

**G. W. F. HEGEL'S;
THEORY OF RIGHT,
DUTIES AND RELIGION**

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G. W. F. Hegel's; Theory of Right, Duties and Religion by B. C. Burt

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DUTIES AND RELIGION**

G. W. F. HEGEL'S 1770-1831

THEORY OF RIGHT, DUTIES AND
RELIGION.

TRANSLATION, WITH A SUPPLEMENTARY ESSAY ON
HEGEL'S SYSTEMS OF ETHICS AND
RELIGION.

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of Erdmann's "Grundriss der Geschichte der
Philosophie des Neunzehnten
Jahrhunderts."

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TRANSLATOR'S PREFACE ;

CONTAINING AN ESSAY ON HEGEL'S ETHICAL AND RELIGIOUS SYSTEMS.

Of the work* of which the following is offered as a translation it may easily be said that, more than any other of the works of its author, it contains philosophic truth expressed in terms familiar to ordinary consciousness. Produced while its author was instructing beginning students in philosophy in a gymnasium, it is characterized by a form that is almost entirely without the difficult qualities of exposition universally attributed to the works of Hegel. The comparative simplicity and clearness of it as regards form render it, to a certain extent at least, a means of introduction to the more technical works of its author dealing wholly or in part with the same content or subject-matter—for, notwithstanding its form, its content is largely speculative.

But the work has an independent value. It may be recommended as an excellent introduction to ethical and religious philosophy in general—not merely to Hegel's system. There may be said of it as a whole what Hegel's most hostile critic was constrained to say of a certain portion of it, *Es ist der gediegenste Gehalt in der körnigsten Sprache* (*It is the most sterling matter in the purest language.*) And it contains, as we shall see, some material, in subjective ethics or morality, not found in the other works of Hegel.

It happens that the work, notwithstanding its sterling character, is, in certain important respects, not exactly a characteristic work of its author, and should

**Rechts-, Pflichten-, und Religionslehre*, Part I of the *Philosophische Propädeutik*.

†The *Phänomenologie des Geistes*, *Philosophie des Geistes*, *Philosophie des Rechts*, *Philosophie der Religion*.

not be read or studied as such. It does not afford the reader or student sufficient data for the formation of a conception or opinion of the real Hegelian method and system. To supply as well as may be in a few pages such data—and so to supplement in a manner the present work as viewed in relation to Hegel's complete ethical and religious doctrines we—may give a brief outline and characterization of Hegel's ethics and his doctrine of religion, together with a comparison of the doctrine and method of the Theory of Right, Duties and Religion with that of the matured system.

For Hegel, as for the other real "heroes" of philosophy, the universe of existing things is logically self-determining; all oppositions in it are determinations of a single principle, viz., reason or Idea. The ideal and the real, subject and object, spirit and nature are, respectively, merely different phases of the sole principle, reason. These opposites, as having a common root, can not be absolute opposites but are in organic unity with one another, each virtually containing its other in itself, each being, like the whole of which it forms a part, the unity of opposites. The active essence, or method of activity, of all things is, accordingly, this union or reconciliation of opposites, is, technically speaking, dialectic.

Will, the subject of ethics, is preëminently a unity of opposites. It is not a mere subjective impulse nor a mere subjective idea but is in essence also the objectification or realization of these. As such it is essentially free or self-determining—is determined from within, not from without. As immediate or merely individual and finite, it is only formally free. It is actually free only as filled with a universal content, a content supplied by thought. This content is not something alien to will but virtually contained in it and destined for it, so that in realizing it will is but coming to its true self. Filled with such a content, will transcends, or stands above, mere subjective inclinations and impulses. And

Preface.

yet, on the other hand, precisely because it is universal in its content, it does not ignore but embraces these—opposed to it though they at first blush appear—absorbs, as it were, the universal and truly objective tendency of these. This it does by the act of reflection, which compares the impulses that naturally present themselves—for impulse is relatively a *natural* existence—with one another and the nature of universal reason. As a result of the act of reflection the impulses are preserved in will in the form of the, universal because rationalized, impulse towards happiness, which, again, is something entirely in harmony with the *pure* will's self-determination since will includes its opposite in itself. But will as the *unity* of opposites must not merely be object as well as subject, but must be in a manner its *own* object—and indeed so is when filled with a universal content, since what is universal is identical as well as different, throughout. Only so is it *actually* instead of merely formally free. Will can be its own object only as, or if there be, a relation of wills, which therefore constitutes the condition of ethicality in general.

This condition is as immediately and objectively viewed a condition of what is merely a harmony of, in themselves, independent, individual, equal, abstract wills, which may be termed (legal) persons. Such a condition is the condition of right, or legality. It is a condition of universal will in its most abstract form, has as such no reference to inner disposition but concerns will only as individualized power. It is realized through the three "moments of (1) *property*, which is the simple, immediate manifestation of will, (or realization of will as a form of reason or Idea), (2) *contract*, which is the negation of merely individual will and the manifestation of a "common" will, (3) *injustice or wrong*, the negation of the negation of the merely individual will and the manifestation or affirmation of a truly universal will. Property is, (1) in its immediate, or primary form, *possession*, which must

have been *taken* (either by bodily seizure or covering, by formation, or by designation); (2) in its simplest negation, it is the limited *use* of a thing (the thing used returning into the possession of its owner either as it is in its original form or a thing of the same kind or a thing of the same value); (3) as negation of this negation, and hence as the annihilation of property as an immediate or individual thing subverted under a particular will, it is the *relinquishment* of a thing. Property is relinquished, and passed to another, by *contract*, which is in essence a mutual agreement of two wills by which one is bound to deliver and the other to accept, some individual property. In contract each will both affirms and negates itself, a contradiction the result of which is merely the production of a "common" (but not yet universal) will in the place of the merely individual wills previously existing. Contract involves, (1), a *promise* and its *acceptance*, the formal statement of which is the *stipulation*, and constitutes the 'substantial' or essential side of the contract; (2) an individual *possession*; (3) *the performance* of the thing stipulated. As to kind, contract is either formal (gift-contract), real (exchange-contract), or [accessory] (warranty-contract); each of these kinds having several varieties according to the nature of the subject of contract. Contract is of a contradictory, contingent nature, and so an imperfect manifestation of (universal) will, in that (1) the wills united in the contract are, as being merely wills of finite individuals, more or less arbitrary; (2) the common will expressed is, because merely common, abstractly universal; (3) the subject of the contract is an individual external perishable thing. Owing to the contingency of its moments in themselves contract is subject to violation, is a cause or condition of *injustice*, or *wrong*. This is either (1) *unconscious wrong*, (2) *fraud*, (3) *crime*. In unconscious wrong there is in question merely the right, of a particular (legal) person as against another particular (legal) person, both persons having full

respect to the right as such or *qua* right. In fraud, the simple negation of unconscious wrong, a conscious violation of the real right of one person by another is perpetrated under the cover of the (mere) appearance of respecting the right as such. Crime, the negation of the negation of wrong, is the open or evident and conscious violation of the acknowledged right of an individual and hence of the right as such. Since crime is as such the act as well as the violation of rational, self-determining, or simply, of will—idiots and children do not possess legal will and can not be criminals—the commission of crime is a virtual entrance into a contract to suffer a violation of the sort committed or equivalent to it, i. e., to receive *punishment*; the criminal destroys his own will in violating the universal will or right. The object of punishment, which is of the nature of retaliation, though not of mere revenge, cannot be merely the reformation of the criminal nor the deterring of others from crime, but is the realization of the notion of conscious self-determination and the negation of its opposite.

Crime, though the complete negation of right and also of the violation of that and thus in so far complete nullity, nevertheless has this point of superiority to mere right—that it makes explicit the dependence of the sphere of right or objective will, upon that of subjective will, and shows thus the existence of the reality of *morality*, or will that is purely as such its own end. That is to say, if, on the one hand, the individual realizes its nature only in union with other individuals, that union is not merely abstract and formal, but is rooted in the acts of those wills individually as a law, each, to itself, so in the agreement of each concrete will with itself—i. e., morality. The sphere of morality is, as compared with that of right, primarily subjective while that of right is primarily objective. In morality the subject is for himself, or consciously, what in right he is only virtually. The morality of an action lies in (1) the inner intention—morality in its