with rights of property, there is no longer a place for the extended family as an economic organization. In modern society, ‘family’ can refer only to the patriarchal bourgeois
nuclear family, the feudal family, the ‘clan’ or wider kinship group (Stamm) – celebrated by some of Hegel’s Romantic contemporaries as the model for all social relations – no longer has any legitimacy (PR §§ 172, 177).

The family’s sole remaining function is to enable individuals to find a haven from the harsh interaction of independent persons in civil society, by participating in bonds of substantial unity on the level of immediate feeling. For this reason, Hegel argues that property within the family should be held in common, administrated by the husband and father. He alone, under normal circumstances, exercises the rights of personality in the sphere of civil society (PR §§ 170–171); the wife and mother is naturally confined to the sphere of the family, as the guardian of its principle (PR § 166). She and the children exercise their personal rights in their own name only at those points where the family reaches its limit and dissolution: when a marriage ends in divorce (PR § 176), when the children leave the family to found new families of their own (PR § 177), or when the father dies (PR § 178).

Civil society in Hegel's theory also determines the political form of the modern state. Hegel argues that the form most suited to the modern state is constitutional monarchy (PR § 273). Only there does a political system which is explicit and rational come to be personified in an individual, who thus gives the state the form of subjective freedom (PR § 279). The offices of the state must no longer be (as in the feudal state, and in the Prussia of Hegel's time) the property or the personal prerogatives of individuals or families; the civil service must be a body of qualified professionals, open to all members of society irrespective of birth (PR § 291).

In a society which emphasizes the dignity of free subjectivity, individuals are naturally interested in the conduct of the state’s affairs, and they want a voice in determining its policies. Consequently, the modern state must have representative institutions (PR § 301). Hegel argues that deputies to the Estates (Stände) should be chosen not by popular election from geographical districts but (as their name implies) they should represent determinate groups (corporations) within civil society. Otherwise, individuals, who are connected to the political process only through the casting of one vote in an immense multitude, will be alienated from the state by the very process whose function is to connect them to it (PR § 311R).

xxiii
Editor's Introduction

In a Hegelian constitutional monarchy, the hereditary prince or sovereign represents the 'moment of ultimate decision' (PR § 275). But Hegel intends this only in a 'formal' or 'subjective' sense; 'objectively', he says, the sovereign is bound by his ministers, so that in a well-constituted state the individual qualities of the sovereign will be of no consequence (PR §§ 279A, 280A). Hegel plainly intends real political power to be in the hands neither of the prince nor of the people, but of an educated class of professional civil servants.

For Hegel, as for Mill, the function of representative institutions is not to govern, but to advise those who govern, and to determine who it is that governs.¹⁰ Hegel expects deputies to the Estates to be ordinary citizens, not professional politicians. One evident reason for this is that he wants the Estates to be close to the people, and to represent its true sentiments; another reason (unstated, but quite evident) is that he does not want the Estates to be politically strong enough to challenge the power of the professionals who actually govern. But he does not intend the Estates to be powerless either. In his lectures, Hegel describes a multi-party system in the Estates, and he insists that the government’s ministry must always represent the ‘majority party’; when it ceases to do so, he says, it must resign and a new ministry, representing the majority in the Estates, must take its place (see PR § 301, note 2). This idea takes the Hegelian constitutional monarchy most of the way toward presently existing parliamentary systems with a nominal hereditary monarch (as in Britain, Holland, Belgium, or Sweden).

The state and the individual

To be absolutely and substantively free, individuals must be ‘with themselves’ in their social life. One aspect of this is the satisfaction of their subjectivity, in that ample scope is allowed for arbitrary choice and the satisfaction of individual welfare. As rational and thinking beings, however, we relate ourselves universally to the whole of the social world. Our freedom is not fully actual until we are with ourselves in ends which are universal in scope. We cannot be free (in Hegel’s sense) unless we successfully pursue ends larger than our own private good, indeed larger than anyone’s private good.

Through corporations, individuals in civil society acquire ethical ends which go beyond their self-interest. These ends, Hegel says,
pass over in turn into the absolutely universal end: the state (PR § 256). Hegel distinguishes ‘the political state proper’ from the state in a broader sense, the community as a whole with all its institutions (PR § 267). He regards the state in the latter sense as the individual’s final end.

Hegel asserts that the individual’s highest freedom consists in membership in the state (PR § 258). Accordingly, the highest consciousness of freedom is the consciousness of this membership, in what he calls the ‘political disposition’ or ‘patriotism’. Hegel denies, however, that true patriotism consists in the willingness to do heroic deeds and make extraordinary sacrifices for the sake of one’s country. Instead, he says patriotism is nothing more than a habit of leading one’s normal life and doing one’s ethical duty, while taking the state as one’s ‘substantial basis and end’ (PR § 268).

Hegel locates the absolutely universal end in the state because it alone is a self-sufficient individuality, not part of any larger whole. To those who would relate their actions to some still larger entity (‘humanity at large’, a ‘cosmopolitan world society’ or ‘all sentient creation’) Hegel points out that such entities are not real, but only abstractions. We do not actualize our freedom by entertaining the empty imaginings of moralists, but only by relating ourselves to something real which truly actualizes the power of reason in the world. The state, Hegel says, is ‘the absolute power on earth’ (PR § 331).

For the same reason, the state is also the fundamental vehicle of world history. Human history for Hegel is a progressive succession of spiritual principles, which actualize themselves successively in the political constitution and spiritual culture of nation states (PR § 344). Thus human actions gain universal, cosmopolitan significance not through their relation to abstract moral principles, but only in so far as they are the actions of someone culturally and historically situated, and give existence to the ethical life of a determinate people at a given stage of its history. If I want to see my actions in their universal historical significance, I must regard myself as the child of my age and people, and my deeds as the expression of the principle embodied in my state and my time.

The state, for Hegel, is an ‘absolute end’; individuals should place it above their own private interests. ‘[The state has] the highest right in relation to individuals, whose highest duty is to be members of the state’ (PR § 258). But the state is an absolute end only because it is
Editor's Introduction

rational; Hegel describes ‘rationality’ as the ‘unity and interpenetration of universality and individuality’ (PR § 258R). In other words, what makes the state an end in itself is the way in which it systematically harmonizes the personal right, subjective freedom and happiness of its individual members. The state is an ‘infinite’ end distinct from and higher than its members’ rights and happiness only because it systematically unifies these finite ends.

This is why patriotism, for Hegel, is not a disposition to do extraordinary deeds on the state’s behalf, but only the ‘certainty, based on truth’ that in pursuing all my other ends (in my personal, family or professional life) I thereby always relate myself at the same time to the state as my universal and ultimate end. That consciousness is what makes the state ‘the actuality of concrete freedom’ (PR § 260).

[Patriotism is] the consciousness that my substantial and particular interest is preserved and contained in the interest and end of an other (in this case, the state), and in the latter’s relation to me as an individual. As a result, this other immediately ceases to be an other for me, and in my consciousness of this, I am free.

(PR § 268)

This makes it a gross distortion to associate Hegel’s view with the image of individuals having to sacrifice themselves to the ends of the state. Such sacrifices may be required in some circumstances, but it is precisely the abnormality of such circumstances which makes the state an end in itself.

The principal such circumstance for Hegel is war. It is mainly here, Hegel thinks, that the universal interest of the state can for once be clearly distinguished from the lesser interests of individuals. Although war is an abnormal condition in the life of nations, Hegel thinks that occasional wars are inevitable, even that they are necessary to preserve the ethical health of peoples (PR § 324R).

We badly misunderstand Hegel’s view if we think it implies that wars are a good thing, or that we should not try our best to avoid them. Even during war, Hegel says, war always has the character of something that ought to cease (PR § 338). It may help us to understand Hegel’s view of war if we realize that what he believes about war is closely analogous to what we all believe about human mortality generally. We know we cannot live forever, and we realize that if we all could, then this would eventually have disastrous consequences for
Editor's Introduction

the human race as a whole. Hegel’s views about war no more imply that wars are a good thing, which we should not try our best to avoid, than our views about human mortality imply that our own death is a good thing, which we should not try our best to avoid.

Hegel’s legacy

Hegel is an important philosopher; his penetrating analysis of the human predicament in modern society is perhaps unsurpassed among social observers of the past two centuries. At the same time, his thought is subtle and complex; his writings are difficult, even infuriating – laden with impenetrable and pretentious jargon from which his meaning can be separated only with skilled and careful surgery, even then usually not without risk of mortal injury.

The inevitable result is that Hegel is cited much more frequently than he is read, and discussed far oftener than he is understood. Some of those who discourse on Hegel with the greatest sophistication know him only through warped, inaccurate or bowdlerized second-hand accounts (for instance, accounts of the Hegelian dialectic as ‘thesis–antithesis–synthesis’). The ‘Hegelian’ ideas which capture the popular imagination are often not present in Hegel at all, or have only the most tenuous and dubious connection with what Hegel actually thought or wrote. Before it gains currency, a fact about Hegelian doctrine has often been so distorted by oversimplification and misunderstanding that the truth from which it started is almost impossible to recognize.

This is the case with the traditional images of Hegel as reactionary, absolutist, totalitarian. Taken literally, of course, these images have been long discredited. Yet in our liberal culture they nevertheless possess a kind of symbolic truth, because they represent this culture’s self-doubts projected with righteous venom into its iconography of the enemy. Hegel is especially unappealing to that dogmatic kind of liberal who judges past social and political thinkers by the degree to which they articulate the views which (it has been decided beforehand) all people of good will must share. The value of Hegel’s social thought will be better appreciated by those who are willing to question received views, and take a deeper look at the philosophical problems posed by modern social life.

Hegel leaves the liberal’s state pretty much intact, but his social
Editor’s Introduction

theory is mercilessly critical of the ahistorical, individualistic and moralistic rationale which liberalism provides for it. In its place, Hegel gives us an alternative interpretation of modern social life, of modern economic and political institutions, of modern humanity’s conception of the human good, of the meaning of its fundamental and insatiable drive for freedom.

This means that although Hegel’s theory was put forward as a rational defence of the modern state, his true legacy belongs rather to the critics of modern society. The basic tendency of Hegel’s social thought is to undermine modern society’s liberal self-interpretation; to the extent that its institutions have been shaped by this interpretation, its tendency is even to criticize those institutions themselves. He presents a communitarian rather than an individualistic rationale for modern economic and political institutions and of the freedom they seek to actualize. This provides the basis for an indictment of any society which tries to call itself ‘free’ even though it fails to offer its members any rationally credible sense of collective purpose, leaves them cynically discontented with and alienated from its political institutions, deprives them of a socially structured sense of self-identity, and condemns many of them to lives of poverty, frustration and alienation. It leads us to question the value of the formalisms – representative democracy, the market economy, the protection of individual liberties – with which liberals wish to identify ‘freedom’, and to emphasize instead the social contents and consequences which liberals would usually prefer to leave ‘open’ by excluding them from the domain of collective concern and control.

Once we realize this, we can understand why it is that Hegel’s most bitter twentieth-century foes have been those who want to save the liberal state from its radical opponents on the right or the left. We can also see through the ironic deception they perpetrate when they avail themselves of the distorted nineteenth-century image of Hegel as quietist and conservative apologist. What they fear in Hegel’s thought is not quietism, but the very opposite – subversion of the liberal status quo.

Clearly, Hegel’s social thought is now outdated in important respects. As Hegel writes about them, the family, civil society, and the state are clearly institutions of the early nineteenth century. Hegel insists on the one hand that all human individuals are persons and
Editor's Introduction

subjects who must be treated universally as such; on the other hand, he defends a state which excludes women from public life entirely, and large segments of the population from all political participation. With hindsight, it is easy for us to perceive an irreconcilable antagonism between these two positions. We are just as unlikely to be persuaded by Hegel's defence of hereditary monarchy, or his version of a representative legislature. Even more fundamentally, the nation state itself was probably never able to play the lofty role in human life which Hegel assigned it.

Yet at a deeper level, Hegel's philosophy may not be dated at all. It is not clear that we have in any way surpassed Hegel's conception of modern human beings, their history, their needs and aspirations, and the general social conditions required for their self-actualization. Without denying the right of persons and subjects, Hegel asserts against liberal orthodoxy the vital necessity for modern humanity of concrete social situatedness and integration. He reminds us that without this, the formal freedom to make arbitrary choices and express our subjectivity leads in the direction of alienation rather than self-actualization. He stresses the point that we cannot be free unless our social life is self-transparent. We must be able to gain rational insight into it, and live consciously in the light of this self-awareness.

Hegel remains an important social thinker largely because these ideas, products of the age of German idealism, are still central to our aspirations as reflective social beings. Hegel is also current because these same aspirations are still radically unfulfilled. This can add only urgency to Hegel's idea that the value of those freedoms liberals most prize, though real and important, is nevertheless only conditional, since it casts serious doubt on the extent to which the conditions are really satisfied. Hegel meant the Philosophy of Right to afford its readers a joyous reconciliation with the social world around them. But for us the actual effects of studying Hegel's book may be very different from what its author intended.

Some information used in the editorial notes was given to me by Terence Irwin, Allen Rosen, and Rega Wood. Professor H. B. Nisbet provided detailed, informative advice on the introduction and editorial notes. Professor Raymond Geuss provided advice on the content and structure of the introduction. In preparing the notes, I
Notes to pages vii–viii

was also aided by the informative editorial apparatus in Hermann Klenner’s excellent edition of Grundlinien der Philosophie des Rechts (Berlin: Akademie Verlag der DDR, 1981).

Ithaca, June 1990

Allen W. Wood

Notes to editor’s introduction


2 See pp. xlv–xlxi for key to abbreviations of the titles of Hegel’s writings.


5 In his highly influential book Hegel und seine Zeit (1857), Rudolf Haym not only depicted Hegel’s philosophy as ‘the scientific domicile of the spirit of Prussian reaction’, but also concluded that Hegelian speculative idealism, rightly understood, leads to ‘the absolute formula of political conservatism’:

As far as I can see, in comparison with the famous saying about the rationality of the actual in the sense of Hegel’s Preface, everything Hobbes and Filmer, Halle or Stahl have taught is relatively liberal doctrine. The theory of God’s grace and the theory of absolute obedience are innocent and harmless in comparison with that frightful dogma pronouncing the existing as existing to be holy.

(Rudolf Haym, Hegel und seine Zeit (Berlin: Rudolf Gaertner, 1857), pp. 367–368)


7 See Ottmann’s account of Hegel interpretation under the Third Reich: Individuum und Gemeinschaft, pp. 152–182. It is noteworthy, however, that Hegel was seldom cited in Nazi literature itself, and mention of him there was almost uniformly negative. Alfred Rosenberg, the ‘official philosopher’ of National Socialism, was well