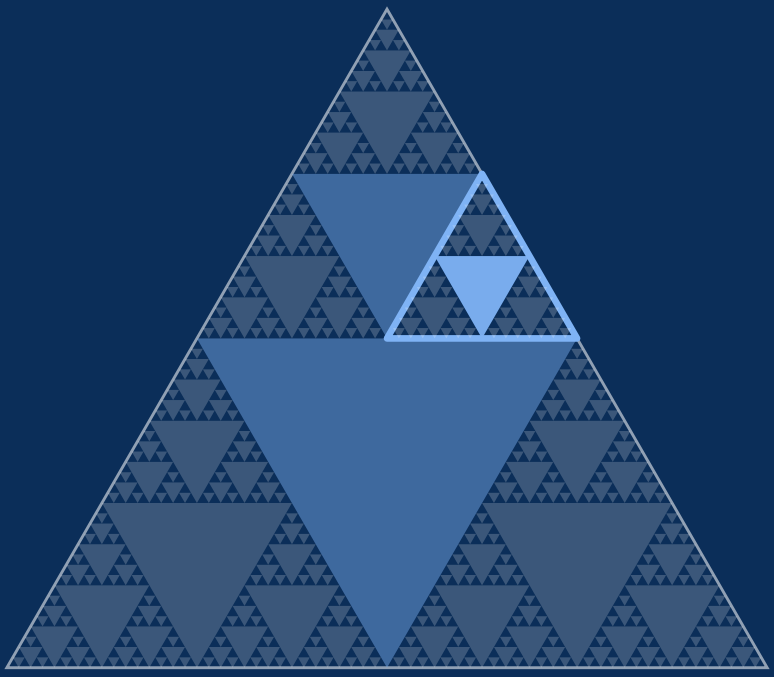

Hegel's Philosophy of Right—How Freedom Becomes Real

Objective Spirit

Kai Froeb

About this translation

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Author
Kai Froeb
https://kai.froeb.net

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About the Author

Kai Froeb (born 1963) is a German philosopher and IT expert living in São Martinho do Porto, Portugal. His work combines more than 35 years of systematic Hegel research with the possibilities of artificial intelligence, developing a new form of philosophical collaboration.

His thinking is radically interdisciplinary. He studied mathematics and computer science at the University of Erlangen–Nuremberg, business administration at EBS, and cultural studies and law at the University of Hagen. At the same time, he pursued intensive general studies in philosophy, sociology and history. He deliberately conducted his studies without orienting them towards academic degrees, preserving the freedom to follow an independent path of thought and research beyond the boundaries of university disciplines.

Since the late 1990s, Froeb has edited and maintained **hegel.net**. Available in twelve languages, the website ranked among the leading results in international Google searches for Hegel for many years and developed into one of the central online resources on Hegel's philosophy. It is probably still the most extensive multilingual website devoted to Hegel on the internet.

In connection with **hegel.net** and **hegel-system.de**, Froeb also created an extensive, publicly accessible archive of primary sources. The German-language collection alone offers 506 digitised original editions of works by Hegel and nineteenth-century Hegelians for free download. Further collections in other languages include 19 original works in English.

More than 40 years of programming experience, beginning in 1980, form another methodological foundation of his work. His first program was a reimplementation of Joseph Weizenbaum's ELIZA, thus completing a circle from the earliest experiments in artificial intelligence to his productive collaboration with Claude today. Froeb uses his IT expertise not merely as a technical resource but also as an instrument of thought: he analyses social and philosophical structures with the precision of a software architect.

Froeb is developing an independent philosophical body of work that stands in the tradition of Hegel while attempting to continue that tradition under contemporary conditions. At its centre is his own performative approach to truth, which forms the common foundation of his philosophical books. Truth appears here not merely as the object of propositions, but as a movement that must also prove itself in the form of thinking and presentation.

His aim is demystification through conceptual clarification: to penetrate every boundary through thought, including the boundary of what initially appears inaccessible. In his work, form follows content—structure, concepts and method are determined by the subject matter itself. At the same time, he seeks accessibility: to present demanding philosophy as clearly as possible, in the spirit of the best Anglo-American scholarly tradition, without simplifying it.

His guiding motif is Hegel's formula: "The truth is the whole"—the search for a form of integration that need not repress or exclude anything.

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FOREWORD

This book unfolds Hegel's *Elements of the Philosophy of Right*↑ from the standpoint of his logic. It asks three things: what Hegel's philosophy of right establishes, where it errs, and what it accomplishes today. What it establishes, it establishes in the course, in the thing itself, with the categories of the logic and in the context of Hegel's system; where the course does not carry, or where Hegel remains bound to his time, the objections and the summations say so; what the philosophy of right accomplishes today is tested by the applications and extensions, forward to Marx and to present-day capitalism and to the constitution, publicity and rule of law of the present. Part VII, "Three Shapes of Ethical Life↑," is an extension of the book of its own, going beyond Hegel. How the parts and chapters follow one another is told in the paragraph "Structure," after the notes on use.

For hardly any work of Hegel's, the *Phenomenology of Spirit* perhaps excepted, are there so many commentaries, studies and critiques as for this one, especially in the English-speaking world. The book does not try to summarize them. It asks above all how the philosophy of right is connected with the rest of the system and what it presupposes from the preceding parts, especially from the logic. In doing so it takes a position on a question that divides English-language scholarship: how much the *Elements* need of Hegel's system and logic. The majority reads the work on its own, so Frederick Neuhouser, Allen Wood and Charles Taylor, and has thereby opened it up from the vicinity of its own text. The book belongs to the minority that reads it from the system, such as Adriaan Peperzak, Thom Brooks and Klaus Vieweg.[1] From the logic here does not mean that the philosophy of

1 Thom Brooks, *Hegel's Political Philosophy. A Systematic Reading of the Philosophy of Right*, Edinburgh 2007, pp. 3–6: "systematic" against "non-systematic reading"; among those belonging to the latter Brooks counts Hardimon, Knowles, Taylor and Wood, among others, and quotes Neuhouser, Hegel's justification can be understood "to a surprisingly large extent" without his fundamental doctrines (pp. 5 f.; Frederick Neuhouser, *Foundations of Hegel's Social Theory*, Cambridge, Mass. 2000, p. 4: "even while abstracting from those more fundamental doctrines"); this reading has brought "a more intelligent understanding of the Philosophy of Right" (p. 6). Klaus Vieweg, *Das Denken der Freiheit. Hegels Grundlinien der Philosophie des Rechts*, Munich 2012, pp. 22, 26, 232; id., *The Idealism of Freedom*, Leiden/Boston 2020, ch. 10, "The State and Its Logical Foundations," pp. 125 ff. Adriaan Peperzak, *Modern Freedom*, Dordrecht 2001, ch. I, "Logic," pp. 53–109. Neuhouser himself confirms the classification: he places himself among the

right is derived from the logic or arranged according to it; it means finding the categories of the logic again in Hegel's presentation and reading the work as a whole (Ch. 10.6). The line to Marx and to present-day capitalism is the book's own extension, marked as such. It follows a thought that Ch. 12 develops from Hegel's doctrine of the end: that people can orient themselves by their means instead of their ends, on a large scale where the economy follows the multiplication of money and employs the satisfaction of needs only as a means (Ch. 28.8). Liberal, conservative and communitarian continuations of Hegel have their say where Hegel's text touches them, for instance Isaiah Berlin in Ch. 3 and Edmund Burke in Ch. 7. In Part VI and in individual sections before it, some things are less worked out than in the rest of the book, even where they are not shorter; supplements and elaborations of these subjects, especially where little stands now, are reserved for later work.

How to read this book. Every chapter begins with a guiding question, the question the step answers. Then follows the course: it says where in Hegel's system the step stands and which category of the logic makes it intelligible, what follows from it, how Hegel justifies it, what speaks for and what against it, what deficiency remains, and why it therefore goes on. In the course, Hegel's references stand only as a paragraph number in parentheses (§ 62); anything longer stands in the footnotes. Where a step or chapter requires it, the course closes with a paragraph "How far does the course carry?," (DE: „Wie weit trägt der Gang?") Ch. 28, 29, 30, 31, 32 and 35 with a summation: what Hegel establishes, what he does not, what the book adds. After the course come sections that can be skipped on a first reading; the course presupposes nothing that stands only in them. Which ones there are and how to recognize them is told in the paragraph "On use" further down in this foreword.

Two parts can be skipped by anyone in a hurry. The part "Excursus: Preliminary Remark on Hegel's Logic" (Ch. 9 and 10) summarizes what the book needs from Hegel's logic; what Parts III to V presuppose of it is stated again in a sentence at their beginning. Part VII, the extension to three shapes of ethical life, goes beyond Hegel and says so itself. Anyone who wants to enter at once into Hegel's

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Anglo-American interpreters who, with Wood, do not see Hegel's achievement in the speculative logic (*Foundations*, p. 309, n. 18). The "logical argument" for the unity of the three freedoms, to which he refers in 2011 ("The Idea of a Hegelian 'Science' of Society," n. 11), stands in *Foundations*, pp. 27–32. It is a sequence of stages within the *Elements*, from abstract right through morality to ethical life, which he calls "quasi-logical," "because it involves more than purely conceptual analysis" (p. 31 and p. 291, n. 29). From the logic he takes over only the assignment of the three spheres of ethical life to the moments of the concept, and as a "rational kernel," without defending the metaphysics it comes from (pp. 133–135). The second appendix guides the reader through the most important commentaries and their lines.

course can begin with Part II; what he needs from Part I, for instance the three dimensions of freedom (Ch. 3), he will find through the cross-references.

Companion books. The book can be read on its own. Where it states something briefly that is carried out in another book of this series, it refers to it: for Hegel's logic to *Hegel's Logic – Logic of Thinking* (2026), for the philosophy of nature to *Hegel's Philosophy of Nature – The Idea↑ in Its Otherness* (2026), for subjective spirit to *Hegel's Philosophy of Subjective↑ Spirit – How Nature Becomes Will↑* (2026), for the *Phenomenology of Spirit* to *Hegel's Phenomenology of Spirit – How Certainty Becomes Truth↑* (2026), for art, religion and philosophy to *Hegel's Philosophy of Absolute Spirit↑ – How Spirit Comes to Know Itself* (2026), for Hegel's life and the history of his texts to *Hegel's Life↑ and Work – Stations of a Path of Thought* (2026), for Marx's path with and against Hegel to *Hegel and Marx – To Comprehend and to Change* (2026) and for the concept of truth to *Truth* (2025). It refers to *Capitalism — An Introduction* (in preparation) only where an extension shows how a thought can be applied to the present-day economy; its arguments do not rest on it. How Hegel was read and thought further, in Russia, Japan, China and Korea too, is followed in the three volumes *History of Hegel's Reception, Volume I* (2026), *A Systematic History of Hegel Reception - Volume II* (in preparation) and *A Systematic History of Hegel Reception - Volume III* (in preparation); only what illuminates a step of the philosophy of right stands here. What Hegel's logic says stands more precisely in *Hegel's Logic – Logic of Thinking* than here.

On use. After the course come five kinds of sections. Sections titled "On the Text" bring Hegel's wording, Remarks, Additions and transcripts of his lectures on a step and, introduced with Interpreters., what others contribute or object. Excursuses, whose heading carries "Excursus" and whose first paragraph begins with Excursus., bring the origin and printing of the texts, the censorship, the circumstances of the time and the reception. Sections titled "Historical" show what shape a determination had in other societies and how it came about; sections titled "Deepening" pursue a question of method or interpretation, for instance why the book sets up no system of syllogisms (Ch. 25.1). Sections titled "Application" or "Extension" test a step against present-day institutions or carry it beyond Hegel, to Marx, to Katharina Pistor's doctrine of the code of capital and to the analysis of present-day capitalism; their first sentence names the step on which they hang.

A bold word at the beginning of a paragraph says what kind of paragraph follows: Example., Objection. and Reply. Paragraphs that begin with Hegelian. show how Hegel's school took up or reinterpreted a step. The paragraph that begins with Excursus for lawyers. (Ch. 14) compares Hegel's determinations with present-day law; whoever follows the course can skip it. The sections "Universal

and Modern," headed as an excursus or as "Historical," test on a determination whether it occurs in many shapes of living together or only in the modern world; what this test is for, Ch. 8.2 says once for all.

Structure. Part I says what the philosophy of right undertakes, tests the proposition of the Preface on the rational and the actual and lays out the tools with which the book reads; one more, the distinction of necessary portion and overlay, is introduced by Ch. 24. Hegel's course extends from the free will through property, contract and wrong, through morality to family, civil society and the state (Parts II to V). Three chapters treat the state: its determination (Ch. 28), the constitution (Ch. 29) and publicity, press and censorship (Ch. 30); two chapters carry Hegel's doctrine of public opinion beyond him: Ch. 31 on publicity as reflection between objective and absolute spirit, on culture and on the situation two hundred years after Hegel, Ch. 32 on what a state may do with public opinion and what carries an order. Part VI shows the state among states and in history and treats what comes after it, external public law, world history and absolute spirit; Part VII, "Three Shapes of Ethical Life," an extension of the book of its own, stands behind Hegel's whole course. After the conclusion, one appendix presents the English translations of the *Elements* and their words, a second guides through the most important commentaries and their lines.

On marking: Who speaks is, as a rule, said by the sentence itself: Hegel's paragraph, his Remark, an Addition, a transcript of his lectures, an interpreter or this book. The book goes beyond Hegel in many places, forward to Marx and to the analysis of present-day capitalism and, in Part VII, to an extension of ethical life of its own; such places say so themselves ("this book reads …," "read with Marx," "… goes beyond Hegel" (DE: „… geht über Hegel hinaus")); where the context already shows it, a "here" or "in what follows" suffices. Where one still would not be sure whether Hegel speaks or the book, and might take an extension, critique or very broad interpretation of one's own for Hegel's doctrine, KF, the author's abbreviation, stands at the beginning of the paragraph. The mark therefore stands rarely; explanations, examples and obvious readings do not carry it.

On citation: The *Elements of the Philosophy of Right* (1820) are cited by paragraph: "§ 62" means the paragraph, "§ 62 Remark" the Remark Hegel himself added, "§ 62 Addition" the editor's Addition (on it the next paragraph); Hegel's notes in his personal copy stand as "handwritten note to § 62." (DE: „handschriftliche Notiz zu § 62") Paragraphs of the *Encyclopaedia* of 1830 carry the volume: Enc. vol. 1 is the logic, vol. 2 the philosophy of nature, vol. 3 the Philosophy of Spirit (Enc. vol. 3, § 488). The wording follows the Theorie-Werkausgabe published by Suhrkamp (TWA), which also contains the Additions; pages stand

with volume and page (TWA 7, 133), the great *Science of Logic* according to TWA 5 and 6. TWA 12 contains the lectures on the philosophy of history, TWA 13 to 15 those on aesthetics, TWA 16 and 17 those on the philosophy of religion, TWA 18 to 20 those on the history of philosophy; the editors assembled them after Hegel's death from his manuscripts and the transcripts of his listeners, and their wording, like that of the Additions, is not throughout from his hand. A lecture course is a lecture on a subject over one semester, a transcript the notes of a listener. The transcripts of the lectures on the philosophy of right stand according to the Gesammelte Werke published by Meiner (GW 26.1 to 26.3) with transcriber, lecture course and page (Griesheim transcript, lecture course 1824/25: GW 26.3, p. 1161), likewise those of the logic lectures (GW 23) and the *Encyclopaedia* of 1817 (GW 13); their spelling is retained. Marx and Engels stand according to the *Werke* (MEW 23, p. 49). References to the other books of the series stand in double square brackets with short title and chapter (*Hegel's Logic – Logic of Thinking*, Ch. 23.1).

On the translation of quotations: The quotations from Hegel and other German-language authors are translated for this edition from the German wording, in the terminology of this book, not taken over from an existing translation. Where there are several authoritative translations, each interprets differently; the translation here follows the interpretation of the book. So that the rendering can be checked, the German wording stands with it: in parentheses after the quotation, for longer quotations in a paragraph of their own below it or in the footnote that documents the quotation. Very short phrases (under four words) stand without the original, and quotations that already stand in another language in the German text remain unchanged, without the German rendering that follows them here.

On the Additions: The Additions to the paragraphs were assembled by Eduard↑ Gans in 1833 for the edition of the friends of the deceased (Freundesausgabe vol. 8), according to his preface from the transcripts of Heinrich Gustav Hotho (lecture course 1822/23) and Karl Gustav von Griesheim (lecture course 1824/25). He proceeded more freely in doing so than the preface says, joined passages from both and inserted sentences of his own (Editorial Report, GW 14.3, pp. 800 f.). The Additions go back to Hegel's lecture delivery; their wording is not from his hand. Gans justifies them with readability; they explained "through examples what is given in the paragraph," (DE: „durch Beispiele das in dem Paragraphen Gegebene") often said "the same thing, only more clearly and popularly," (DE: „dasselbe, nur deutlicher und populairer") and the "bluntness that is to be found everywhere in the book" (DE: „Derbheit, welche in dem Buche überall zu finden

ist“) would be “blunted.” (DE: „abgestumpfter“)[2] They thus reproduce what the listeners heard in the lecture and did not find in the book, in some places in the matter itself as well. The monarch who only says “Yes” and puts “the dot on the i” (DE: „den Punkt auf das I“) (§ 280 Addition, after Hotho’s transcript of 1822/23) is known to no paragraph; the sentence was reported to the king (Ch. 30.1.2).

The transcripts of Hotho and Griesheim now lie before us in GW 26.2 and 26.3 and often give the more immediate evidence next to the Addition. The book cites the Additions as testimony to Hegel’s lecture delivery and always names them as Addition (“§ 161 Addition,” “the Addition to § 201” (DE: „der Zusatz zu § 201“)), even where the sentence has “Hegel” as its subject. A further note is given only where an Addition contradicts Hegel’s printed text, has no support in the transcripts or a thought hangs on it alone. What is meant are the preserved and edited transcripts; the state of the sources is not closed.[3] The same holds for the Additions to the *Encyclopaedia*; they come from other editors, for the logic

2 Eduard Gans, “Preface of the Editor” (DE: „Vorrede des Herausgebers“) (Berlin, 29 May 1833), in: Freundesausgabe vol. 8, Berlin 1833, pp. V–XVII, here pp. XV f. There also, that one could “not communicate everything that the lectures contain,” (DE: „nicht Alles mittheilen, was die Vorlesungen enthalten“) and the Additions, of which the edition counts “close to 200,” offered, “if not exactly anything new, still something explanatory and clarifying” (DE: „wenn auch nicht grade Neues, doch Erläuterndes und Näherbringendes“) (p. XV). “What is contained in the Additions is given by Hegel” (DE: „Das in den Zusätzen Enthaltene ist von Hegel gegeben“); from Gans came only “the stylistic arrangement, the connection of the sentences, and occasionally also the choice of words.” (DE: „die stylistische Anordnung, die Verbindung der Sätze, und bisweilen ebenso die Auswahl der Worte“) Sources were “first of all two notebooks,” Hotho’s from the winter semester 1822/23 and Griesheim’s from the half-year 1824/25; Hegel’s own notes “in the interleaved copy” (DE: „in dem durchschossenen Exemplar“) of his philosophy of right Gans drew on only where they “could be safely used” (p. XVI). Against the reproach that the book was “a servile one” (p. IX), Gans points out that Hegel demanded the publicity of the courts and of the estates’ proceedings and the jury courts and had grasped the monarch as “the necessary and conceptually grounded apex of the state” (DE: „die nothwendige und gedankenmäßige Spitze des Staates“) (p. XI).

3 Notes by Friedrich Wilhelm Carové from Hegel’s first lecture course on the philosophy of right (Heidelberg 1817/18) were still attested in 1841 and were regarded by the editors of the Gesammelte Werke as lost. In 2022 Klaus Vieweg found in the archive of the Archdiocese of Munich and Freising, in the papers of Karl Joseph Windischmann, about 5,000 pages of Carové’s transcripts from Hegel’s Heidelberg lectures; they are to appear as supplementary volumes to the Gesammelte Werke. They contain objective spirit as a section of the *Encyclopaedia* lecture course; a transcript of the 1817/18 lecture course is not listed by the editors in their first overview (Klaus Vieweg, Christian Illies, Francesca Iannelli and Marko J. Fuchs, “‘Wissenschaft der Freyheit’. Heidelberger Hegel-Nachschriften von F. W. Carové,” in: *Hegel-Studien* 57 (2024), pp. 151–158, here pp. 152 and 155 f.). On Carové, GW 26.4, p. 1620: His notes from the 1817/18 lecture course, “which is otherwise documented only by the Wannenmann transcript,” (DE: „das sonst nur durch die Nachschrift Wannenmann dokumentiert ist“) still existed in 1841; the testimony “must be considered lost.” (DE: „muß als verschollen gelten“) First reported in the press release of the Friedrich Schiller University of Jena on the Hegel find (November 2022), there with about 4,000 pages, edition “Carovés Hegel-Mitschriften,” ed. by Klaus Vieweg (Jena) and Christian Illies (Bamberg). Web addresses under the web sources.

from Leopold von Henning (1840), for the philosophy of nature from Carl Ludwig Michelet (1842), for the Philosophy of Spirit from Ludwig Boumann (1845).

I. WHAT THE PHILOSOPHY OF RIGHT UNDERTAKES — AND HOW IT IS TO BE READ

Chapter 1: Hegel's Program

Guiding question. Why does a free will need right, and more than law and court? Hegel's answer is the program of the whole philosophy of right. Ch. 1.1 and 1.2 give it in outline; Ch. 2 examines the sentence of the Preface on which it depends how this program is to be read.

1.1 Freedom Needs a World

The philosophy of right is neither jurisprudence nor sociology; *right* in Hegel means not first law and court, but every determinate being of freedom, from property to the state (§ 29; Ch. 15). It shows how the free will must give itself its own world in order to be actually free. A will that were free only inwardly would have nothing in which it shows that it is free: no one would have to respect it, and nothing in the world would bear its decision. Whoever can call nothing his own and can agree on nothing with anyone has the capacity for freedom but cannot exercise it. Freedom↑ therefore requires things and other human beings on and with which it is exercised.

Hegel put this in the logic lecture of 1825 in a sentence that holds for the whole philosophy of right: to be free is "to be by myself, but not in an abstract way, but to be by myself in the content of the determination, the content as in accordance with mine, in the particularity, determinateness."[1] I am free, then, when in what

1 Hegel, *Lectures on the Science of Logic*, Kehler transcript, lecture course 1825: GW 23.1, p. 381. *Hegel's Logic – Logic of Thinking* (2026), Ch. 23.13 carries out the transition from necessity to freedom with the same passage. (DE: „bei mir selbst zu sein, aber nicht auf abstracte Weise, sondern in dem Inhalt der bestimmung bei mir zu sein, den Inhalt als dem meinigen gemäß, in der besonderheit, bestimmtheit, bei mir zu sein")

determines me I will something of my own: whoever has chosen a profession is bound by it and yet is at home in it. That nothing determines me is not required for this. A right that serves does the same: it binds, and whoever is bound by it can will the bond because it secures his freedom.

1.2 The Way in Stages

Accordingly the work proceeds in stages. First the will has its freedom in a thing that belongs to it (property), then in an agreement with another who respects it as owner (contract). It then seeks it in its own convictions, according to which it acts and for which it answers (morality), and finds it last in institutions that it shares with others (ethical life). Hegel names three: the family, civil society, and the state. By civil society he does not mean the associations and initiatives between market and state, but the world of individuals who work and exchange for their needs (Ch. 27). At each stage freedom means something different, and each has a deficiency that leads to the next. The main line is finished where the will recognizes its own freedom in the institutions in which it lives.

Hegel calls the domain with which the philosophy of right deals objective spirit. Within Hegel's system it stands between subjective spirit (the human being as he feels, thinks and wills) and absolute spirit (art, religion, philosophy as the self-cognition of humanity). It is the world that human beings bring forth and "in which freedom is as present necessity" (DE: „in welcher die Freiheit als vorhandene Notwendigkeit ist") (Enc. vol. 3, § 385), in right and institutions; in it freedom ceases to be merely subjective. To it belongs also morality, the turn of the will inward (Part IV). This book does not understand spirit here as the understanding of a single individual to which the others would be added. It is from the outset the common, which is wholly present in each individual without displacing him; in objective spirit this feature becomes explicit (*Hegel's System as a Whole – A Map* (2026), Ch. 12).

The program presupposes that reason can subsist in institutions and is not merely brought to them from outside. Otherwise the last step, the recognition of one's own freedom in existing institutions, would be an illusion. Hegel put this presupposition in the Preface into a sentence that has since provoked more dispute than any other in his work. Ch. 2 examines it.