# Lectures on Natural Right and Political Science The First Philosophy of Right

# G. W. F. HEGEL

*Translated and edited by* J. Michael Stewart and Peter C. Hodgson with an Introduction by Otto Pöggeler

## GEORG WILHELM FRIEDRICH HEGEL LECTURES ON NATURAL RIGHT AND POLITICAL SCIENCE

## THE FIRST PHILOSOPHY OF RIGHT

Heidelberg 1817–1818 with Additions from the Lectures of 1818–1819

> Transcribed by Peter Wannenmann

Edited by the Staff of the Hegel Archives

> with an Introduction by OTTO PÖGGELER

Translated by J. MICHAEL STEWART and PETER C. HODGSON

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## Lectures on Natural Right and Political Science The First Philosophy of Right

These lectures constitute the earliest version of Hegel's *Philosophy* of *Right*, one of the most influential works in Western political theory. They introduce a notion of civil society that has proven of inestimable importance to diverse philosophical and social agendas. This transcription of the lectures, which remained in obscurity until 1982, presents the philosopher's social thought with clarity and boldness. It differs in some significant respects from Hegel's own published version of 1821.

Nowhere does Hegel make plainer the difference between his concept of objective spirit and traditional concepts of natural law or offer a more prominent treatment of the key notion of recognition. His description of poverty is more forceful and his critique of existing social conditions more thorough than in the published edition, which had to satisfy the Prussian censor. The strictly limited powers of the monarch are more clearly delineated in the Heidelberg lectures, and the arguments for a bicameral legislature are more explicit. Hegel formulates in a more dynamic way his understanding of the relationship between rationality and actuality – the rational is not what exists but what is coming into being – and sets forth more simply and clearly the central themes of his political philosophy – freedom, justice, and community.

The Heidelberg lectures are an indispensable resource for understanding the edition of 1821 and an invaluable supplement to one of the great classics of political philosophy.

Since the first appearance of this book, Oxford University Press \* has assumed publication of the Hegel Lectures Series. Earlier volumes have been reprinted and new titles added.

## translators' PREFACE

We are pleased to offer this translation of the earliest version of Hegel's *Philosophy of Right*, namely the lectures on "Natural Right and Political Science" delivered in Heidelberg in 1817–18. The manuscript containing law student Peter Wannenmann's transcription of the lectures was discovered in 1982 and published a year later by the editorial staff of the Hegel Archives at the Ruhr University in Bochum. Plans for an English translation have been under way for a decade but have been delayed by various circumstances.

The annotations to the text provided by the German editors are limited to indications of sources for quotations and references to other works occurring in the text as well as to cross-references to other passages in the text. They are not a commentary and also do not seek to comment on parallel passages in Hegel's writings. As far as possible, references are to those editions that it is certain Hegel used; in other cases first editions are cited wherever possible. References are also given to modern standard editions in the original languages, but not to English translations except in the case of works by Hegel. The translators have added a few notes that call attention to significant differences between these lectures and the published version of 1821, *Elements of the Philosophy of Right*. For an excellent commentary see the editorial notes to the recent translation of the latter, edited by Allen W. Wood and translated by H. B. Nisbet (Cambridge University Press, 1991).

The textual apparatus of the German edition identifies all variations between Wannenmann's manuscript and the edited text. We retain only those variations that have a bearing on meaning. We

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#### PREFACE

have reproduced the emphasized words in the dictated paragraphs; presumably the emphasis is attributable to Hegel. The expository passages following the dictation are printed in the German without breaks; we have added paragraph breaks at appropriate points.

The translation principles guiding our work are similar to those established for other volumes in this series of Hegel Lectures; see the Editorial Introduction to *Lectures on the Philosophy of Religion*, vol. 1 (University of California Press, 1984), pp. 52–58. In particular it should be noted that we have avoided gender-specific language as much as possible. The glossary prepared for this work draws upon the one used for the philosophy of religion and has been greatly assisted by the glossary provided in the Wood and Nisbet edition of the philosophy of right. The translation of a few specific terms is discussed in the translators' notes, and the German of key terms or of difficult-to-translate terms is often given in brackets in the text. We have slightly modified and updated the bibliography; and we have added a few references to the editorial introduction by Otto Pöggeler.

*Note*: J. Michael Stewart died in December 1994 before this book could be published. The translation is largely his work, occupying much of his attention during his last two years. It is a fitting culmination to his contribution to Hegel studies through the new translations published by the University of California Press.

### PETER C. HODGSON

# ABBREVIATIONS

## FREQUENTLY CITED WORKS

Fichte, Beitrag	Johann Gottlieb Fichte. Beitrag zur Be- richtigung der Urtheile des Publikums über die französische Revolution. Part 1, Zur Beurtheilung ihrer Rechtmässigkeit.
	N.p., 1793.
Fichte, Gesamtausgabe	Johann Gottlieb Fichte. <i>Gesamtausgabe</i> . Published by the Bavarian Academy of Sciences. Edited by R. Lauth, H. Jacob,
	and H. Gliwitzky. Division I. Stuttgart– Bad Cannstatt, 1964 ff.
Hegel, Gesammelte Werke	Georg Wilhelm Friedrich Hegel. Gesam- melte Werke. Edited by the Academy of Sciences of Rhineland-Westphalia in as- sociation with the Deutsche Forschungs- gemeinschaft. 40 vols. projected. Ham- burg, 1968 ff.
Hegel, Werke	Georg Wilhelm Friedrich Hegel. Werke. Complete edition edited by an Associa- tion of Friends. 18 vols. Berlin, 1832 ff. Some volumes issued in second editions.
Kant, <i>Rechtslehre</i>	Immanuel Kant. <i>Metaphysische Anfangs- gründe der Rechtslehre</i> . Königsberg, 1797. (Part 1 of the <i>Metaphysik der</i> <i>Sitten</i> .)

ABBREVIATIONS

Kant, <i>Schriften</i>	Immanuel Kant. <i>Gesammelte Schriften</i> . Edited by the Royal Prussian Academy of Sciences. Berlin, 1900 ff.
Montesquieu,	(Charles Louis de Secondat, Baron de)
De l'esprit des lois	Montesquieu. Œuvres. New edition, re- vised and supplemented by the author. Vol. 1 contains Les XXI premiers livres de l'esprit des lois. Vol. 2 contains Les X derniers livres de l'esprit des lois. Lon- don, 1757.
Montesquieu, Œuvres complètes	Montesquieu. Œuvres complètes. Vol. 2 contains De l'esprit des lois, pp. 225– 995. N.p., 1951.

## SIGNS AND SYMBOLS

[]	Ξ	Insertions in the text by the editors and translators.
34	=	Page numbers of the German edition, on the outer margin with page breaks marked by vertical slash in text. Vorlesungen über Na- turrecht und Staatswissenschaft (Hamburg: Felix Meiner Verlag, 1983).
[ <i>Ed</i> .]	=	Editorial annotations.
[ <i>Tr</i> .]		Translators' notes.
Ms. reads:	Ш	Readings of the manuscript that have been altered in the edited text for purposes of meaning.
Non-indented	Ξ	Hegel's dictated paragraphs.
passages Indented passages	н	Hegel's expositions as recorded by Wannenmann.
passages		Wannenmann.

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## E D I T O R I A L INTRODUCTION

#### Otto Pöggeler

When Karl Marx published in 1844 an article in the Deutsch-Französische Jahrbücher intended as the introduction to his forthcoming Critique of Hegel's Philosophy of Right, he claimed that "German philosophy of right and of the state" was "the only form of German history standing on a par with the official present." Marx acknowledged that through Hegel (whose Philosophy of Right it was indeed his intention to criticize) "German philosophy of right and of the state" had received its "most consistent, richest, and final version." The actual political conditions in Germany were, in Marx's view, an anachronism; even those who rejected them had barely, by French chronology, reached the level of 1789. In Germany Luther had thrown off external religious authority in order to establish an inner religious authority-and make theology a contributing factor in the failure of the Peasant Wars. But philosophy had already taken the further steps needed to revolutionize the legacy of the past, with the Hegelian Left's critique of religion providing the final push in this direction.

Forming the counterpart to the dim view Marx took of German conditions by comparison with those in France were the equally bright prospects he sensed to be resulting from the contrast between political backwardness and the advances made by philosophy. Could discontent with existing conditions not combine with thought in such a way that prevailing conditions would be revolutionized once and for all? In thus looking for a final, conclusive revolution and the emancipation of "the" human being as such, the young Marx-before he turned to the analysis of English economic conditions and economic theories, and before the more strongly marked empiricism of his German Ideology-can be said to have been, in a bad sense, "more monkish" than Luther and "more philosophical" than Hegel. In any event by 1843, when he began to develop his critique of Hegel's political thought during his stay in Kreuznach, Marx had come to reject the idea of a representative constitution with which Hegel had sought to bind civil society (even as it was in process of emancipating itself) to the state once again and thus reconcile old European and revolutionary tendencies. Opposing historical forces must, in Marx's view, fight it out, and there was no logical artifice that could mediate between them. But this was to reject the basic idea that had underlain Hegel's concern with the questions posed by a "practical philosophy" from the time he had first begun writing political pamphlets. After Oriental despotism and classical republicanism, the system of representation, so we are told in his critique of the German constitution,<sup>1</sup> is a "third universal form" to which "world spirit" has attained in the political field.

The young Hegel had initially accepted the view that classical republicanism could be recovered for his own time through the French Revolution and by guiding the German spirit in the light of the shining example afforded by Greece. He had then seen, however, that in the political domain (as also in the religious) European history was being led by new motifs. The attachment of the Germanic peoples to the freedom of the individual, and the bond of loyalty of individuals, had continued to operate under feudalism. When in the fourteenth century new economic conditions gave rise to the emergence of strong guilds among the corporations set up by the estates, and the new municipalities developed auton-

<sup>1. [</sup>Tr.] The so-called Verfassungsschrift, composed between 1799 and 1803 (see Hegel, Gesammelte Werke 5:1-219); translated as "The German Constitution" in Hegel's Political Writings, trans. T. M. Knox with an introductory essay by Z. A. Pelczynski (Oxford, 1964), pp. 143-242.

omous forms of administration, the resulting territorial state had used the representation of these corporations and councils to place its authority on a stable basis. The French Revolution, it now seemed to Hegel, had swept away a system in which the rights of the estates no longer made possible the assumption of duties but had become mere privileges. Even where, instead of outmoded forms being swept away by revolutionary action, a reform sought to reintroduce reason to the legacy of tradition, the historically new was in Hegel's view at work, a process beginning with the rise of the middle classes during medieval times.

In opposition to Sieves, Hegel insisted that representation and consequently the parliamentary system, under which in the large and complex states of the modern age the few speak for the many, had their roots in the Middle Ages. What had to be done was to reanchor the representatives to their proper sphere, to the sphere of the estates or classes (using that term [Stände] in a new sense). The problem that now arose was how to combine a parliamentary system of this kind, drawing the political consequences from the emancipation of civil society, with the state's traditional regulatory function. It was not only Karl Marx who saw in this the central problem of Hegel's philosophy of right but also Lassalle, who maintained in stronger terms the significance of the state, and also Lorenz von Stein, who carried the discussion over into the field of social science. Conversely, Hegel's view that civil society has emerged as a relatively independent form of the ethical in relation to the house or family and the polis or state was the point that proved unacceptable to a historian like Dahlmann or a Hegelian such as Johann Eduard Erdmann.

To begin with, Hegel was discussed primarily on the basis of his political options. It was left out of account that the young Hegel had been an enthusiastic supporter of the French Revolution, but that after bitter disappointment his hopes had then turned to Austria as trustee for a renewal of the German Empire. The question was whether Hegel, who since the battle of Jena had had an abiding enthusiasm for Napoleon, carried on the heritage of the Revolution or rather was to be claimed as the philosopher of the reestablished Prussian state. Was he not thus in fact the German national philosopher in the same way that Schiller and Goethe were regarded as the great national poets? Could he be claimed even for Bismarck's Germany?

When the wars and civil wars of the twentieth century had destroyed the old Europe and removed it from the center of the world, the question remained as to what contribution Hegel had made to consideration of the new direction taken by history since 1800. Was Hegel the philosopher who had recognized the emancipatory tendencies of civil society but, faced with the contradictions of development, had sought refuge in once more affirming the positive role of the state? Or had he appealed to the regulatory function of the state in a conservative or rather pro-governmental frame of mind? With his recourse to metaphysical solutions had he helped to pave the way for the most diverse varieties of totalitarianism? Or could not on the contrary the young Hegel at least be ranged on the side of those protesting against the senselessness of the present-day world, or at all events calling for a new experience of history and historicity? The main question in regard to Hegel now concerned less the changing options to which he subscribed than the guiding conception underlying his entire political philosophy.

When in the autumn of 1820 Hegel submitted his compendium *Naturrecht und Staatswissenschaft im Grundrisse* for publication, he attached to the book a preface<sup>2</sup> which adopted a harshly and one-sidedly polemical attitude toward current political affairs. However, in this preface Hegel does not deal only with contemporary events; instead he is mainly concerned to give vent to his awareness that there has been a break in world history. The traditions of practical philosophy or of political science extending from Aris-

2. [Tr.] See G. W. F. Hegel, Elements of the Philosophy of Right, ed. Allen W. Wood, trans. H. B. Nisbet (Cambridge: Cambridge University Press, 1991), pp. 9–23. The complete German title is Naturrecht und Staatswissenschaft im Grundrisse: Grundlinien der Philosophie des Rechts (Natural right and political science in outline: Elements of the philosophy of right). The work has come to be known by its subtitle.

totle to Christian Wolff have been given up along with the former pattern of Europe. This type of philosophizing, "which like an exercise in Scholasticism might have continued to spin its web in seclusion," has now, so he affirms, been brought into a closer relationship with actuality, "in which the principles of rights and duties are a serious matter." In this way it had come to an "open break." Hegel sees the danger of the time in the fact that the attempt to understand rights and duties on the basis of the selfdetermining activity of freedom turns into doubt as to whether this task is not in fact beyond the powers of reason. An "atheism of the ethical world" in his view sees the spiritual universe deserted by reason and merely repeats the confused protests of youth. When Hegel rebukes Fries on the occasion of his Wartburg oration for making the articulated fabric of ethical life into a mishmash of "heart," "friendship," and "enthusiasm," he is to be sure retracting key words that had been valid for him in his own youth, above all during the time of his association with Hölderlin in Frankfurt.

However, these motifs from Hegel's youth come to the surface again in 1844 when Ruge, Marx, Bakunin, and Feuerbach open their Deutsch-Französische Jahrbücher with an exchange of correspondence. Writing on the "Rousseau Island" in the Lake of Biel, Bakunin speaks of the silver tones of freedom and in this way alludes to lines in Klopstock's "Ode to the Revolution," which in the days of enthusiasm for the French Revolution were on everyone's lips (and so also occur in Hegel's student scrapbook). In a letter to Marx, Ruge quotes Hölderlin's lament for "this disjointed age" in his Hyperion, the work on which he was engaged when he and Hegel began to see each other again in Frankfurt. As Hegel's early writings were at that time still unknown, Marx hoped to find at least a pointer to Schelling's first published works. What was involved here, however, was not a question of reference to texts but the resurfacing of motifs that operated from within history itself as an actuating force on thought.

Today Hegel's 1820 Philosophy of Right stands beside Plato's Republic and Aristotle's Politics, beside Hobbes's Leviathan and Rousseau's Contrat social. Admittedly some are of the opinion that Hegel's compendium lacks the literary merit and representative function of these other works. Was Hegel at all successful in giving full weight, in a mature and valid presentation, to the motifs that shaped his thought? Did he achieve for what was presented the demonstrative value he does after all claim for it? The work is seen as molded by a spirit of servility and accommodation, and it is feared that the tightened censorship resulting from the Carlsbad Decrees (1819) may have caused Hegel to pass over certain thoughts in silence. Heinrich Heine had already at an early stage characterized German philosophy (even if not that of Hegel in particular) as the "dream" of the French Revolution. After meeting Hegel's distant disciple Karl Marx he also attributed this role specifically to Hegelian philosophy. Heine spoke too of the fear of censorship, which in the form of self-censorship becomes "fear of one's own words." To be sure, imputations of this kind fail to take into account the way in which Hegel contrasted constitutional development in France and Germany in an all-embracing European comparison. They disregard what historical knowledge we may possess regarding censorship practice at that time and Hegel's relaxed reaction to it.

Hegel's Philosophy of Right cannot be discredited with this type of criticism; and it therefore remains incumbent on us to study the decisively new approaches made to the problem in the work of 1820-such as the redefinition of the role of society or the application of concepts of Aristotelian theology to the idea of the good as an end in itself. As a compendium, however, the Philosophy of Right was intended to be expounded in lectures and revision courses; moreover, it grew out of the actual business of lecturing. It may therefore be useful to make available in a study edition Hegel's first attempt at this subject-the dictated paragraphs and the transcript of his expositions from the lectures given at Heidelberg in the winter of 1817-18. The aim of this edition must not only be to add to the continuous stream of new variants and reconstructions of variants for the formulation of Hegel's thought, to which authentic texts afford us better access; it must also serve to orient us toward the study of his authorized publications, not away from them. The transcript published here indeed embodies Hegel's "original philosophy of right" and so makes it possible to identify with more certainty the starting point for that part of the definitive Hegelian system which presents the philosophy of objective spirit as a philosophy of right.

Hegel's lectures on "Natural Right and Political Science" were delivered in Heidelberg during the winter of 1817-18 six times a week from 10:00 to 11:00 A.M. "on the basis of dictated passages." They were given at a time when the restored Bourbon regime in France had acquired a constitutional basis in the Charter, and when the German Länder-especially the southwestern German states of Baden and Württemberg whose boundaries had been redefinedwere seeking to give themselves a constitution in accord with the directives of the Congress of Vienna. Thus conversations everywhere were marked by discussions on constitutional matters. It was at this point that Hegel first emerged as a political author with a review of the constitutional negotiations in his native state of Württemberg.<sup>3</sup> So it is not surprising that the formulation of part of his system for delivery as lectures lays stress, in a manner not encountered again, on questions of constitutional development as well as on institutions such as trial by jury, and that it harshly criticizes possible cases of arbitrary action by officials (not without reference to the clique of bureaucrats in Württemberg).

The transcript was compiled by the law student Peter Wannenmann. Wannenmann followed Hegel to Berlin and tried to supplement his Heidelberg transcript with notes from the lectures Hegel gave on the philosophy of right in the winter of 1818–19. But in doing so he ran into difficulties because Hegel inserted a large number of paragraphs into the first part of his lectures, and thus the new presentation no longer fitted into the framework of the Heidelberg lectures. Consequently Wannenmann broke off the Berlin notes on 10 November 1818, at the end of the introduction. He returned to Heidelberg for the following term, as can be seen from the Heidelberg matriculation register.

Hegel lectured on the basis of dictated passages; that is, he dictated the individual paragraphs and then expounded them. Another

3. [Tr.] "Proceedings of the Estates Assembly in the Kingdom of Württemberg, 1815–16," translated in *Hegel's Political Writings*, pp. 246–294.