guilt of Clytemnestra is not punished in this particular case, if the wrong which Antigone as sister experienced is not redressed, then there is in itself a wrong. But these sufferings of love, these heart-rending hopes, this being in love, these infinite anxieties which a lover experiences, this eternal felicity and blessedness that he imagines, are not in themselves of general interest, but pertain only to himself.

Every man indeed has a heart for love and the right to find happiness in loving; but there is no injustice done if he exactly in this case, among these and those circumstances, in respect to precisely this maiden, does not attain his aim. For there is no necessity that he interest himself in this capricious maiden, and that we should be interested in an affair so accidental which has neither extension nor universality. This is a phase of coldness that manifests itself in the development of this ardent passion.

HEGEL AS PUBLICIST.

Translated from the German of Dr. K. ROSENKRANZ, by G. S. HALL.

When compendiums are printed, their style is usually meagre and skeleton-like; the paragraphs of the Hegelian Encyclopedia, on the contrary, preserve for us a lively, didactic prose, in the intensive fullness of which it is throughout felt that a high geniality has imposed such a limitation upon itself with freedom. Behind these well-weighed words, the rich spirit may be conjectured which is able to broaden each into an entire world of meaning and to defend each in its own peculiar significance.

The Heidelberg professors had made the "Heidelberg Yearbook" a critical organ, which, at the time of Hegel's sojourn there, was at the acme of its highest prosperity. At first it represented the stand-point of Romanticism, which at the time of the French dominion had a national patriotic significance. Daub, Creuzer, and Goerres, who had previously been united in the editorship of the "Studien," exercised at first the greatest influence upon it. At the time of Hegel, Paulus had as-

sumed its editorship. He procured Hegel's coöperation. The latter furnished only two criticisms, which however for philosophy as well as for himself were of great significance. One was upon Jacobi, the other upon the Würtumberg Constitution.

In the "Critical Journal," which he published with Schelling, he had sharply attacked the stand-point of Jacobi. Now, as Jacobi, at the close of his career, began to publish his collective works, he desired to explain himself once more to him, and, aside from all positive differences, to become, out of respect for his endeavors, reconciled with him. This he could not do without affecting Schelling, who in the meantime had come to a most violent rupture with Jacobi. Every recognition of Jacobi on the part of Hegel, although it be qualified, must offend Schelling, however much Hegel might emphasize Schelling's scientific right as opposed to Jacobi. This is a point which for the further relations of both philosophers is so often overlooked. That which is, however, often still more overlooked, was that in this critique Hegel was necessitated to pronounce with reference to atheism.

The reproach of atheism was first raised against Fichte by the government of Saxony — against Schelling by a philosopher, by Jacobi. The latter saw in Schelling's philosophy renewed Spinozism. Against this Hegel had decidedly pronounced in the "Phenomenology of Mind," and had expressly recognized the Christian religion as absolutely true. Later, in his Logic, he had subjected Spinozism to extended criticism and had shown its untenableness. He accorded right, therefore, to Jacobi in finding Spinozism defective, because, in the conception of the Absolute, it suppresses the moment of subjectivity. It follows hence that substance is to be apprehended, not merely as being and essence, but also as subject; i.e. not merely as causal necessity, but also as self-determining and self-conceiving freedom. The introduction to the third part of his Logic, which he entitled Subjective Logic, has no other purpose. Hegel must, therefore, admit to Jacobi that he could find no satisfaction in Spinozism. It is impossible for one to express himself clearer than Hegel has here done upon the point whether God is to be known only as substance, or at the same time as subject. The Absolute is

not as it were only so far subject as it becomes so in plants, animals, and man, but it is subject in and for itself.

When Jacobi, however, affirmed that we could apprehend the Absolute only in faith, only in feeling and not in thought, in self-conscious conception, Hegel denied it in the most decisive way. Jacobi had even advanced to the paradoxical proposition that all demonstrative philosophy must lead to atheism. Hegel, on the other hand, proved the necessity of proof if the question of science was at all involved. The tenderness with which Hegel treated Schelling as well as Jacobi, without in the least sacrificing positive sharpness or his own dignity, makes this critique one of the most exemplary polemics. While he allowed no doubt to remain that he apprehended the Absolute in and for Itself as subject, there was offered to him, on the other hand, an opportunity to express himself in a popular manner upon the conception of the state, which he had done in the short paragraphs of the Encyclopedia only in very general and often dark outlines.

Now came the proceedings of the Diet of Würtemberg upon the new constitution of the state, which, through the confederacy of the Rhine, had grown into a kingdom. The state, even after the war of emancipation, was still a conglomeration of the most diverse particular rights. It needed to be transformed upon the principle of the freedom of person and of property; the equality of all citizens before the law; the uniform distribution of the burdens of taxation; freedom of religion and freedom of the press; the legal participation of the citizens in legislation, and the responsibility of ministers. The kings of Würtemberg recognized this necessity, and laid the plan of a constitution before the aristocracy. It met with determined opposition, because it must of course demand the surrender of many privileges. These were named by the aristocracy "good old German rights," and the royal presumption in proposing to sacrifice them to the common good was rejected with indignation, while the constitution was suspected of being a means of despotism. It was not only the nobility who were hostile, but especially the guild of advocates and notaries, who feared that under a new constitution they would lose much of their influence and of their incomes, because the incessant collisions of multitu-

dinous privileges was the occasion of innumerable suits at law, by conducting which they were able to watch over and plunder the rest of the citizens. After violent contests, in which all the animosity of political passions was let loose, the kingdom finally accomplished its work. The proceedings were printed, and Hegel undertook their criticism. So far as the public was concerned, he here entered a sphere of activity which was entirely new, for the question was now not upon the judgment of a philosophical system by any single author, but upon the political act of two princes of a neighboring state, of the same stock as that from which Hegel was descended, the capital of which was his early home, and the constitution of which, as early as the close of the preceding century, he had made the subject of an unpublished reformitory article. Upon which side should he, as a philosopher, take his stand in his critique? Upon the side of the so-called good old right of the aristocracy? Impossible; for this right was the prerogative of feudalism, the privilege of the guild, the purchased monopoly of the rich. He must, therefore, take his stand with the kings, for they were, in this case, the representatives of rational freedom, of the true idea of the state.

That this took place in a small German state does not affect its importance. The reproach has been made that Hegel glorified the petty Schwabian kingdom with Asiatic flattery. The inhabitants of Würtemberg themselves, later, became proud of their constitution, and the contests in their chambers have exercised a politically-shaping influence upon all Germany. The names of Uhland and Pfizer were as popular in Berlin as in Stuttgart. Hegel always had strong political instincts. It was natural that the occurrences in his narrow fatherland should interest him intensely. He was patriotic so far as to recognize the independence of nationality as one of the essential conditions of a healthy state life; but he was not patriotic in the polemic, fanatic sense, the Germanic tendency of which proceeded from Fichte, Fries, and others, who attempted to organize the student corps into an exclusively German party. In his opening address at Heidelberg, Hegel had emphasized the maintenance of our nationality itself as a chief moment, through which the higher advancement of scientific thought might be secured among us. No modern

state can make national purism its principle, because the purity of races is everywhere impaired. Germans have everywhere come in contact with Roman, Celtic and Slavic elements, and the reason of the state must subject itself to the peculiarity of its population. The Jews, scattered among all nations, are careful that this be not forgotten. That which in his youth had so interested Hegel in the French revolution, viz. the creation of a state in accordance with the Idea, now attracted him strongly in the proceedings in his fatherland. In France it was the people who wrested the modern state from the kingdom, while in Würtemberg it was the kingdom which must win the free constitution from the people. In the introduction to his critique he delineated this noteworthy situation in a masterly way, such as was possible only from a profound understanding of history. Hegel's style has nothing of what is wont to be called rhetoric in the ordinary sense, for all phrases, all Ciceronian *ornate et copiose dicere*, was opposed to his strictly matter-of-fact nature. The German language stood at his command in rare compass, to give to his thoughts the most happy and manifold utterance. The dramatic vividness with which he depicted the course of the proceedings of the Diet is incomparable. The loftiness of his style passes over now and then to the bitter *comique*, with which he lashes the hypocrisy of that egoism which perverts the words fatherland, freedom, right, fidelity, and uses them against laws and princes in order to conceal its own private interests. The case which Hegel treated as a concrete one is the same in all history. It is the conflict of the progress of freedom with positive right, which over against the self-consciousness of more cultured reason has become a wrong, and struggles against dissolution because it has hitherto been accredited as a recognized chartered right. On this point Hegel had a perfectly philosophical consciousness, and the incisive words with which he expressed it will ever renewedly awaken the liveliest interest in the historian and the philosopher. Those who know the course of real affairs will not wonder that the passion of the reactionary party which Hegel, with his firm frankness and truly statesmanlike superiority had found so sensitive, turned upon him with rage because he defended the princes in their constitu-

tional endeavors, and abused him as a servile man. Hegel has never uttered a word respecting this suspicion; he was above such insinuations of the crowd. It is, however, unprecedented that now, after several decades, his enemies are not weary of persecuting him, on account of this critique, as an anti-popular servant of kings, without being able to adduce a single actual proof for such bitter disparagement.

Even a historian like Gervinus, in his history of modern times, is not free from this acridity which has become traditional. Dr. Haym's groundless aspersion of Hegel, in his work "Hegel and His Time," as if he would have purchased, by his criticism of the government of Würtemberg, the chancellorship of the University of Tubingen, I have answered in my "Hegel's Apology before Dr. Haym." The proof which I demanded for the foundation of such an insinuation has not yet to my knowledge been furnished.

Since the July revolution, Germans have made great progress in political science. In this they were very backward when Hegel wrote. Hegel lacks the declamatory pathos in which Fichte was so great, as well as the diplomatic dexterity of a Genz; but the philosophic sobriety which permeates his political inspiration imparts to his language, in its apt acuteness, a peculiar nobility. The great philosopher enchants us ever by the exalted naivety of his soul, which knows no other cultus than the truth; and this naivety, replete with a deep infusion of history, makes the philosopher a classic publicist, who judges his age, and knows how, fittingly, to say to it what it has to do.

HEGEL, PRUSSIA, AND THE PHILOSOPHY OF RIGHT.

The local spirit of the beautiful city of Heidelberg seems to favor the so-called positive sciences rather than philosophy, and Spinoza indulged perhaps a proper instinct when he refused the call of the elector of the Palatinate to a professorship there. And yet Hegel's efficiency during the two years, 1816 and 1817, in which he lectured there, was of comparatively great significance. He prepared, however, in 1818 to go to Berlin, with which he had previously had relations. In this, as in all that is historical, the element of chance can be discerned, but for Prussia as well as for Hegel it was

necessity. Prussia is the philosophic state *par excellence* in Germany, which has allowed no great German philosopher since Leibnitz to remain outside it. The chair which Fichte had occupied had been vacant since 1814. Solger proposed Hegel for the place. In the biography of Fries the correspondence is given which DeWette carried on with him concerning this call. Fries wished especially to come to Berlin. DeWette, his theological disciple, left no means untried to influence the majority of the Senate in his favor. In this electoral contest, and the passionate agitations which attended it, the two parties may be seen which in the University of Berlin opposed one another even more resolutely, and in which was reflected the great antithesis which pervaded the entire age.

At the beginning of the century, Hegel had almost abhorred Prussia on account of its bureaucracy and its court service, and had foreseen the fate of the Prussian army at Jena. But this state had undergone a new birth which showed that it yet bore within itself a great future. This future is at the same time the future of Germany itself, for the Ultramontanists and the South-Germans may abuse Prussia as much as they will; still Germany will not again get rid of Prussia, for it is the only German state that can save united Germany and conduct it to a higher national plane.* The Congress of Vienna would not round off Prussia; it gave to it the Rhine province as an *enclave* between Hessia, Nassau, Rhinic Bavaria, France, Belgium and Holland, and thus imposed upon it the Watch on the Rhine. Eventually, the Rhinic province with Westphalia could be again snatched from Prussia, and be declared an independent kingdom for any prince. Prussia must make vast endeavors so to organize its own military power that it could be ready to commence war with France at any moment. It was thus that it became stronger than its intriguing enemies had intended. Its geographical position brought it into immediate territorial contact with Russia as well as with France, as was the case with no other German state. It bordered on Austria and (with the exception of Würtemberg and Baden) nearly all the German middle and

* This was written in 1868.—Ed.

smaller states. Although the wasp-like contour of the Prussian state was made the occasion of much reproach, yet it was from the very fact of its many-sided border-contacts that it rose to an influence over all Germany, which rendered the foundation of the *Zollverein* possible as the first real unification of the German states. With the Rhine it had also taken into its domain the last of the great streams which flow from south to north into the sea. Cologne, under the Prussian administration, rose to renewed prosperity as a commercial city. Besides the encouragement of material interests, Prussia had undertaken through the Rhine provinces the difficult task of winning the confidence of the other Rhinic provinces, for the intensity of the prejudices with which these were then filled against the Prussian government can scarcely yet be correctly represented.

Hegel entered the Prussian state as a stranger. He felt in Berlin that an intense thought-life pervaded the entire atmosphere. This predominance of North-German reflection impressed him favorably with Berlin, because it responded to his character as a philosopher. He unduly transferred the impression which Berlin made upon him to the entire Prussian state, just as most Frenchmen and Englishmen are wont to do who conceive the one-sided views of Berlin to be the exhaustive expression of the entire Prussian community. Hegel began to interest himself in Prussia as a model state, but as a philosopher he cherished still another ideal which by no means tallied with the actual condition of Prussia.

That, which the great Prussian statesmen and military heroes of that epoch strove for, surpassed, in its tendency, the Hegelian conception of the state, in the greater participation which it allowed to the people in legislation. In a state where the system of defence obliged all citizens without exception to defend the land from invasion, they would admit all to participate in legislation. In a state where municipal communities administered their own affairs, the question of a bureaucratic omnipotence of the ministers as in France could not arise. In a state where rights of seigniory and tutelage were removed, where the possession of land and industry were left free, where access to all state offices was conditioned

only upon proof of competency,—in such a state mediæval conditions, forms, institutions, could find no longer a footing.

Rejuvenated, well-matured Prussia was built from 1810 to 1815 upon democratic foundations, which were given by the monarch himself. The elevation of the entire system of instruction by Wilhelm von Humboldt and von Altenstein, the establishment of the universities of Berlin, Breslau and Bonn, and the more munificent endowment and equipment of those at Halle and Königsberg, was accomplished in a democratic sense, for Prussia had made attendance at schools compulsory upon all. But after Napoleon had been conquered, and especially after his death, the reaction of the aristocracy and hierarchy against the political establishments of Prussia grew stronger even in Prussia itself. It resulted in that sad policy of restoration which now we are wont to call, from its most prominent representative, the policy of Metternich. This policy invaded Prussia, and began to imprint upon the government a political character of distrust for the people. The immediate result was that the people found no legislative representation, but provincial diets were established in their stead.

The combinations of the student-corps furnished occasion and pretext to the governments to persecute the democratic movement as revolutionary. Fichte, in his discourses in Berlin on the German nation, had declared the then passing generation incapable of achieving a *renaissance* by reason of the general depravity, and he called on the better trained young men to save the nation. These young men had actually followed with enthusiasm the call of the king into the war with France, and, thirsting for freedom and braving death, had shed their blood upon the battle-field. They dreamed of a great united German kingdom with an emperor at its head. In songs of wondrous beauty they sang of the indissoluble fraternity of Germans, and of the future glory of the new kingdom which was to arise from it. And not youths alone grew eloquent over the resurrection of the old Barbarossa, whom the saga makes to slumber with sword in hand, now in Kyffhaüser on the golden Au, now under the mountain near Salzburg; but many men joined this movement, and, old and

young, united in societies for physical culture in gymnastic halls and in Turner expeditions. The danger of this tendency lay in over-exciting patriotic feeling, and in over-stimulating national purism for want of deeper political conceptions. The attack on President von Ibell and the murder of Kotzebue by Sand were outbursts of an enthusiasm which had degenerated to fanaticism. As the student-corps conceived it to be a holy resolve to murder Kotzebue, they might with the same propriety resolve to remove by assassination a prince who was displeasing to them.

Princes trembled upon their unsteady thrones before such a secret tribunal, and the military trials filled not only fortresses with their sacrifices, but occasioned, after the resolutions of Carlsbad, a fanatical tendency to censure all liberalistic movements. Hegel, no doubt, harmonized with the governments in their opposition to these movements and excesses of the students; he certainly never approved of the frequently terrible severity of the Inquisition. What could he do? He sought to save the young by offering to them rational conceptions of right and of the state. Many in maturer years have thanked him for reconciling them with the present by his instruction—by explaining to them, instead of the Utopian ideal of their morbid aspiration, the organism of the state. While he won the love of very many sturdy members of the student-corps, he remained filled with inappeasable indignation against the leaders of the corps and especially toward Fries.

He published in 1821 a text-book on the Philosophy of Right and of the State, in which he more widely developed the brief hints in the paragraphs of his Encyclopedia. As in the latter so here in this presentation he assumed a more dogmatic tone, and in the numerous remarks which were directed against views which deviated from his own, a more polemic tone than that which he had allowed to pervade the dialectic genesis of the Phenomenology and the Logic. The didactic end he had in view might justify this form, for he sought only to establish a foundation for his lectures; but it remains a subject of regret that he treated so important material only in the form of categorical dictation, for the element of proof became therefor too meagre. Within this limit his language,

like the style of inscriptions on monuments, is uniformly significant. Since he presented the dialectic here only in the general construction, he became for the first time intelligible to the public at large, which has an appetite only for the *results* of thought.

It is quite inconceivable how the construction of servility to the Prussian government can be put upon this work, as if in his paragraphs he had copied the Prussian state as it was empirically presented to him. Hegel did not become false in Prussia to that conception of the state which he had defended in Bavaria against the Würtemberg reaction. Prussia was then not a constitutional state; there was no publicity or oral procedure in the maintenance of justice, no freedom of the press, no equality of citizens before the law, no participation of the people in legislation or assent on their part to taxation,—and all this Hegel taught as a philosophic necessity. When in remarks he lashed the caricatures which often distorted the idea in the field of every-day reality, even this was quite in order, and even this contributed to clarify conceptions. In order to bring him under the suspicion of the crowd, these caricatures, painted with satirical colors, have been excerpted and peddled about as his own definitions.

That which distinguished Hegel from preceding philosophers was the conception of constitutional monarchy as the absolute form of the state. He well knew that a state could pass through different constitutional forms, but as a philosopher he considered this the only form which fully corresponded to the idea of freedom. It is a very common opinion that a philosopher can only be a republican in politics, although it is generally added by way of lament that the imperfection, and especially the moral weakness of man, renders the realization of a republic very difficult. Hegel contradicted this current view by the emphasis with which he insisted on monarchy. Many make this a ground of reproach against either the profundity, or, still worse, against the sincerity, of his thought. He was, however, in thorough earnest with his deduction of monarchy, and he had taught it in Jena just as well as in Heidelberg and Berlin. He had a rich political experience, having made himself acquainted with the most diverse constitutions, including those of the republics at Bern

and Frankfort. He had witnessed the rise of the French republic and its transition to despotism, the fall of the Polish and the German elective monarchies as well as the impotence of hereditary monarchies, which cherished only dynastic egotism and which had never been organically united with the people. He did not, however, derive his proof of the necessity of hereditary monarchy from experience or from comparative studies, but from the conception of the sovereignty of the state, which must exist self-consciously in a real person and which must be securely removed from the instability of parties. Such an influx of nature into history would be fortuitous and unphilosophical, if, in the first place, the royal family itself had not been mediated historically, so that its call to the governmental functions was a natural fact; and secondly, if the ruler had not the freedom to renounce the throne if he felt himself uncalled to rule. Montesquieu was the first who, in his *Esprit des Lois*, made the conception of a constitutional government popular and put forward the view of the separate organization of the powers of government. Hegel is the philosopher who taught, not like Kant, the general necessity of the representative system, but who identified the idea of constitutional monarchy with that of the fully developed, rational state. He was very far from deifying the person of the prince in the sense of the abstract legitimist theory, for he often said that in a well-organized state very little depended on the special excellence of the ruler; he was only the essential conclusion of the ascending series, the personal summation of the entire state—the dot on the "i," which without it would be a mere perpendicular mark. His tendency to relegate the person and the individuality of rulers to relative indifference was exhibited in his polemic with Haller, who sought with his restorational policy to make rulers, by the grace of God, the private possessors of land and people.

If we compare this legal and political philosophy of Hegel with the principles which he had earlier advocated at Jena, we shall find the same fundamental idea, viz. that of realizing a system of ethics in the state, and shall at the same time see how untiringly he had labored, and revised his labor, in the development of this idea. In his original system, the plan

was at the same time the most simple and the most inclusive, because there he omitted the contraposition of legality and morality. He there divided jurisprudence into three parts. In the first, he treated the elementary distinctions of right, viz. freedom, personality, labor, acquisition of property, exchange and commerce, and up to the origin of the family. In the second, he treated the negation of all these positive elements, the violation of Right—trespass and crime—in all its forms, and the entire world of Injustice. In the third, he presented ethics, which in laws and customs constitutes the will directed to the realization of the good, and in courts constitutes the negation of the negation caused by injustice. Later, he construed ethics as the higher unity of legality and morality, so that the system is finally divided thus: (1) right in itself, (2) morality, (3) ethics. Under the latter he subsumed the idea of the family, of civil society, and of the state, and closed with a perspective into universal history. Hegel had great horror of a state founded merely upon right, where only the externality of personal justification made the frigidity of egoistic rectitude a dominant principle. In this respect, also, he bore a certain grudge against Roman jurisprudence. He regarded with great aversion a state in which the moral ideal held the sceptre, and where all should be made to depend upon good intention, upon subjective consciousness, and upon the conflict of virtue with vice. This moral stand-point, which goes to the extreme of calling the vanity of its own conceit "warmheartedness," and, as satirized in the Xenia, "does the behests of duty with horror," and which finally ends in the complacent pride which, in order not to soil itself, does nothing at all,—this stand-point of abstract internality he treats with almost malicious disparagement. Hegel desired a state which should neither stiffen into the mechanism of a merely external right, nor grow stolid in the virtuous feeling of mere internality. An ideal here ever hovered before him similar to that which Hölderlin has depicted with such aspiration in his Hyperion, and from which he has complained that the Germans stood so far removed. He approached here nearer to Fries and to De Wette than he thought, and Michelet has now openly acknowledged this in his Philosophy of Right by the development of the idea of unions

and associations. Hegel was so strongly possessed with the idea of the state as the "terrestrial God," as he termed it, that in this enthusiasm he can be compared only with Plato, to whom he expressly appeals in the preface of his text-book, although, as he expressly showed in the extended criticism in his History of Philosophy, he rejected the content of this state.

Hegel was convinced that his construction of practical philosophy was the only correct one, and that his method was correspondingly correct. In a remark in the Psychology, which Boumann had printed, he expressed himself with the greatest distinctness, because the antithesis of the objective and the subjective in right and morals was absolutely cancelled by the unity of both in ethics. With such divisions of the subject, one must not look to the right hand or to the left, but must submit himself entirely to the necessity of the idea. I confess still that I have ever found ground of offence in the position he assigns to morality. With such transitions—as those from subject to object, or from object to subject—alone, it is not accomplished. The relation of the general to the special and of the abstract to the concrete is also involved.

The most general conception of the entire practical sphere is the conception of good; for the conception of will in general, without reference to its content, falls to the sphere of psychology. The domain of psychology extends as far as the formal freedom which seeks happiness in the satisfaction of the appetites and passions, i.e. as far as Eudæmonism. Ethics, on the other hand, proceeds from the necessity with which good determines the will as with the truth of its contents. That will only which recognizes and which realizes good, or its law, is really free. Hegel did not forget these elementary determinations; but, instead of making them constitute the first part of the Ethics, he treated them only in the form of an Introduction.

The general conception of good can be realized only through the power of the individual will to which it prescribes duty as the categorical imperative. This is the sphere of morality, which describes the special essence of action. It is an old dispute in morals whether the conception of duty must precede that of virtue, or the converse. This dispute rests upon the fact that we reflect upon the contents of action according

to our concrete determinations. Each of these may be presented as a duty or as a virtue. Hegel condemned the latitude with which this was wont to be done by rightly declaring that each moment of the moral life could issue either in the form of duty or of virtue. Family piety, e.g., becomes the duty of filial, paternal and fraternal love. It need therefore, according to Hegel, only be added to the conception of piety that it constitutes now the duty and now the virtue of the members of the family; and likewise with all the relations of family and of state. We find, therefore, in Hegel no special doctrine of duty and of virtue, because the ethical organism embraces them as its vital development. This thought of Hegel is quite correct, and by means of it the useless and extensive repetitions of content in the ordinary treatment of morals is dispensed with. The meagreness to which he reduced the *morale* does not result from this. Hegel devotes only three chapters to morals, viz.: (1) design and guilt; (2) intention and well-being; (3) the good and conscience. But the idea of duty contains an entire system of determinations which through the moral organism are entirely independent from its concrete contents, e.g. the difference between categorical, hypothetical and disjunctive duty, or the difference between the duty of love and that of compulsion. The same is true of the conception of virtue, the peculiar field of which lies in the difference of virtues, as physical, intellectual, and practical and physical training, and in the formation of character. There is no doubt that the acquisition of all virtues is our duty; but it does not follow thence that the conception of virtue must precede that of duty, for virtue is dependent upon the conception of duty. I must first know what I ought to do before I venture to act. The realization of duty is virtue. Children, e.g., know nothing at all of virtue. Educators make cleanliness, temperance, punctuality, honesty, modesty, etc., duties for them, and accustom them to practise them. With every virtue, the conception of duty, that it is something which *ought to be*, is posited. The conception of action as something which must precede the virtuous act, can be only perfected in the conception of duty as complementary to a necessary action.

The transition from morality to ethics Hegel makes through

the conception of conscience in so far as it can sublate itself through its reflexion. According to him, the eternal laws of ethics, which man must obey without equivocation, are the positive negation of all moral skepticism. But this is the difference of right in general from morality; for right is the will which is valid not for me alone, but for all others as Good. In morality, I stand only before my *forum internum*, before conscience; in right, also, before the *forum externum*, before recognition through general consciousness. That right attains also the external form of a law fixed by authority or by letter, detracts nothing from its high significance, any more than does the fact that empirical rights can exist which in their content are unethical, like the *jus primæ noctis* of the French feudal lords. The circumstance that right can be practised without moral disposition detracts still less from its significance; for right itself is not responsible for this. I must proceed consciously in the practice of right, and must regard in so doing the well-being of others. The internality of the moral stand-point for itself, which is therefore so often apprehended as the stepping-stone to religion, appears higher than the mere externality of positive right; but there is manifestly nothing in right in itself which hinders the existence of morality. Hegel always accepts right in itself only as formal; he cannot deny, however, that ethics assumes essentially the form of right. Private, then, as well as public right embraces the same content which exists as the ethical (*Sitte*). The decay of all ethical organisms takes place when morality evacuates them and leaves only the naked, atomic person with the demands of his denuded rights. Hegel makes the transition from right itself to morality through the idea of imputation, which leads to the idea of premeditation and guilt, and, further on, to intention and well-being. These, however, are ideas which right, in the conception of will and of action in general, already presupposes for itself, as appears immediately in the idea of wrong.

The distinction of ethics from right and from morality rests, according to Hegel, upon the fact that right and duty are always posited as unity, as correlatives, in their determinations. This reciprocity is by no means wanting to personal right; for the right of my own personal freedom evokes,

as my right, the duty to respect the right of another; and not to treat him as a slave; the right to acquire property is identical with the duty to respect that of another; the service which is engaged to me by a bargain with another, involves the duty of a return service on my part, etc. A Crusoe upon a lonely island can live very morally, but there exist for him only duties; right exists for him only *potentia*, and can only develop itself *actu* when at least one other person lives with him, because only with this other would a recognition of his willing and acting become possible. He might, indeed, be immoral toward himself; he might be lazy, intemperate, unchaste, etc., but a crime or trespass he could not commit.

The full division of right is left incomplete by Hegel because it revolves only about property. He distinguishes (1) property, (2) fraud, (3) wrong. But fraud is itself a wrong, and the division must rather, according to his own dialectic rule of the negation of the negation, be thus: (1) personal right (personal freedom, property, contract); (2) wrong; (3) punishment. These are the elementary ideas of all right which can be separated from morality only violently by abstraction. Contract, e.g., imposes upon me the duty of fidelity and consciousness in the execution of the stipulation. Fraud is not only an action which affects right, but it is at the same time immoral; for through it I violate the duty of truthfulness. I do not question that in ethics right and morality should be one; but I ascribe right to ethics, which, even in its loftiest formations, cannot dispense with the objective form of right. The constitutions of nations, on the higher planes of state-culture, are not mere *naïve* traditions, but written laws, in which they with consciousness express what conception of ethics and of good they have. The antithesis of ethics within itself is the individual right of the single person, and the particular right of the organic community, of family, of civil society, and of state. Particular sublates itself as universal right, which is brought out in the history of the state as the right of mankind in and for itself, and which we are therefore wont to call the right of universal citizenship. In his earlier plan of ethics, Hegel concluded with the conception of colonization, by which a state transcends its own limits, producing other states. The

thought, however, of including the conception of history itself in the system of philosophy was more correct.

Hegel had avoided making use of the traditional terminology in his Philosophy of Right, unquestionably because it was not congruent to his ideas. He, therefore, named private right "abstract right," in order to indicate that in it abstraction was still made from morality, to which he first passed with the conception of imputation. This is, however, an error, for imputation [responsibility] is in general a conception identical with that of freedom. "Concrete" ought to be opposed to "abstract" right. Instead of that, Hegel goes entirely out of the conception of right over into that of morality. In ethics, which contained that which he was obliged to call "concrete right," he did not make use of the word "right" at all in the headings: he speaks only of family, of civil society, of state: only in the latter does he distinguish an internal state-right from an external. It is not to be denied that the Kantian division of public right as state-right, right of nations, and right of the universal citizen, is more simple and more compendious.

But where is church right? This is mentioned by Hegel only in a remark, in which he subordinates the church as a religious society to the ethical supervision of the state. Here he occupies precisely the stand-point of the *éclaircissement*, but in this point *éclaircissement* is right. The faith of a church should be left free from the state, for the sphere of religion is higher than that of politics. But in so far as the church, as such, comes to external manifestation, it should be treated as every other society, for a state-church is as bad as a church-state. It is, in fine, the church which has to do chiefly with the fostering of morality and with the cultivation of conscience.

But all the blame which can be attached to Hegel's construction arises from the profound idea which he had formed of the state, in which he saw the realization of ethics. Hence it was that he subsumed family, society, and state, under the conception of ethics; for with this category he wished to say at the outset that the state was an end to itself, and not a mere means for the security of persons in demanding their eudæmonistic ends or their tem-

poral interests. It is society which exercises its functions in the sphere of cultivated egoism, but in which that which the individual produces immediately for his own use, in the satisfaction of his necessities is converted into a contribution to the well-being of all. The family is the stand-point of the nature-state, of the patriarchal constitution. Society is the stand-point of the culture-state and of the constitution of community. It integrates the family in itself, but produces only the state so far as it rests upon necessity. The state which proceeds from the consciousness of freedom, and with it permeates all its communities, families, and individuals, is the true state. When Hegel is represented as though he had had in mind a centralized or bureaucratic state in which the omniscience or omnipotence of the government destroyed all individual vitality, as Fichte did in his exclusive, commercial state, he is entirely misunderstood. Stahl, who after Hegel distinguished himself greatly in the elaboration of natural right, directed against him a sharp polemic which derived its material from individual propositions wrested from their connection, and from methodic maladroitness. But if we regard the content we find that Stahl fully agrees with Hegel in seeing in the state the system of self-organizing ethics, and in constitutional monarchy the most perfect form of state. The two Greek words *ethos* and *pathos*, which Stahl so much uses, signify only that which Hegel expresses by the German word *Sittlichkeit* (ethics). Ruge in particular has attacked the Hegelian system on the side of democracy. Ruge, an old member of the student-corps, is indebted to the study of Hegel for all the categories with which he has often so happily and successfully figured as a publicist. He cannot forgive Hegel for considering representation of the people in legislation as organized, not atomically according to the mere census, but as socially founded on caste by means of a landed aristocracy, and by elected representatives of municipal corporations. By the orthodox Protestant and by the ultramontane Catholic party Hegel's deification of the state was rejected because he would not have the state a mere mechanism, a centralized or military state, but would rather transfuse it with the self-consciousness of vital freedom. The political dominion of the church was at any rate made en-

tirely superfluous by the Hegelian conception of the state. The state was for Hegel the absolute might in all judicial and ethical relations. He did not make it absolute, however, in a sense that precluded him from knowing and recognizing another higher sphere. This was the sphere of art, religion, and science, for the external culture of which the state should be solicitous, but which internally in its essence must be left free. Here Hegel has expressly admitted that the state itself must have the interest to presuppose in its citizens the existence of a religious disposition, through which it exalts itself above all that is empirical, and above the history of one's own state, into direct relation to the pure absolute. Hegel opposed religious fanaticism most strenuously; and most strenuously has he defended that which ultramontanism scornfully treats as temporal, viz.: work, property, marriage, moral conviction as basis of action, without need of a confessor; but religion itself he did not reject. He was implacable against all superstition, and as a philosopher he was able to treat it psychologically, while at the same time as a philosopher he must scout it. Hence it was that he gave the political precedence to Protestantism over Catholicism, because the former demands freedom of thought and conscience, and thereby harmonizes with the principle of political self-determination; while Catholicism allows the criticism of scientific investigation only outside the dogmas it has fixed, and by the institution of oral confession it reserves to itself the leading of conscience by its priests.

The state is the peculiar work of freedom of mind, in which it has to deal with its own creations, and becomes revealed as spirit for itself. Right and ethics are therefore in themselves holy through the good which constitutes their content, and do not first become so through the blessings of a church. Sanctification, in a specific sense, belongs to religion in so far as it is the purification of our will which arises from its immediate relation to the Divine will, which is the personal principle of all legality. Religion is internally connected with right and with science, but in their own necessity they are independent of it. The laws of æsthetic formation are now less independent than those of logic. Art proceeds according to the former, science according to the latter. Reli-

gion, so far as it is presentative, or in the forms of worship, must follow æsthetical laws; so far as it is scientific, or in the form of theology, it must follow logical laws; but for itself it follows its own law, as it springs from the relation of man to God, as the peculiar content of religion.

Hegel's doctrine of the state could satisfy none of the parties in the midst of which it appeared. By demanding conformity to law, he stood opposed to feudalism, which is so ready to claim itself a patriarchal constitution; by demanding monarchy, he stood opposed to abstract democracy, which complacently calls itself popular sovereignty; by demanding representation of the people, bureaucracy of state officers, and freedom of the press, sworn courts, the independence of corporations, he opposed the aristocracy; by demanding the subordination of religion, as it appears in the church, to the sovereignty of the state, and the emancipation of science from the authority of the church, he stood opposed to the hierarchy; by demanding ethics as the absolute end of the state, he opposed the industrial state, which seeks to entangle the people in the slavery of factory work by the bait of riches and material comfort; and by the demand of a constitution, he opposed the despotism of *éclaircissement*, which seeks to do all for, and nothing through, the people. We say nothing here of that cosmopolitan socialism which he contrasts with the historical and national character of the state. Hegel's contradiction was not, as it may appear, that of a yet unprejudiced, youthful, naivety, but that of a critically elaborated and matured judgment which was fully conscious of its range. Hence, he thoroughly embittered all parties against himself. They turned upon and derided him, now as servile, now as radical. With true manly courage, Hegel held his position against them all, as the appended remarks, which after his death Gans had printed from his lectures on the philosophy of right, show.

A half century has elapsed since its first appearance. The progress of time has actually transcended Hegel in very many points, e.g. in that of the political culture of the masses; but in its chief features the Hegelian state remains still the most rational, and the expression which it attained in Hegel's presentation, the most beautiful. In treating of ordinary,

natural right, his language savors of Roman right, in the manner of the definitions in the Institutes and the Pandects. Fichte cast off this dry method in his system of natural right, but did it in a confused way; while Hegel labored with artistic circumspection, and from the treasury of the German language he coined the purest gold.

THE PARMENIDES OF PLATO.

By S. H. Emery, Jr.

[In Quincy and Jacksonville (Illinois) there are two flourishing philosophical clubs that have been prosecuting vigorously the study of Plato. The bravery that attacks Plato, and especially the Parmenides, deserves the highest admiration. Mr. S. H. Emery, Jr., member of the club at Quincy, writes under date of April 21, 1872, as follows; "I have read the first three hypotheses, viz., i. *a.*, i. *b.*, and what *should* be called (it seems to me) i. *c.*, although Jowett includes it in i. *b.* I make of the first hypothesis: (i. *a.*) The One considered as indefinite immediate—indeterminable and undetermining is *Nothing.* (i. *b.*) Of the second: the One considered as self-determining—subject-object—*is* and is the totality; all the categories are embraced in it. (i. *c.*) Of the third: the becoming of the One is in eternity, and through all its self-determining it remains self-identical." The following essay is an outline of his view of this "great master-work of ancient dialectic." Its author modestly says: "All I claim at all is—to have seen something of the main purpose of the dialogue." —Editor.]

Now that we have finished our *first* attempt to discover the true meaning of this most celebrated Platonic Dialogue, it will be an advantage to review the whole matter and see what we have gained.

As to the *form* of the Dialogue, we find it divided into two main divisions—the first a preliminary discussion between Socrates and Parmenides, which leads easily and naturally to the second part, in which Parmenides gives Socrates an example of the true philosophica lmethod. It has occurred to me (although I will confess that my acquaintance with the early Philosophies is not sufficient to enable me to be *sure* that I am right), that Plato intends by this arrangement of the characters to intimate that the Eleatic Philosophy, legitimately extended, goes deeper than the Socratic teachings.

As to the *matter*, we find the Dialogue devoted wholly to the consideration of Ideas in themselves, or, as Socrates calls them, "Ideas in the abstract."