

Philosophy of Right. The Ethical System: The Family

Georg Wilhelm Frederick Hegel

158. The family is the direct substantive reality of spirit. The unity of the family is one of feeling, the feeling of love. The true disposition here is that which esteems the unity as absolutely essential, and within it places the consciousness of oneself as an individuality. Hence, in the family we are not independent persons but members.

Addition.—Love is in general the consciousness of the unity of myself with another. I am not separate and isolated, but win my self-consciousness only by renouncing my independent existence, and by knowing myself as unity of myself with another and of another with me. But love is feeling, that is to say, the ethical in the form of the natural. It has no longer a place in the state, where one knows the unity as law, where, too, the content must be rational, and I must know it. The first element in love is that

I will to be no longer an independent self-sufficing person, and that, if I were such a person, I should feel myself lacking and incomplete. The second element is that I gain myself in another person, in whom I am recognized, as he again is in me. Hence love is the most tremendous contradiction, incapable of being solved by the understanding. Nothing is more obstinate than this scrupulosity of self-consciousness, which, though negated, I yet insist upon as something positive. Love is both the source and solution of this contradiction. As a solution it is an ethical union.

159. A right, which comes to the individual by reason of the family and constitutes his life in it, does not appear in the form of a right, that is, the abstract element of a definite individuality, until the family is dissolved. Then those, who should be members, become in feeling and reality self-dependent persons. What was theirs by right of their position in the family, they now receive in separation in

an external way, in the form of money, maintenance, or education.

Addition.—The family has this special right, that its substantive nature should have a sphere in actuality. This right is a right against external influences and against abandonment of the unity. But, on the other hand, love is subjective feeling, which, if it opposes the unity of the family, destroys it. If in such a case a unity is insisted on, it can comprehend only things that are external and independent of feeling.

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Philosophy of Right

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160. The family when completed has the three following Phases:

- (a) The form of its direct conception, marriage.
- (b) External reality, the family property and goods and the care of them.
- (c) Education of children and dissolution of the family.

A. Marriage.

161. Marriage, as the elementary social relation, contains firstly the factor of natural life. As marriage is also a substantive fact,

natural life must be viewed, in its totality as the realization of the species, and the process which the realization involves. But, secondly, the merely inner, potential and, when actualized, external unity of the sexes is transformed in self-consciousness into the spiritual unity of self-conscious love.

Addition.—Marriage is essentially an ethical relation. Formerly, in the majority of what are called rights of nature, marriage was interpreted on its physical or natural side. It has thus been looked upon simply as a sexual relation, and as excluding all the other features of marriage. But such a view is no more crude than to conceive of marriage merely as civil contract, a view found in Kant. In accordance with this view, individuals form a compact through mere caprice, and marriage is degraded to a bargain for mutual use. A third doctrine, equally reprehensible, bases marriage on love only. Love, which is feeling, admits the accidental on every side, as the ethical cannot do. Hence, marriage is to be defined more exactly as legal ethical love. Out of marriage has disappeared the love, which is merely subjective.

162. As a subjective starting-point for marriage either the special inclination of two persons for each other may be the more observable, or else the provision and general arrangements of the parents. The objective point of departure, however, is the free consent of the two to become one person. They give up their natural and private personality to enter a unity, which may be regarded as a limitation, but, since in it they attain to a substantive self-consciousness, is really their liberation.

Note.—That an individual may be objective, and so fulfill his ethical duty, he should marry. The circumstances attending the external starting-point are naturally a matter of chance, depending largely upon the state of reflective culture. In this there may be either of two extremes. Either well-meaning parents arrange beforehand for the marriage of two persons, who, when they have made each other's acquaintance as prospective hus-

band and wife, are then expected to love each other. Or, on the other hand, inclination is supposed first to appear in the two persons, left absolutely to their private selves. The extreme, in which marriage is resolved on prior to inclination, and both resolution and inclination are then present in the actual marriage, is the more ethical. In the other extreme, it is the individual's private and unformed nature, which makes good its pretensions. This extreme is in close alliance with the subjective principle of the modern world (§124, note).

Modern dramas and other works of art produce an atmosphere of the chilliest indifference, by the way in which they represent the motive of sexual love. This feeling of indifference is due to the association in the drama of ardent passion with the most utter contingency, the whole interest being made to depend simply upon merely private persons. The event is, doubtless, of the very last importance to these persons, but not in itself.

Addition.—Amongst nations where women are held in slight esteem, parents arrange the marriage of their children, without ever consulting them. The children submit, because the particularity of feeling as yet makes no claim at all. The maiden is simply to have a husband, the man a wife. In other circumstances regard may be had to means, connections, political hopes. To make marriage the means for other ends may cause great hardship. But in modern times the subjective point of departure, i.e., being in love, is thought to be the only thing of consequence. In this it is taken for granted that each one must wait till his hour has struck, and that he can bestow his love upon one and only one individual.

163. The ethical side of marriage consists in the consciousness that the union is a substantive end. Marriage thus rests upon love, confidence, and the socializing of the whole individual existence. In this social disposition and reality natural impulse is reduced to the mode of a merely natural element, which is extinguished in the moment of its satisfaction. On

the other hand, the spiritual bond of union, when its right as a substantive fact is recognized, is raised above the chances of passion and of temporary particular inclination, and is of itself indissoluble.

Note.—It has already been remarked that there is no contract in connection with the essential character of marriage (§75). Marriage leaves behind and transcends the standpoint of contract, occupied by the person who is sufficient for himself. Substance is such as to be in essential relation to its accidents.¹⁰ The union of personalities, whereby the family becomes one person, and its members its accidents, is the ethical spirit. The ethical spirit, stripped of the many external phases which it has in particular individuals and transitory interests, has been by picture-thought given independent form, and revered as the Penates, etc. In this attitude of mind is found that religious side of marriage and the family, which is called piety. It is a further abstraction, when the divine and substantive reality is separated from its physical embodiment. The result of this procedure is that feeling and the consciousness of spiritual unity become what is falsely called Platonic love. This separation is in keeping with the monastic doctrine, in which natural vitality is regarded as negative, and is given by this very separation an infinite importance.

Addition.—Marriage is distinguished from concubinage, since in concubinage the chief factor is the satisfaction of natural impulse, while in marriage this satisfaction is subordinate. Hence, in marriage one speaks without blushing of occurrences, which apart from the marriage relation cause a sense of shame. Therefore, also, is marriage to be esteemed as in itself indissoluble. The end of marriage is ethical, and therefore occupies so high a place that everything opposing it seems secondary and powerless. Marriage shall not be liable to dissolution through passion, since passion is subject to it. But, after all, it is only in itself indissoluble, for, as Christ says, divorce is permitted, but only because of hardness of heart. Marriage, since it contains feeling, is not absolute, but open to fluctua-

tions, and has in it the possibility of dissolution. Yet the laws must make the possibility as difficult as can be, and must retain intact the right of the ethical against inclination.

164. Just as in the case of contract it is the explicit stipulation, which constitutes the true transference of property (§79), so in the case of the ethical bond of marriage the public celebration of consent, and the corresponding recognition and acceptance of it by the family and the community, constitute its consummation and reality. The function of the church is a separate feature, which is not to be considered here. Thus the union is established and completed ethically, only when preceded by social ceremony, the symbol of language being the most spiritual embodiment of the spiritual (§78). The sensual element pertaining to the natural life has place in the ethical relation only as an after result and accident belonging to the external reality of the ethical union. The union can be expressed fully only in mutual love and assistance.

Note.—When the question as to the chief end of marriage is asked with a view to enact or recast laws, it means: Which particular side of the reality of marriage must be accepted as the most essential? But no one separate phase of marriage comprises the whole range of its absolute ethical content; and one or other phase of its existence may be wanting without injury to its essence.—In the celebration of marriage the essence of the union is clearly understood to be an ethical principle, freed from the accidents of feeling and private inclination. If the solemnization be taken for an external formality, or a so-called mere civil requisition, the act loses all purpose except that of edification, or of an attestation to the civic regulation. Indeed, there may perhaps remain only the positive arbitrariness of a civil or ecclesiastical command. Now, not only is a command of this kind indifferent to the nature of marriage, but in so far as the two persons have because of it ascribed value to the formality, and counted it as a condition precedent to complete abandonment to each other, it is an alien thing, bringing discord into

the disposition of love, and thwarting the inner nature of the union. The opinion that the marriage ceremony is a mere civic mandate professes to contain the loftiest conception of the freedom, intensity, and completeness of love; but in point of fact it denies the ethical side of it, which implies a limitation and repression of the mere natural tendency. Reserve is already found naturally in a sense of shame, and is by the more articulate spiritual consciousness raised to the higher form of modesty and chastity. In a word, the view of marriage just criticised rejects the ethical side, by virtue of which consciousness gathers itself out of its native and subjective condition, and attains to the thought of the substantive. Instead of always holding before itself the accidental character of sensual inclination, it casts off the fetters of this state and engages itself to what is substantive and binding, namely, the Penates. The sensual [element is reduced and conditioned by the recognition of marriage as an ethical bond. Insolent is the view of the mere understanding, which is unable to apprehend marriage in its speculative nature. This substantive relation, however, is in harmony with the unsophisticated ethical sense, and with the laws of Christian nations.

Addition.—It is laid down by Friedrich v. Schlegel, in “Lucinde,” and by a follower of his in the “Letters of an Unknown” (Lübeck and Leipzig, 1800), that the marriage-ceremony is a superfluous formality. They argue that by the form of marriage love, which is the substantive factor, loses its value; they represent that the abandonment to the sensual is necessary as proof of the freedom and inner reality of love. This style of argument is usual with seducers. Besides, as regards the relation of man to woman, it is woman who, in yielding to sense, gives up her dignity, whereas man has another field than the family for his ethical activity. The sphere of woman is essentially marriage. Her rightful claim is that love should assume the form of marriage, and that the different elements existing in love should be brought into a truly rational connection.