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*Elements of the
Philosophy of Right*

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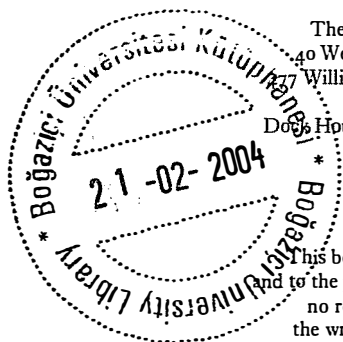
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BOĞAZİÇİ
ÜNİVERSİTESİ
KÜTÜPHANESİ



A. The System of Needs

§ 189

Particularity, in its primary determination as that which is opposed to the universal of the will in general (see § 60),^a is *subjective need*, which attains its objectivity, i.e. its *satisfaction*, by means of (α) external things [*Dinge*], which are likewise the *property* and product of the needs and *wills* of others and of (β) activity and work, as the mediation between the two aspects. The end of subjective need is the satisfaction of subjective *particularity*, but in the relation [*Beziehung*] between this and the needs and free arbitrary will of others, *universality* asserts itself, and the resultant manifestation [*Scheinen*] of rationality in the sphere of finitude is *the understanding*. This is the chief aspect which must be considered here, and which itself constitutes the conciliatory element within this sphere.

Political economy is the science which begins with the above viewpoints but must go on to explain mass relationships and mass movements in their qualitative and quantitative determinacy and complexity. – This is one of the sciences which have originated in the modern age as their element [*Boden*]. The development of science is of interest in showing how *thought* extracts from the endless multitude of details with which it is initially confronted the simple principles of the thing [*Sache*], the understanding which works within it and controls it (see Smith, Say, and Ricardo).¹ – To recognize, in the sphere of needs, this manifestation [*Scheinen*] of rationality which is present in the thing [*Sache*] and active within it has, on the one hand, a conciliatory effect; but conversely, this is also the field in which the understanding, with its subjective ends and moral opinions, gives vent to its discontent and moral irritation.

Addition (H,G). There are certain universal needs, such as food, drink, clothing, etc., and how these are satisfied depends entirely on contingent circumstances. The soil is more or less fertile in different places, the years

^a *Translator's note:* The first edition, and the Suhrkamp edition, refer to § 60, but Ilting's edition refers to § 6, which makes much better sense (VPR II, 640). T. M. Knox's suggestion of § 59 (Knox, p. 126) is less plausible.

are more or less productive, one man is industrious and the other lazy. But this proliferation of arbitrariness generates universal determinations from within itself, and this apparently scattered and thoughtless activity is subject to a necessity which arises of its own accord. To discover the necessity at work here is the object [*Gegenstand*] of political economy, a science which does credit to thought because it finds the laws underlying a mass of contingent occurrences. It is an interesting spectacle to observe here how all the interconnections have repercussions on others, how the particular spheres fall into groups, influence others, and are helped or hindered by these. This interaction, which is at first sight incredible since everything seems to depend on the arbitrary will of the individual [*des Einzelnen*], is particularly worthy of note; it bears a resemblance to the planetary system, which presents only irregular movements to the eye, yet whose laws can nevertheless be recognized.

a. The Nature of Needs and their Satisfaction

§ 190

The ways and means by which the *animal* can satisfy its needs are limited in scope, and its needs are likewise limited. Though sharing this dependence, the *human being* is at the same time able to transcend it and to show his universality, first by *multiplying* his needs and means [of satisfying them], and secondly by *dividing* and *differentiating* the concrete need into individual parts and aspects which then become different needs, *particularized* and hence *more abstract*.

In right, the object [*Gegenstand*] is the *person*; at the level of morality, it is the *subject*, in the family, the *family-member*, and in civil society in general, the *citizen* (in the sense of *bourgeois*). Here, at the level of needs (cf. Remarks to § 123), it is that concretum of *representational thought* which we call the *human being*; this is the first, and in fact the only occasion on which we shall refer to the *human being* in this sense.

Addition (H). The animal is a particular entity [*ein Partikulares*] which has its instinct and the means of satisfying it, means whose bounds cannot be exceeded. There are insects which are tied to a specific plant, and other animals whose sphere is wider and which can live in different climates; but there is always a limiting factor in comparison with the sphere which is open to the human being. The need for food and clothing, the necessity

of renouncing raw food and of making it fit to eat and destroying its natural immediacy, means that the human being's life is less comfortable than that of the animal – as indeed it ought to be, since man is a spiritual being. The understanding, which can grasp distinctions, brings multiplicity into these needs; and since taste and utility become criteria of judgement, the needs themselves are also affected by them. In the end, it is no longer need but opinion which has to be satisfied, and it is a distinctive feature of education that it resolves the concrete into its particulars. The very multiplication of needs has a restraining influence on desire, for if people make use of many things, the pressure to obtain any one of these which they might need is less strong, and this is a sign that necessity [*die Not*] in general is less powerful.

§ 191

In the same way, the *means* employed by particularized needs, and in general the ways in which these are satisfied, are *divided* and *multiplied* so that they in turn become relative ends and abstract needs. It is an infinite process of multiplication which is in equal measure a *differentiation* of these determinations and a *judgement* on the suitability of the means to their ends – i.e. [a process of] *refinement*.

Addition (H). What the English call 'comfortable'^a is something utterly inexhaustible; its ramifications are infinite, for every comfort in turn reveals its less comfortable side, and the resulting inventions are endless. A need is therefore created not so much by those who experience it directly as by those who seek to profit from its emergence.

^a*Translator's note:* Hotho, on whose notes this Addition is based, cites this word in the French form *confortable*, and makes no reference to the English (VPR III, 593).

§ 192

Needs and means, as existing in reality [*als reelles Dasein*], become a *being* [*Sein*] for *others* by whose needs and work their satisfaction is mutually conditioned. That abstraction which becomes a quality of both needs and means (see § 191) also becomes a determination of the mutual relations [*Beziehung*] between individuals. This universality, as the *quality of being recognized*, is the moment which makes isolated and abstract needs, means, and modes of satisfaction into *concrete*, i.e. *social* ones.

Addition (H). The fact that I have to fit in with other people brings the form of universality into play at this point. I acquire my means of satisfaction from others and must accordingly accept their opinions. But at the same time, I am compelled to produce means whereby others can be satisfied. Thus, the one plays into the hands of the other and is connected with it. To this extent, everything particular [*alles Partikulare*] takes on a social character; in the manner of dress and times of meals, there are certain conventions which one must accept, for in such matters, it is not worth the trouble to seek to display one's own insight, and it is wisest to act as others do.

§ 193

This moment thus becomes a particular end-determinant for the means themselves and their ownership, and also for the way in which needs are satisfied. In addition, it immediately involves the requirement of *equality* in this respect with others. On the one hand, the need for this equality, together with *imitation* as the process whereby people make themselves like others, and on the other hand the need of *particularity* (which is likewise present here) to assert itself through some distinctive quality, themselves become an actual source of the multiplication and expansion of needs.

§ 194

Within social needs, as a combination of immediate or natural needs and the spiritual needs of *representational thought* [*Vorstellung*], the spiritual needs, as the universal, predominate. This social moment accordingly contains the aspect of *liberation*, because the strict natural necessity of need is concealed and man's relation is to *his own opinion*, which is universal, and to a necessity imposed by himself alone, instead of simply to an external necessity, to inner contingency, and to *arbitrariness*.

The notion [*Vorstellung*] that, in relation to his needs, man lived in *freedom* in a so-called state of nature in which he had only so-called natural needs of a simple kind and in which, to satisfy these, he employed only those means with which a contingent nature immediately provided him' — this notion, even if we disregard the moment of liberation which is present

in work (and which will be discussed below), is mistaken. For a condition in which natural needs as such were immediately satisfied would merely be one in which spirituality was immersed in nature, and hence a condition of savagery and unfreedom; whereas freedom consists solely in the reflection of the spiritual into itself, its distinction from the natural, and its reflection upon the latter.

§ 195

This liberation is *formal*, because the particularity of the ends remains the basic content. The tendency of the social condition towards an indeterminate multiplication and specification of needs, means, and pleasures – i.e. *luxury* – a tendency which, like the distinction between natural and educated^a needs, has no limits [*Grenzen*], involves an equally infinite increase in dependence and want. These are confronted with a material which offers infinite resistance, i.e. with external means whose particular character is that they are the property of the free will [of others] and are therefore absolutely unyielding.

Addition (H). Diogenes, in his whole character as a Cynic,¹ is in fact merely a product of the social life of Athens, and what determined him was the opinion against which his entire way of life reacted. His way of life was therefore not independent, but merely a consequence of these social conditions, and itself an unprepossessing product of luxury. Where, on the one hand, luxury is at its height, want and depravity are equally great on the other, and Cynicism is then evoked by the opposite extreme of refinement.

^a*Translator's note:* The first edition, and the Suhrkamp edition, read *ungebildetem* ('uneducated'). I follow Iltting's edition (VPR II, 644), whose reading *gebildetem* ('educated') makes better sense.

b. The Nature of Work

§ 196

The mediation whereby appropriate and *particularized* means are acquired and prepared for similarly *particularized* needs is *work*. By the most diverse processes, work specifically applies to these numerous ends the material which is immediately provided by nature.

This process of formation gives the means their value and appropriateness, so that man, as a consumer, is chiefly concerned with *human* products, and it is human effort which he consumes.

Addition (H). There are few immediate materials which do not need to be processed: even air has to be earned – inasmuch as it has to be heated – and perhaps water is unique in that it can be drunk as it is found. It is by the sweat and labour of human beings that man obtains the means to satisfy his needs.

§ 197

The variety of determinations and objects [*Gegenstände*] which are worthy of interest is the basis from which *theoretical education* develops. This involves not only a variety of representations [*Vorstellungen*] and items of knowledge [*Kenntnissen*], but also an ability to form such representations [*des Vorstellens*] and pass from one to the other in a rapid and versatile manner, to grasp complex and general relations [*Beziehungen*], etc. – it is the education of the understanding in general, and therefore also includes language. – *Practical education* through work consists in the self-perpetuating need and *habit of being occupied* in one way or another, in the *limitation of one's activity* to suit both the nature of the material in question and, in particular, the arbitrary will of others, and in a habit, acquired through this discipline, of *objective* activity and *universally applicable* skills.

Addition (H). The barbarian is lazy and differs from the educated man in his dull and solitary brooding, for practical education consists precisely in the need and habit of being occupied. The clumsy man always produces something other than what he intended, because he is not in control of his own actions. But a worker can be described as skilled if he produces the thing [*Sache*] as it ought to be, and if, in his subjective actions, he encounters no resistance to the end he is pursuing.

§ 198

The universal and objective aspect of work consists, however, in that [process of] *abstraction* which confers a specific character on means and needs and hence also on production, so giving rise to the *division of labour*. Through this division, the work of the individual [*des Einzelnen*] becomes *simpler*, so that his skill at his abstract work

becomes greater, as does the volume of his output. At the same time, this abstraction of skill and means makes the *dependence* and *reciprocity* of human beings in the satisfaction of their other needs complete and entirely necessary. Furthermore, the abstraction of production makes work increasingly *mechanical*, so that the human being is eventually able to step aside and let a *machine* take his place.¹

c. Resources [and Estates]

§ 199

In this dependence and reciprocity of work and the satisfaction of needs, *subjective selfishness* turns into a *contribution towards the satisfaction of the needs of everyone else*. By a dialectical movement, the particular is mediated by the universal so that each individual, in earning, producing, and enjoying on his own account [*für sich*], thereby earns and produces for the enjoyment of others.¹ This necessity which is inherent in the interlinked dependence of each on all now appears to each individual in the form of *universal and permanent resources* (see § 170) in which, through his education and skill, he has an opportunity to share; he is thereby assured of his livelihood, just as the universal resources are maintained and augmented by the income which he earns through his work.

§ 200

The *possibility of sharing* in the universal resources – i.e. of holding *particular* resources – is, however, *conditional* upon one's own immediate basic assets (i.e. capital) on the one hand, and upon one's skill on the other; the latter in turn is itself conditioned by the former, but also by contingent circumstances whose variety gives rise to *differences* in the *development* of natural physical and mental [*geistigen*] aptitudes which are already unequal in themselves [*für sich*]. In this sphere of particularity, these differences manifest themselves in every direction and at every level, and, in conjunction with other contingent and arbitrary circumstances, necessarily result in *inequalities in the resources and skills* of individuals.

The spirit's objective *right of particularity*, which is contained within the Idea, does not cancel out [*nicht aufhebt*] the

inequality of human beings in civil society – an inequality posited by nature, which is the element of inequality – but in fact produces it out of the spirit itself and raises it to an inequality of skills, resources, and even of intellectual and moral education. To oppose this right with a demand for *equality* is characteristic of the empty understanding, which mistakes this abstraction and *obligation* of its own for the real and the rational. This sphere of particularity imagines that it is universal, but in its merely relative identity with the universal, it retains both natural and arbitrary particularity, and hence the remnants of the state of nature. In addition, that reason which is immanent in the system of human needs and their movement articulates this system into an organic whole composed of different elements (see § 201).

§ 201

The infinitely varied means and their equally infinite and intertwined movements of reciprocal production and exchange *converge*, by virtue of the universality inherent in their content, and become *differentiated* into *universal masses*. In consequence, the whole complex [*Zusammenhang*] evolves into *particular systems* of needs, with their corresponding means, varieties of work, modes of satisfaction, and theoretical and practical education – into systems to which individuals are separately assigned, i.e. into different *estates*.

Addition (H). The manner in which the universal resources are shared depends on every particular characteristic of the individuals concerned; but the universal differences into which civil society is particularized are necessary in character. While the family is the primary basis of the state, the estates are the second. The latter are of special importance, because private persons, despite their selfishness, find it necessary to have recourse to others. This is accordingly the root which links selfishness with the universal, i.e. with the state, which must take care to ensure that this connection is a firm and solid one.

§ 202

The estates are determined, in accordance with *the concept*, as the *substantial* or immediate estate, the reflecting or *formal* estate, and lastly, the *universal* estate.

§ 203

(a) The *substantial* estate has its resources in the natural products of the *soil* which it cultivates – soil which is capable of being exclusively private property, and which requires not just indeterminate exploitation, but formation of an objective kind. Given the association of work and acquisition with fixed *individual* seasons, and the dependence of the yield on the varying character of natural processes, the end to which need is directed in this case becomes that of *provision* for the future. But because of the conditions to which it is subject, this provision retains the character of a [mode of] subsistence [*Subsistenz*] in which reflection and the will of the individual play a lesser role, and thus its substantial disposition in general is that of an immediate ethical life based on the family relationship and on trust.

The proper beginning and original foundation of states has rightly been equated with the introduction of *agriculture* and of *marriage*. For the former principle brings with it the cultivation of the soil, and in consequence exclusively private property (cf. Remarks to § 170), and it reduces the nomadic life of savages, who seek their livelihood in constant movement, to the tranquillity of civil law [*Privatrecht*] and the secure satisfaction of needs. This is accompanied by the restriction [*Beschränkung*] of sexual love to marriage, and the marriage bond is in turn extended to become a *lasting* and inherently [*in sich*] universal union, while need becomes *care for the family* and possession becomes *family property*. Security, consolidation, lasting satisfaction of needs, etc. – qualities by which these institutions primarily recommend themselves – are nothing but forms of universality and shapes assumed by rationality, the absolute and ultimate end, as it asserts itself in these objects [*Gegenständen*]. – What can be more interesting in this connection than the ingenious and learned *explanations* which my highly esteemed friend, Herr Creuzer, has given of the *agrarian* festivals, images, and shrines of the ancients (especially in the fourth volume of his *Mythology and Symbolism*)? In the consciousness of the ancients, the introduction of agriculture and of the institutions associated with it were divine acts, and they were accordingly treated with religious

veneration. A further consequence, which also occurs in the other estates, is that the substantial character of this estate entails modifications with regard to civil law – especially to the administration of justice – and likewise with regard to education and instruction and also to religion; these modifications do *not* affect the *substantial content*, but only its *form* and the *development of reflection*.

Addition (H). In our times, the [agricultural] economy, too, is run in a reflective manner, like a factory, and it accordingly takes on a character like that of the second estate and opposed to its own character of naturalness. Nevertheless, this first estate will always retain the patriarchal way of life and the substantial disposition associated with it. The human being reacts here with immediate feeling [*Empfindung*] as he accepts what he receives; he thanks God for it and lives in faith and confidence that this goodness will continue. What he receives is enough for him; he uses it up, for it will be replenished. This is a simple disposition which is not concerned with the acquisition of wealth; it may also be described as that of the *old nobility*, which consumed whatever it had. In this estate, the main part is played by nature, and human industry is subordinate to it. In the second estate, however, it is the understanding itself which is essential, and the products of nature can be regarded only as raw materials.

§ 204

(b) The *estate of trade and industry* [*Stand des Gewerbes*] has the task of *giving form* to natural products, and it relies for its livelihood on its *work*, on *reflection* and the understanding, and essentially on its mediation of the needs and work of others. What it produces and enjoys, it owes chiefly to *itself* and to its own activity. – Its business is in turn subdivided into work performed in a relatively concrete manner in response to individual [*einzelne*] needs and at the request of individuals [*Einzelner*] (*the estate of craftsmanship*); more abstract work of mass production which supplies individual needs but is more universally in demand (*the estate of manufacturers*); and the business of exchanging separate commodities [*Mittel*] for one another, chiefly through the universal means of exchange, namely money, in which the abstract value of all goods is actualized (*the estate of commerce*).

Addition (H). In the estate of trade and industry, the individual [*Individuum*] has to rely on himself, and this feeling of selfhood is intimately connected with the demand for a condition in which right is upheld. The sense of freedom and order has therefore arisen mainly in towns. The first estate, on the other hand, has little need to think for itself:^a what it gains is an alien gift, a gift of nature. This feeling of dependence is fundamental to it, and may easily be coupled with a willingness to accept whatever may befall it at the hands of other people. The first estate is therefore more inclined to subservience, the second estate to freedom.

^aTranslator's note: *hat . . . wenig selbst zu denken*; this seems to be a misreading by Gans of the equivalent phrase in Hotho's notes (VPR III, 630), *hat wenig sich selbst zu danken* ('owes little to its own efforts').

§ 205

(c) The *universal estate* has the *universal interests* of society as its business. It must therefore be exempted from work for the direct satisfaction of its needs, either by having private resources, or by receiving an indemnity from the state which calls upon its services, so that the private interest is satisfied through working for the universal.

§ 206

On the one hand, the *estates*, as particularity become objective to itself, are divided in this way into different general categories in accordance with the concept. But on the other hand, the question of which particular estate the *individual* will belong to is influenced by his natural disposition, birth, and circumstances, although the ultimate and essential determinant is *subjective opinion* and the *particular arbitrary will*, which are accorded their right, their merit, and their honour in this sphere. Thus, *what* happens in this sphere through *inner necessity* is at the same time *mediated by the arbitrary will*, and for the subjective consciousness, it has the shape of being the product of its own will.¹

In this respect, too, in relation to the principle of particularity and subjective arbitrariness, a difference emerges between the political life of east and west, and of the ancient and modern worlds. In the former, the division of the whole into estates

came about *objectively and of its own accord*, because it is rational *in itself*; but the principle of subjective particularity was at the same time denied its rights, as when, for example, the allocation of individuals to specific estates was left to the rulers, as in Plato's *Republic* (Book III, p. 320, Zweibrücken edition, Vol. VI [415 a–d]), or to birth *alone*, as in the *Indian caste-system*.² Thus subjective particularity, excluded from the organization of the whole and not reconciled within it, consequently shows itself – since it likewise appears as an essential moment – as a hostile element, as a corruption of the social order (see Remarks to § 185). It either overthrows the latter, as in the Greek states and in the Roman Republic; or if the social order survives as a ruling power – or perhaps as a religious authority – it appears as inner corruption and complete degeneration, as was to some extent the case in *Sparta* and as is now entirely the case in *India*. – But if it is supported by the objective order, conforming to the latter and at the same time retaining its rights, subjective particularity becomes the sole animating principle of civil society and of the development of intellectual activity, merit, and honour. The recognition and right according to which all that is rationally necessary in civil society and in the state should at the same time come into effect *through the mediation of the arbitrary will* is the more precise definition [*Bestimmung*] of what is primarily meant by the universal idea [*Vorstellung*] of *freedom* (see § 121).

§ 207

The individual attains actuality only by entering into *existence* [*Dasein*] in general, and hence into *determinate particularity*; he must accordingly limit himself *exclusively* to one of the *particular* spheres of need. The ethical disposition within this system is therefore that of *rectitude* and the *honour of one's estate*, so that each individual, by a process of self-determination, makes himself a member of one of the moments of civil society through his activity, diligence, and skill, and supports himself in this capacity; and only through this mediation with the universal does he simultaneously provide for himself and gain *recognition* in his own eyes [*Vorstellung*] and in the eyes of others. – *Morality*

has its proper place in this sphere, where reflection on one's own actions and the ends of welfare and of particular needs are dominant, and where contingency in the satisfaction of the latter makes even contingent and individual help into a duty.

Initially – i.e. especially in youth – the individual balks at the notion [*Vorstellung*] of committing himself to a particular estate, and regards this as a limitation imposed on his universal determination and as a purely *external* necessity. This is a consequence of abstract thinking, which stops short at the universal and so does not reach actuality; it does not recognize that the concept, in order *to exist*, must first of all enter into the distinction between the concept and its reality, and hence into determinacy and particularity (see § 7), and that only thus can abstract thinking attain actuality and ethical objectivity.

Addition (H). When we say that a human being must be *somebody* [*etwas*], we mean that he must belong to a particular estate; for being somebody means that he has substantial being. A human being with no estate is merely a private person and does not possess actual universality. On the other hand, the individual [*der Einzelne*] in his particularity may see himself as the universal and believe that he would be lowering himself if he became a member of an estate. This is the false notion [*Vorstellung*] that, if something attains an existence [*Dasein*] which is necessary to it, it is thereby limiting and surrendering itself.

§ 208

The principle of this system of needs, as that of the personal [*eigene*] particularity of knowledge and volition, contains within itself that universality which has being *in and for itself*, i.e. the universality of *freedom*, but only *abstractly* and hence as the *right of property*. Here, however, this right is present no longer merely *in itself*, but in its valid actuality as the *protection of property* through the *administration of justice*.