

LECTURES ON CIVIL SOCIETY
G.W.F. Hegel
Griesheim Transcription*
Translated by K.R. Dove (1976, revised 1990)

[I 472]¹ The basic principle of civil society is the particular interest of individuals. A study of civil society thus begins with a consideration of individuality defined by interest. A clue to this kind of individuality is the distinction drawn in French between *bourgeois* and *citoyen*. The relationship of individuals as *bourgeois* concerns the satisfaction of needs. This relationship is therefore non-political; it is only as *citoyen* that the individual is involved in a political relationship. In the sphere of civil society we consider individuals exclusively as *bourgeois*.

Civil society takes the standpoint of a subject as its point of departure. If the state is pictured as a unity of various persons, a unity that is no more than a togetherness, where the bond in question is merely external, not internal, what is thereby determined is not the state but merely civil society.

The state *is* often conceived in a restricted way, as if it were merely a society of personally free individuals. In fact, however, what one thus apprehends is just the standpoint of civil society. In civil society the particular aims of individuals are fundamental; the relation to other individuals is not primary but merely superadded as a secondary determination. This determination is [I 472] the form of universality, for relation has the form of universality. The individual himself is the aim, the relation to others is a necessary means to this end.

[EXTRAVAGANCE, DEPENDENCY, AND MISERY IN CIVIL SOCIETY]

[I 475] Particularity is measureless, it has no absolute determination within itself because it is what it is by itself; it is “natural,” desire, [I 476] capricious whim, opinion ever on the verge of losing equilibrium. Whatever might be maintained in equilibrium must be maintained by the understanding because universality supervenes. When free play is given to particularity, the stage is set for all possible excesses of luxury, desire, and inclination.

Man thereby enters upon an unethical life. Every particular is satisfied, extinguished in satisfaction, only to arise once again, for every such satisfaction is merely of a particular, hence no genuine and lasting satisfaction on which one might build. Here satisfaction is only momentary; it only happens in a particular way and then generates need once again. It does not help to eat and drink, one becomes hungry and thirsty again, one must start all over again. There is no limit to be found here; it is the sphere of bad infinity, of triviality.

This is what happens in civil society. No one can say what a true need might be. New means are discovered to satisfy needs and this engenders the need for new means. The relationship to need thus appears

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¹ Bracketed numerals refer to the volume and page of G.W.F. Hegel, *Vorlesungen über Rechtsphilosophie*, Karl-Heinz Ilting, ed., 4 Vols., Stuttgart-Bad Cannstatt, 1973–74.

as a dependency upon something external, a limitation especially evident in regard to content; in addition, in regard to the outside, it has the shape of a connection to something not merely external but also independent.

[I 477] There are horrifying descriptions of the misery brought about by this way of satisfying needs. We find them especially in Rousseau and several others [who were] deeply touched by the misery of their time and their countrymen. Out of the depths of their insight they have penetratingly depicted the ethical disintegration that accompanies this misery, the inner bitterness and ill will that springs from men's wrath and indignation over such misery, over the contradiction between what they can demand and the condition in which they find themselves and their embitterment and scorn at this condition.

It is true that civil society does bring about this state of affairs and in their indignation these intelligent and sensitive spirits have rejected it and gone to another extreme. They have seen no remedy but the total abandonment of such a system and, unable to deny the advantages of civil society, they have nevertheless preferred to sacrifice it entirely and to return to a state without such manifold needs, a state of nature, like that of the North American savages, where *such* misery and unhappiness finds no place.

Plato adopts the same principles in his *Republic*.² He knew well the unhappiness of Athens and saw that [I 478] it was rooted in the selfish striving of citizens whose supreme interest was no longer the ethical whole, the state, but rather their own particular situation, a particularity which therefore tended to dominate the interest of the whole, the state. Plato accordingly proposed a state from which the principle of particularity was to be excluded and subjective particularity banned. He thus pictured the ideal of an ethical state.

Ideals are often taken to be dreams, but the Idea is uniquely actual and, as actual, the Idea is the ideal. Still, one must know what pertains to the ideal as such and one must accordingly discount an endless mass of miserable accidents. For if particularity as such is reduced to accidentality, particularity itself suffers an injustice. To imagine as ideal a state in which the particular situation corresponds with human wishes is clearly to indulge in dreaming.

Plato thus conceived an ethical state, that is, one in which the Idea of the state was in agreement with the actuality of this Idea. So consistent was his exclusion of particularity that the individual was assigned a merely universal existence. For the Greeks never fully realized the Idea and never grasped that the particular was also to be recognized. Thus no Greek could ever picture a state of affairs in which the particular might go forth freely and yet always be brought back to universality.³

That is why Plato excluded private property, for if the universal is to dominate and be the soul of the city, private property must be banned. He likewise excluded the family and marriage; children were not to belong to parents, but to the state, and were to be raised accordingly.

[I 480] But today, in the orderly structures of [I 481] civil society, its laws, and the [constitutional] state in general, universality is institutionalized. So far as men become involved in the state, in law and order, and in regular behavior, they seem to be driven. Participation appears as an alien necessity, as a matter of expediency; men obey the laws because there is no other way to reach their own goals. But these goals seem

² Plato, *Republic*, Bk. II, "the feverish *polis*."

³ Aristotle, especially in his *Nicomachean Ethics*, stresses that Greek ethical life is a matter of particularity that cannot be brought to individuality by way of universality. Hence Aristotle's contention that "practical philosophy" cannot be a "theory."

to be primary and compliance with the law is regarded as means to an end. Men often do set their own goals aside, since the laws appear as external constraints, but the universal is not their very own goal and will.

The particular is nevertheless raised to the form of universality. In civil society men discover that their own interests and ends require the laws, that these could not be reached without law. That is how the interest of the particular individual is attached to the universal and to the stability of the state.

Modern states are particularly strong because the connection of individuals is rooted not merely in a shared ethos but also in the particular interest of each individual. The true root of this strength is the ethical content in which man attains his substantive determination; his rational will is satisfied in this content when particular will, an individual's own character, has an independent status vis-à-vis its own substantive determination. Now in this external state of civil society it is also the case that subjectivity develops to the point of arbitrariness, to an affirmation of particularity as such. That is why individuals are linked with one another: the particular individuality of man, with his particular talents and plans, with his self-seeking, stands on the external side of the state and is aware that the satisfaction, or even the existence, of this completely particular subjectivity is only to be had through the preservation of the whole. This is the deeper root of modern states: the whole is held together because the particular individual is satisfied as a particular in this whole.

[I 482] The ethical universal at first appears to be opposed by this subjective actuality, this subjective sense of life; in fact however, it is sustained thereby. Patriotism—the individual's interest that his state thrive and be honored—therefore has two elements: (1) the individual's interest in the universal as such and (2) the fact that the individual satisfies his particularity in the universal.

Civil society demands that a man make himself useful. This is frequently resented because one is thereby a means for others. Still, a man is an end to himself only when [his relation to himself] is mediated by other [I 483] individuals and by the social totality. His usefulness is thus bound up with the fact that he can exist as an end in himself and can satisfy his own ends only as a member of this social nexus.

A. THE SYSTEM OF NEEDS

[I 486] The laws which regulate the system of all need satisfaction provide the subject matter of political economy. This science is at first confronted with individuals and their infinitely manifold needs, dependent upon accident, arbitrariness, imagination, skill, etc.—an infinite mass of particulars.

a) The Kind of Need and Satisfaction

[I 488] Needs are multiplied: man, whose needs are many, multiplies them by dividing general needs into single parts and aspects. We know that the scope of an animal's needs is restricted. There are animals that can only live in one tree, others that are limited to one climate, while still others, like dogs, are not so restricted. [I 489] But none of these can compare with the multiplicity of human needs and the multiplicity of ways in which man satisfies one and the same need.

Granted that there are many needs, the second point is that concrete need is analyzed or broken down into single aspects. This does not concern the kind of need but rather the way by which needs come to assume

the form of universality. This is primarily a matter of multiplicity, and because [the awareness of] need [arises in] the sphere of the understanding, it is understanding that differentiates a concrete need into various aspects.

The need for clothing is accordingly broken down into [needs for] coats of various materials, kinds, colors, etc. The need is concrete but it is susceptible of differentiation into many aspects, each of which constitutes a particular need. A multitude of aspects is thus differentiated and every such aspect of comfort, want, etc., constitutes a particular need. What is in general brought about in this way is that needs are particularized; general needs are broken down into a multitude of aspects. This is the critical point. When a particular need is reduced to single aspects, the need is made more abstract. This is the primary form of universality. By this dividing and analyzing, the single aspect (for example, the color, smell, leaf, etc., of a plant) becomes abstract.

[I 493] It is the producers, far more than the consumers, who multiply needs, discover new means and induce consumers to have so many new needs. This process has no limit, just as there is no limit dividing natural from imaginary needs, no limit beyond which one might say that luxury begins.

Luxury is conceived as the possession of means to satisfy needs beyond a given type. Nature, on the other hand, is said to be satisfied with little. But man is not nature. He is not natural man since he is not an animal. He is spirit and he reflects; thus it is part of his nature to multiply needs and to give his imagination free play in the process.

[I 494] Luxury, however, generates an opposition: the one side is the multiplication of means, the other is the dependency entailed by luxury. With the growth of national wealth—not monetary wealth as much as the means to secure the satisfaction of needs—, poverty and want are also increased.

Dead wealth still exists today, but only in the treasure troves of Cossacks, Tartars and the like. In the civilized world, wealth circulates; it exists through use. This is the kind of wealth which increases dependency and want; with so many more needs, their satisfaction is a matter of chance, and want is magnified because the means of satisfaction belong to the will of others and depend on their arbitrary choice. In civil society one has nothing to do with external nature; every tree, every animal belongs to some proprietor, no longer to nature. Dependency is thus much greater.

Without the introduction of countervailing tendencies such as colonization, poverty is increased in the same proportion as wealth. In the inestimably rich city of London the magnitude of want, misery and poverty exceeds our imagination. As wealth increases, it becomes concentrated in fewer hands. Once introduced, this difference becomes ever greater, for when capital is concentrated in the hands of a few, these few can compete more efficiently than those with more limited resources.

With a capital base of 4,000 tallers, and a profit rate of 10%, one man has an annual income of 400 tallers to live on. Possessing 40,000 tallers, another's annual income would be 4,000 tallers; he could reduce the profit rate to 8.6%, and still have enough to live on. But the first could not do this if, let us say, his subsistence were dependent upon a margin of 100 tallers. [I 495] Thus he would be ruined, for no one would buy from him. The wealthy become thoughtless, striving for ever greater profits, risking more and more. The struggle for equality gives rise to envy, and many are driven to their ruin. In short, the manifold combinations

which bring about poverty in this society are as countless as those which produce wealth. If wealth is found on one side, poverty must be present on the other.

These consequences of immoderate resources and immoderate want may seem depressing. As already noted, civil society contains no measure of moderation; all standards are set in the behavior of individual subjects.

The system of needs is the sphere of subjective particularity, of dependency upon external objects and of reaction against this dependency. Man is here placed on a battlefield where arbitrary will receives its just dessert in satisfaction and must therefore accept the consequences. These consequences are the same for every individual as such, for every individual who is posited and wills to be posited in the standpoint of arbitrary will.

To be in this sphere is to will no master but oneself; each needs free reign for his own activity and in the system of needs he has it. In this respect every individual is on his own and the subject can find no measure apart from his own behavior. Some support for the individual is nevertheless necessary within the sphere of civil society; it is to be sought in the universal dimensions of this sphere, in the corporations and the police, institutions in which the individual shares a common concern.

As the subject is therefore primarily dependent on its own activity, this will form the subject matter of the second part, namely work.

b) *The Nature of Work in Civil Society*

[I 496] Once needs have undergone refinement, there are few things in nature that one can use just as they are; most of them must be processed in a number of ways. Man does not use nature as it immediately is; his kind of needs increases the necessity that he must work. Nature is thus used in a two-fold way: on the one hand, as it immediately is, and, on the other, as it has been already transformed and assimilated. Nature confronts man as something he has already transformed; it has been made double.

Man leaves hardly anything in its immediate state; everything he uses receives the imprint of his formative activity. When his own condition is cultivated, few things are used as nature serves them up; everything is transformed. Food, for example, is cooked. This takes away the peculiarity of raw material, suppresses its own naturalness, and prepares things for men so that they are already largely assimilated.

One might call this an emaciation or degradation, but it is nevertheless the rational way for man to relate to things. He assimilates [I 497] objects, and does so consciously. Thus things are no longer possessed merely abstractly; the assimilation begins when I shape and fashion them.

I can only acquire things from others, and indeed by my own work, for everything is already the property of an other. Thus satisfaction is no longer to be had by direct appropriation, but by work in general—again, by a genuinely rational relationship. So far as possible, satisfaction should derive from man himself by means of his own activity, and rely on his own behavior, insight, and understanding, not on the gifts of a generous “nature.” Man takes pride in the thought that he is on his own.

This kind of work can appear perverted from the standpoint of morality. Kindness and generosity are said to consist in helping those in want by giving, without demanding work in return. And there can be circumstances, as in many countries of the past and still some today, in which the poor and needy are supported by soup kitchens, charitable institutions, etc. But those who serve in this capacity are as a rule bondsmen who are not much better off than the beggars whom they nourish.

It is better when acquisition is based on work. When I pay a worker for his work I also take care of his needs. Needs are met as well by payment as by gift. But in so doing I recognize his freedom as well as his performance, I recognize that he has produced his own means of subsistence. I honor him thereby. I acknowledge that he has only himself to thank, that he owes me no gratitude.

This is what speaks in favor of large expenditures by the rich. A rich man buys many products and spends great amounts of money. It is sometimes said that he could give it to the poor. What he does, however, has the same effect as dispensing charity, and it is much more moral to spend money for work rather than to give it away since the freedom of the other is thereby recognized at the same time.

[I 498] When civil society is mature, the role of charitable institutions is progressively diminished because man comes more and more to take pride in providing for himself. It is a much more ethical condition where general subsistence is based upon industry rather than generosity.

This also has to do with religion. For acquisition and industry depend upon one's own activity, discretion and behavior. This self-activity and human self-understanding is supported and justified when religion is so constituted that it, too, accords man his due authority, when it does not exclude what is unique to man, his own heart and his own thoughtful convictions. When religion itself demands the active participation of spirit in the relationship to God, then the human spirit, its activity, is honored.

If, on the other hand, a religion does not involve this, if it requires man to give up his understanding and if one of its central features is the deadening of reason, thought and conviction, then one's own activity, courage, energy and understanding are devalued because they can only be applied extra-religiously and are thus denied their divine legitimation and sanction.

It is therefore correct to say that in countries where one religion prevails there is industry and in others where another religion prevails men are without industry, while the remaining social relationships are not so variously structured as to explain this difference. Where self-activity is not recognized by religion it is taken to be merely mundane.⁴

[I 499] I expect to receive the means to satisfy my needs only by my own labor and in labor I produce means for the needs of others. Political economy considers these relationships more closely, in such a way that everything consumed is at the same time a means to new production, i.e., everyone should produce as much as he consumes. Food is consumed and it disappears from the stock of resources, but it sustains physical strength and energy and is a means to produce something else. What man thus consumes becomes productive once again.

⁴ It is perhaps superfluous to note that this argument anticipates the "Weber Thesis" by nearly a century. Compare *Die protestantische Ethik und der Geist des Kapitalismus* (1904).

That is why mere consumers, the “capitalists,”⁵ the drones of society, are given short shrift in political economy. They are not productive and they provide no means for others. They have means but they produce none. Thus labor should be sustained in a structure of reciprocity, producing means for the satisfaction of needs which then, in turn, ought to be a new source of labor.

The primary consequence of this formative activity is that the means has two aspects, one deriving from nature and the other from the form I impose. It is especially the second that confers value.

A pound of iron costs one groschen.⁶ By laboring I can raise this value more than 10,000-fold. Thus nature’s contribution becomes minimal while my laboring activity becomes the dominant element. The greatest part of what men consume is human, has a form imposed by man. In consumption, men generally relate to something manufactured, something derived from the human sphere. The natural dimension of these products remains, to be sure, an essential condition, but nature’s role is very slight.

[I 500] Man thus finds himself in his own milieu, his dealings are mainly with things of his own making. It is also a moment of liberation that man in this dependent condition is related to what is his own.

The arts and sciences have tended to arise in this situation. The economic system presents an enormous wealth of ideas, information, and insight into nature’s mechanisms. Man may be justly proud to have made these industrial inventions, some directly and some by a combination of steps. The general propositions derived in this way do him honor; these objects contain knowledge and awareness of the universal.

Industry requires that man occupy himself with an endless mass of things and that an endless mass of needs and means be spread out before him. He tends in all directions, interesting pleasures and projects beckon him from all sides. He must have the strength to let them be. This requires mental facility. Cast into a situation of infinite complexity, he more readily comes to an idea of the context and a capacity to move from one idea to another.

Examples of this are to be found everywhere. Rural folk require time to form an idea and, once formed, they are [I 501] stuck with it and return to it again and again. The conversation of a more educated and worldly spirit is able to range over a limitless variety of subjects. The businessman must have the facility to detach himself from the business directly at hand, to have it in complete control while remaining able to set it aside, freeing himself from it and turning to something else, with which he should be able to occupy himself just as seriously.

Labor is productive. What labor in the first instance produces is a self-surrendering, a destruction of mere busyness. Labor is transposed into a product which is a unity of formal activity and purpose.

[I 502] Labor, as human labor, is raised to the form of abstraction, a form that we already noted in the discussion of means and needs. When distinctive components of a given labor process are specified, a division of labor arises along these abstract lines. This is a major step for the development of industry. When each laborer directs his activity to just one feature of a work, a transition is made from handicraft to the factory.

⁵ Hegel’s use of the term “capitalist” is pre-Marxist.

⁶ German currency during Hegel’s time.

The artisan produces a concrete work embracing many aspects. Once labor is divided each laborer occupies himself with only one part; he restricts himself to a specific mode of labor.

Thus labor is made more abstract and simplified. The more skillful one becomes in this restricted range of activity, the less skillful he becomes as a whole. His skillfulness is no longer growing and alive. Labor becomes ever more deadening. There is not enough diversity in it to alert the [I 503] understanding. Factory work robs the laborers of their independence and atrophies the spirit. Finally the laborers become completely dependent. Now thoroughly one-sided, they have hardly any other way to earn a living. Stuck in one kind of work, habituated to it alone, they become the most dependent of men and the spirit dies.

A further consequence is that labor becomes more and more mechanical. This raises the possibility of turning all human labor over to machines. As soon as labor has become completely simple and abstract, men can be replaced by machines. England would have to employ several hundred million men to replace the labor now performed by machines.

Workers, especially the factory workers whose subsistence is taken away by machines, are easily dissatisfied. It is necessary to open new vistas for them.

The spiritual result is that man merely oversees⁷ the machines, weapons, steam, fire, etc. which can take his place. As the nature of work in civil society is developed more completely, workers are deadened and, in the end, men are made superfluous. What remains is a kind of work performed by the intellect alone,⁸ and thus it is further developed and modified.

The general product and result of this kind of work is the economic system in general.

c) *The Economic System*

[I 504] Work gives rise to a common economic system. External nature is no longer appropriated; its place is taken by this economic system. With the establishment of new means of subsistence, systematically organized, each member of society can turn to this economic system for the livelihood he can no longer find in nature. But his participation is conditional upon his work. The individual enters civil society with his needs and he must work to satisfy them. He nevertheless stands in a relationship to others upon whose arbitrary will his livelihood is dependent.

[I 505] An entirely different economic system, another possibility, has taken the place of the first. It is a “nature” which man can use and which he himself has brought into being. In an advanced civil society with a decent standard of living, each has the possibility of satisfying his needs and each is accordingly granted the right to participate, to work, and to receive his share.

This is the general economic system to which each has access, and in which each has the right to satisfy his needs. Here man’s right to be a particular individual has its definite place, its actualization, and its firm basis. Here each individual is confident of standing on his own and is proud to satisfy by his own work

⁷ Hegel’s verb is “beaufsichtigt.” Compare Marx, *Grundrisse*, Berlin, 1953, p. 597, “überwachende und regulierende Tätigkeit.”

⁸ See Marx’ use, *ibid*, of the term “Wissenschaft” in analogous contexts.

the needs he discovers in himself. Though each is dependent, he knows himself to be independent even in this regard. For dependency is precisely what he overcomes by his activity.

His own economic system is rooted in this situation and it is a rational condition.

If someone should complain that industry, luxury, etc., are unnecessary and wish them away because of the misery associated with them, the answer is that the security to be had in this system is far less capricious than that of external nature. This is a security which man owes to his own understanding and activity. The self-confidence of an industrialized nation is therefore completely different from that of a nation where no industry is to be found.

One may well say that tillers of the soil are more pious and have greater trust in the benevolence of God, but these are passive traits. [I 508] On the other hand, the self-activity and understanding at work in civil society are also a divine dispensation, and a much larger one than mere external nature.

[I 508] Economic resources are unequally distributed and this inequality is necessary because it relates to particular needs, talents, and natural endowments.

It has already been noted that the distribution of economic resources is necessarily unequal. This inequality is inevitable because it derives from [I 509] particular needs, talents, and natural endowments. The main point is that men are all rational. Their natural differences do not indicate any injustice in nature, for these differences only concern their particular aspect, in which the natural principle has its place. If one man were made rational and another irrational, that would be the supreme injustice. Man is man only as reason, as a thinking self-consciousness.

Thus inequality develops in civil society. This is where man must show what he is. It is as if he were in a theater where the entire production was in his hands. Driven partly by imitation and partly by want, he is forced to strain every nerve and exercise all his powers. It is only as a particular individual that man exists as man and to realize this is to exercise the right of subjective freedom. This is a kind of freedom that we have come to esteem most especially in recent times, the freedom of each to shape his life in accordance with a felt vocation.

There are many examples of these accidental determinations of nature. They include all particular circumstances: the character of one's parents, the ethos of one's nation, the wealth of one's family, one's appearance, education, etc. These particular circumstances are influential, but a man must show himself strong in the face of them. He must take advantage of them just as much as he is spurred on by the resistance he discovers in their sway.

It is hard to say whether favorable circumstances serve one better by their presence or whether they only serve as an incentive when they are lacking. One may regard it unjust not to have been born into fortunate circumstances, but good fortune can inhibit just as much as ill fortune can incite, and the culture and worth of an individual may turn out to be greater under seemingly unfortunate circumstances.

[I 510] The economic system and the mass of social resources appears on the one hand as an object for the individual, but it itself contains the subjective element. It involves all sorts of motion, activity, and work.

We have seen how acts of labor, needs and means of satisfaction are themselves divided, self-differentiated, made abstract, and how they take on the form of universality. This was a division into single units, of this particular work, etc.

But now we are no longer considering means, need, and work as single units. Taken together, as a totality, this totality is internally organized in an essential fashion.

A genuine totality is not a mere collection, where many single units are externally connected; here the bond is essentially internal (organized by an inner necessity). This totality, this whole, must undergo an internal [I 511] specification. One mode of division is directly based on the various kinds of work. The totality must be further divided into modes which again form a whole, a system, a complete totality. This kind of division is essentially organization, organic because it undergoes self-differentiation. The whole must therefore be organized within itself, articulate itself in differences and systems.

The systems in question are systems of this sphere, particular systems of the general particularity, of the general manner of satisfying needs. Such systems are the classes of civil society.

Classes have a two-fold significance. On the one hand, as belonging to civil society, they are (a) the agricultural class, (b) the business class, and (c) the universal class; in the political state they are (a) the local classes, (b) the regional classes, and (c) the federal classes.

That classes have this two-fold significance is not accidental; it is the point of essential connection between what constitutes the sphere of particularity in civil society and what is necessary in a body politic. It is supremely important for the life of a body politic that it be internally differentiated, self-organized, and resolved into distinct organs. This is also the case in civil society. The coordination of these kinds of class-divisions is absolutely essential.

The classes of civil society are related to needs, to particular interests as such. This aspect of particularity must conform to and be identical with the interests in the political state. As already noted, the state as a political body has its internal structure of ethical necessity. The pure ethical obligation in the political realm is that individuals [I 512] have a place in this structure, act to support it, and be prepared for self-sacrifice. On the other hand, this political obligation must also have its roots in the dimension of particular interests, in the particularity of individuals. At this juncture we merely allude to this political aspect of classes; we consider them here only as classes of civil society.

[I 513] Man in general must pay a heavy price for the degree of subjective freedom open to him in civil society. This is the possibility of bringing into existence and completely realizing everything implicit in the human spirit and even in the particular features of an individual. This possibility entails, on the other hand, that the culture of large masses will be repressed and also that a high degree of cultural refinement will stand out in contrast to no culture at all. This process of cultivation is correlated with the classes and each class has its distinctive culture.

Men often take offense at this since class membership depends so much on chance. In this sphere, where each counts as a man and has equal rights, it can easily appear unjust that accident and caprice should play such a large role even in regard to spiritual culture and to practical and theoretical education. One can

more readily accept the fact that there are inequalities of wealth than that culture and education, which seem to pertain exclusively to the spirit, are subject to chance. A distinction of this sort seems therefore to be an inequality of right, and that is hard to tolerate.

But existence, the cultivation of theoretical and practical spirit, is essentially conditioned in regard to individuals. Just as a nation is dependent upon world history, the individual within a nation is also dependent. Spirit is what it is by virtue of itself; it must produce its own existence. But [I 514] precisely because it enters the sphere of existence, spirit encounters something external and its approach is a violation, a struggle against externality which thereby entails chance and caprice.

Still, one cannot say the individual as such is bound to his class. The restrictions of a class can be broken through, but this too happens only in virtue of an individual's particularity, by the special energy of his spirit and his character. It is thus his own responsibility.

[The division of the classes is based on three modes of need satisfaction]. The first of these is the satisfaction directed to nature and the first class accordingly makes its living from nature, by the cultivation of the earth; dependency upon the earth is therefore a dominant moment of this class. In the second class the overriding feature is reflection, the work of reflection. The third class, finally, is the one whose means of satisfying needs derives from the universal; it makes its livelihood in the service of the universal. These are the three necessary modes of need-satisfaction.

[(a) The Agricultural Class]

[I 516] As to the spirit of this class—which depends on nature for its existence and for which nature is the authoritative power rewarding the tilling of the soil—it is not prone to reflection but retains a more natural mode of thought; it does not become confident of its own intellect and activity.

Instead it has faith and trust. It accepts its natural portion and its condition is relatively permanent, as against the instability and risks of [the other classes in] civil society. *Bourgeois* indifference to [natural] time and place, to determinate order, is alien to the agricultural class. Its attitude is shaped by a mode of possession that is fixed and enduring and a mode of work that has its prescribed seasons. Its livelihood is accordingly secure, it is not drawn into further reflection, and the insatiable quest for profit is foreign to its nature.

If a harvest is bad, that is taken to be a misfortune sent by God. There is no inclination to gather provisions for more than a year. Hence the spirit of hospitality in this class. It has what it needs; what it consumes today is replenished on the morrow. Its attitude is governed by the substantial and it does not engage in the multiple distinctions of reflection. It sticks to the [I 517] simple heart of the matter.

Modernity has nevertheless modified this form of life in many respects. In England even the soil is looked upon merely as material to be exploited as in a factory; one strives to improve the soil in order to increase the rate of profit. That is why farmers like those in southern Germany, who have been free for centuries, are not to be found in England, where there are tenant-farmers. Even the [English] nobility has departed from its own principle: it has the idea of making more profits by commercial activity, even though commerce is against the principle of its class.

The agricultural class retains this substantive attitude. Its possession endures and its provision for the future does not extend beyond the customary round of simple needs and satisfactions. Its attitude in regard to law and right is likewise substantial.

[(b) The Business Class]

[I 519] The dominant class of civil society is that of business and industry. It has acquired a position of major importance in modern states and all of modern history turns upon the struggle by which this class has made it to a position of eminence vis-à-vis the agricultural class as well as the nobility whose wealth has the form of landed property.

This class embodies the insatiability, immoderation, and boundless desire for the pleasures that wealth can provide. In civil society a stock of resources is always available, but the resources of the individual in this class are not so constant as in the first class. Here an element of variability is introduced, [e.g.,] by risking the stability of resources. This indeterminacy with regard to possession is an essential moment; the more the situation [I 520] expands, the greater this indeterminacy. It is a situation permitting an independence which is great but also insecure.

The three subdivisions of this class are distinguished by the particularity of their needs. The class of craftsmen produces means for the satisfaction of single needs that are completely particular. The class of factory workers produces means for universal needs, articles of a universal character. The class of tradesmen engages in a completely universal business, mere exchange.

Those who occupy themselves with the most universal business can also become the richest. Tradesmen form a cosmopolitan class. *The universal and abstract objectives pursued in the sphere of exchange transcend a particular nation, a particular state.*⁹ The greatness of this class is that it stands in relationship to the needs of the whole world. “What will sell in China?” asks a London merchant with four separate departments: for Europe, Africa, Asia, and America.

[(c) The Class of Civil Servants]

[I 521] Whoever works for the state must be relieved of the particular work necessary for the simple satisfaction of his needs, either by private wealth, as a man of private means or landed property, or by a salary. He makes it his business to mind the universal interests of society.

Among those who belong to this class are the military, the judiciary, physicians, the clergy, scholars, etc. To their class as a whole higher education is essential because the common task is to serve the universal purpose, which has the form of universality precisely in virtue of its content. The activity of this class is universal; it is done for the sake of the universal and performed in a universal way.

It is here, therefore, that higher education has its preeminent place. That is why a state’s constitution, the state as a whole, its laws, sciences, art, etc., depend on this class and are sustained by it. To this class is entrusted the spirit of the state as such.

⁹ Emphasis added.

[I 522] The divisions we have seen are absolutely necessary; they are self-made. But it is another question to which class an individual is assigned. This determination must be left to arbitrary will, for class concerns the particularity of the individual. That is why opinion, viewpoint, and arbitrary will figure in this determination; it is a matter of subjective freedom.

The individual cannot make his own laws covering this, cannot simply adopt or refuse a certain mode of conduct. If a mode of conduct is ethical, the individual ought to act accordingly. A class, on the other hand, is a particular sphere and it is a matter of free choice which class one wants to join; the contingency of will and opinion is involved.

The main point is that the subject be aware that class membership is a matter of his own free will.

This introduces factors of natural temperament and momentary inclination, the supreme contingency. Most men are guided by the advice of their parents. One chooses a class in one's youth and gets an idea of it. Normally this happens at an age when one is still entirely incapable of assessing the nature of the class chosen. This assessment requires a more intimate knowledge, but at the normal time of choice the advantages and disadvantages of the various classes are only sensed in a most general way. The choice is thus a matter of free will, a determination based on opinion, just because it is one's own.

This major principle of civil society is especially opposed to the oriental principle. The Indian caste-system is so determined that everyone is born to a class and must remain within it, that one is appointed to a class by birth. This principle also obtained in Europe as long as there were bondsmen, for the children of these were bondsmen in turn. Hence the right of subjective freedom was not respected.

In Plato's *Republic* each is allotted to a particular class by the rulers, a mode of determination that also excludes the principle of subjective freedom and the particularity of will.

It is the principle of the Christian age to demand the right of subjective freedom; thus free will in the choice of a class is an essential moment. That the individual is influenced by parents, guardians, etc., does not restrict the principle. Obedience, respect, and trust toward parents is always a free relationship; it can never be coerced and is thus a free mode of guidance, based upon a purely spiritual relationship.

[I 524] When an individual joins a class he joins something essential and substantive. This is how the system of particularity is internally articulated. This is one way that the individual makes himself something essential. It is by his own activity, skill, etc. that an individual qualifies himself to belong to a class. Every class has its own sense of honor and respect, for it is an essential member in the organization of the [social] whole. The individual has his individual respect in virtue of the fact that he belongs to such a class. Classes may be quite different, but all are necessary in the organization of the whole.

The individual who fulfills his position has a sense of integrity. It is especially important for an individual to do honor to his position whether he is allotted to it by external connections or by completely external necessity. The individual must eliminate this form of externality; he must take his place with freedom. I will occupy my station because I have to do so. Only thus can an individual diligently occupy his position. If he cannot do this, if he is ambivalent and uncommitted, then his class will show him no respect. Such an

individual has a position but he does not behave as though his will were in it; he appears to be ill-suited to the position that he nevertheless occupies.

[I 525] We Germans tend to ask: “What is he?” If he belongs to no class the answer is “nothing.” A man is something only when he belongs to a particular class.

[I 526] Every skill must be formed into something definite and, to be so formed, it must receive a generally acceptable form, it must be recognized. This can only happen through others, in that social nexus which is called belonging to a definite class.

[I 526] It is relatively easy for a man to do something to his own satisfaction, e.g., in music, science, etc. But to achieve something objective in science is another matter. To be objective, one’s achievement must be acknowledged by others; to be acknowledged, its content must be right, universal; and to have this form of universality, the content must be wrought. If one is to satisfy others as well as oneself, one is constrained to give one’s performance the right content and the true form. This constraint derives from the fact that the cultivation of skills concerns education in its particular aspect. If I, this particular individual, am to develop myself either in this or that way, I must exert myself, I must restrict myself to what is essential and reject all else forcefully. Often this happens against my own inclination.

The moment of particularity involved in this kind of education must be struggled against. If the particular moment itself is to be worked up to the level of general acceptance, constraint is necessary. I discover myself dependent upon my various other wishes, together with my inertia, and I must overcome them. This can happen by exerting my will, but if I am also to get to the point of producing something generally acknowledged, I must be constrained by the opinion and the judgment of others. What stands opposed to me here is not myself but an other. This other which opposes my indolence is the judgment and awareness of others.

Such self-exertion may be called ambition, lust for fame, or vanity and, of course, one can succumb to these. But if a man wants to produce something excellent, it is necessary for his achievement to be developed to the point of attaining general acknowledgment.

[I 527] In this sphere of needs the aim and the fundamental determination in respect to content always remains the particularity of need. This is a dependency upon nature and a matter of contingency. Partly natural and partly particular, this determination is not absolutely necessitated by the nature of freedom even though it is necessitated by nature.

[I 528] Right *as such* is secure and unchangeable, but here right comes into consideration only as the right of property, the abstract freedom of personality. Still, the right of property is no longer considered in its implicit form [as in “Abstract Right”]; now it is considered in its actuality as the protection of property by the judicial system. The truth of the sphere of particularity and free choice is the right of the person, the next level of universality.

This transition may be externally conceived in the following manner. Man works and has needs to satisfy. His means to this end must be safeguarded. In safeguarding these means, i.e., property and wealth, my needs are made the end and right is made a means to this end. The state, too, comes to be a means. More

explicitly, when the Administration of Justice becomes a means to safeguard property and the satisfying of needs becomes the end for which persons own property, this satisfaction accordingly becomes the ultimate end.

That is the external transition, but the true one is that freedom as such is the essence of free choice, particularity, etc. Rational personal freedom, not need satisfaction, is thus the end of rational man.

[I 528] Nonetheless, particularity can view right as a means. Both are present in a well-formed state; when the interest of the state and of reason is satisfied, the particular interest is also satisfied, and the emphasis can shift back and forth. The critical point is that the interest of reason exist.

B. THE ADMINISTRATION OF JUSTICE

[I 530] The aspect of existence, the objective validity of right, the judicial system, is the aspect of determinate being, of particularity. The acknowledgment and validation of right derives from a need on the side of particularity, the need to have the products of one's work safeguarded. Thus it is this need of a particular state of affairs that provides the moment in which right is established as existing. Right is accordingly existent in the judicial system.

The guiding determination here is that right exist. But right is one matter and existence quite another. How might they come together? Granted that right ought to exist, that it ought to be acknowledged. This ought does not make it exist. The difference between existence and right is vast. Existence can only accommodate right when the demand that right exist [also] arises on the side of existence itself.

[I 531] The requirement that each side posit the identity of both sides has its precise counterpart in the thoroughly abstract realm of logic. For example, the Idea is the unity of finite and infinite: the truth of the infinite is shown to involve the aspect of finitude and, conversely, the truth of the finite is only the infinite to which it develops.

Here the prerequisite is that existence, by its own development, has come round to willing the right, that existence in itself be capable of willing that right exist. To say it ought to exist is to say nothing. But existence in itself does display its capacity to will the right by means of the sphere of man's particularity, in which he moves on his own behalf, by means of his [fully] developed totality of needs, this internally developed existence whose end, even in its own sphere, must be the universal. Then existence is able to will right by means of particularity's unalterable opposite: freedom.

That is why the will to impose, *a priori*, a constitution or a system of justice upon a given people, as Napoleon attempted with Spain, cannot work. The system of justice must have existence, and this existence must be adequate to the principle of rightness. By itself the aspect of existence is not prepared to be the existence of right; the principle of rightness must be prepared to become existing right just as existence must be prepared to become the existence of right.

It is as if one attempted to impose real estate laws upon the Eskimos. One [mode of ethical life, i.e., that of civil society] cannot simply break into the other: the concept [e.g. of right] cannot break into existence, any more than infinity can break into finitude, if existence is not in accord with the concept, or if the finite were not [already] implicitly infinite.

We were, for the same reason, unable to make a transition from the principle of rightness [Abstract Right] to the Judicial System [in Ethical Life, Civil Society]; we had [in Abstract Right] no basis upon which right could exist or justice be administered.

[I 532] It pertains to this existence that right be known and be acknowledged as universally valid. More specifically, the need for right must be found in particularity, in existence as such; thus right itself is the supreme need.

As it belongs to the realm of freedom, spirit, and thinking, it is possible and necessary for right also to have the form appropriate for it to exist as right. This form is universality.

For right to exist and be known as existing, subjective consciousness, the consciousness of need, must be appropriately *educated*; only then can the principle of rightness, genuine right, exist.

a) *Justice as Law*

[I 533] Right is therefore posited and, as posited, it has the form of matured thinking and is known as the will of all; it is acknowledged and it has the actuality of something acknowledged.

The major premise here is that right must exist as law, not merely as an inward right. It must exist in the form of laws and thus have the form of universality: it is known as an object [I 534] of consciousness, has the form of universality, and must exist as something definite. General principles exhibit the form of universality but these must be made definite; universal principles must be worked out in detail and expounded in their specific subdivisions.

It is true that right, at its inception, had the form of customary law, but it is a prejudice to think of custom *per se* as the true form of right. Indeed, concrete right must be a matter of custom, but it is also necessary that right be known. Right has the form of universality and includes the principle of rightness only insofar as it is known.

Customs are primarily modes of right that have been determined empirically, for custom as such introduces an element of contingency. Man can become accustomed to the worst conditions: he can become accustomed to being a slave, a serf, etc. To be a custom it is only necessary that the determinations in question be identical with the subject, but custom by itself does not constitute this state of affairs.

It belongs to the nature of laws that they be customary, for they ought not to be abstract, they should be acknowledged. This is the law's vitality, but an abstract vitality; a law can be the death of freedom and nevertheless have this vitality of custom. The Romans' miserable law of inheritance was vital in this sense; it produced vile behavior, hate, envy, and greed. All of these bad attitudes are forceful and vital [but the form of vitality is not the whole essence of matter].

Right must be known, then it is law and this law must be known in thought, it must be a system in itself which is legislated as valid [constitutional law].

[I 537:2] Freedom as regards right is not to be dependent upon the opinion, viewpoint, learnedness, etc., of others but only upon the law. Right can have two different forms: (a) objective, when it is pronounced as law and (b) subjective, when it is known and willed in a subject. In order for right not to be restricted to

this second form, not to have its place merely in contingent opinion, viewpoint, or free choice, right must be opposed to subjective existence, it must be given the objective existence that it has in law.

[I 537:21] To be reckoned with, a right must be determined as law and known as law. The content of right is contained in the law as such, but essentially in the mode of something posited. When the intrinsic character of a right is thus identical with its posited state, the result is an obligation: what is right may also be reckoned with as a law.

It is of course possible for a man to commit acts that are vile and punishable but not against the laws. In such a case a judge may not punish; it must be left to higher tribunal. The main point is that right is also to have the *form* of law; the individual is rightfully bound to obey only what is present *as* law.

[I 538:2] The content of law can differ from the content of right because positedness by itself is external existence, where right is acknowledged, pronounced, and has the power and sanction to get itself obeyed. This form of existence can differ from what is acknowledged in conceptual [notional] thought. It is thus possible for there to be very definite legislations containing some very unjust determinations.

In the West Indies, for example, there is legislation about slavery, a special Codex for the blacks. Nevertheless, slavery is intrinsically wrong. A difference is accordingly possible between what is acknowledged and what is intrinsically right. In the case of positive right, the basis for knowing what is right, or, rather, what is just, is therefore what accords with the law. There are two different categories: (a) what is intrinsically right, in accordance with reason, and (b) what is pronounced as the prevailing right in a specific legislation.

If someone should tell a jurist that this or that law does not accord with the concept, his answer would probably be: “My dear sir, you do not understand.” Then he would clarify the situation, explicating it by showing that the law is right because it was determined by this or that king, praetor, or senator; because it was taken up in this legislation; and because it fits into the context of these specific determinations—all of which makes the law follow by necessity.

By such explanation and arguments, a jurist does make the situation intelligible, but this intelligibility only pertains to the sphere of positedness. He is only able to deduce how this right entered the sphere of existence. The intelligibility of this sphere is indicated, but if one reasons conceptually, another form of intelligibility is involved, and the situation is made not a whit more intelligible in this sense. In other words, the category that counts in the conceptual sphere is absent from this explanation.

[I 539:1] To say “you do not understand this” means “you do not have the category by which we account for this situation.” Thus I lack that understanding. But the fact that there is also another category—the category of the concept, of reason—is often denied. Even if the situation is fully understood by the first category, it remains an open question whether a juridical determination made according to this sort of argumentation is rational. Jurists of the historical or positivist school tend to set this question aside, or they do not recognize its legitimacy.

b) *The Determinate Being of Law*

[I 542:23B] The determinate being of law is the relation of law to the individual, to the subject. [543:31] This is the right of self-consciousness vis-à-vis the law. The law is valid for self-consciousness but self-

consciousness can legitimately claim that it must know the laws. An individual's accountability requires that the laws be made known to him; he must be acquainted with them and find them knowable.

If the laws are available as a legal code, I can get to know them; if not, my knowledge is contingent, dependent on the possibility of intensive study, a large expenditure of money, etc. If they are to be found in volumes of decisions, commentaries, or compilations, here, too, no reliable determination of the law is available. Such conditions produce instability here as in all particular fields of knowledge.

The class of jurists, which specializes in knowing the laws, tends to regard this knowledge as its monopoly, and other men as properly resigned to ignorance of the laws, this knowledge being the possession of one class alone.

[544:17] But it is supremely unjust if a legal code is unavailable, for right ought not to depend upon arbitrary choice, subjective opinion, or special learning. It ought to be something definite. Everyone must know what is right. How often the learned jurists have censured the law of the land and the *Code Napoleon*, yet the subjects find it agreeable. To give such a legal code is not an act of generosity, it is a simple matter of justice.

The law as such is objectively related to my consciousness merely in virtue of being made known to me; this is my right. Conviction and insight, on the other hand, are my own business; *I* must attend to these, not the public authority. For this insight concerns moral education, the spirit of the civil populace; it is quite a different relation from that of the law to the subject.

[547:14] My particularity, so far as it relates to the law, must also be universally recognized. The laws are recognized and must be made known to me; conversely, my particularity must also receive the form of being recognized.

The aspect of existence receives a universal form, the form of validity. Whatever I possess as property is not my property merely because I want to have it, take it into possession, or receive it in exchange. As property it receives the form of being *universally* recognized. What is now acknowledged to be mine and what ought to be acknowledged mine alone is what has been taken into possession; thus "ought" comes into existence. This is the point of mortgage registrations; they are the public authority under which buying, etc., takes place. In this way my property receives a universal acknowledgment.

This is why legal formality makes sense. Men frequently dispute this. Some even believe formality to have been introduced for mere sport. But legal formalities are not only useful; it is absolutely required that my property be recognized and that this recognition be universal. To this end, contracts must be formal, i.e., such that their alteration is not left to my discretion.

[548:1] Mine is a rational will; it is legitimate and this legitimacy ought to be recognized.