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Edited by

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The Unique, the Singular, and the Individual

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edited by
Ingolf U. Dalferth and
Raymond E. Perrier

Mohr Siebeck

INGOLF U. DALFERTH, born 1948; 1977 Promotion; 1982 Habilitation; Professor Emeritus of Systematic Theology, Symbolism and Philosophy of Religion at the University of Zurich; Danforth Professor of Philosophy of Religion at Claremont Graduate University in California.

RAYMOND E. PERRIER, born 1988; 2018 awarded PhD in Religion at Claremont Graduate University; 2019 Adjunct Professor of Philosophy and Religion at Hinds Community College; 2021 Senior Instructional Content Developer at Prime Power Services, Inc.

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Love and Justice in Hegel's "The Spirit of Christianity and its Fate"

LAURA MARTIN

1. Introduction

One of Hegel's early essays, "The Spirit of Christianity and its Fate," represents his sole sustained attempt to develop a conception of *love* as the basis for communal life.¹ Shortly after this work he turns his attention to the concept of recognition and later, and most famously, to the concept of Spirit in the *Phenomenology of Spirit*. The central question I pursue in this paper is the following: how does the conception of love that Hegel develops in his early work, and specifically, his argument for its superiority over law as a foundation for communal life, foreshadow themes that emerge in his mature work? Answering this question is not only of historical interest, but also of philosophical interest. Whereas the concepts of love and justice might ordinarily be considered quite distinct and perhaps even in opposition to each other, Hegel's account suggests a more nuanced, dialectical relation between the two, expressed in his characterization of love as that which is "[...] higher than law and makes law superfluous."² Understanding this claim in greater detail will serve to both establish a philosophical link between Hegel's conception of love in the early writings and his later concept of Spirit, and provide a view of the relation between love and justice of independent philosophical interest.

In the first section, I argue that Hegel's conception of love in "The Spirit of Christianity and Its Fate" plays both a political and epistemological role, a duality that later re-emerges in Hegel's account of Spirit. In the *Phenomenology* the continued progression of Spirit reflects both the development of

¹ Hegel's focus on love in "The Spirit of Christianity and its Fate" already represents a shift from his early essay, "The Positivity of the Christian Religion." In both, he is concerned to locate the root cause of the modern social pathology of alienation. In the earlier essay, Hegel sees the Christian conception of the relation between the individual moral consciousness and moral law as the root of alienation, and Kant's conception of autonomy as the unifying remedy. Yet by the time Hegel writes "The Spirit of Christianity and its Fate," his position has shifted: Kantian autonomy is transformed into alienation in secular guise, and Jesus's original message of love is the only panacea for alienated life.

² G. W. F. HEGEL, *Early Theological Writings*, trans. T. M. Knox (Chicago: University of Chicago Press, 1948), 212.

knowledge *and* the expansion of human freedom.³ Although this dual nature of Hegel's conception of love is less immediately evident than in the case of Spirit, I argue that the case Hegel makes for the superiority of love rests upon political and its epistemological qualities. In the second section of the paper, I turn to one of the most interesting features of the essay: Hegel's conceptualization of the relationship between love and justice.⁴ I argue that by Hegel's lights, love and justice are not in diametric opposition to each other; instead, love is compatible with law, but ultimately encompasses and surpasses the latter. This early mode of dialectical argumentation reappears in his description of the movement of Spirit in the *Phenomenology*, in which the relation between successive moments of Spirit are captured by the concept of *Aufhebung* (or 'sublation' in the English translation): a concept that possesses the various meanings of preservation, transcendence, and cancellation. In addition, I suggest that Hegel's argument for the superiority of love over justice exhibits an attempt to demonstrate the contradictory consequences that result from the concrete application of the abstract principle of justice; this similarly parallels his later conception of the progression of Spirit through moments of contradiction.

2. Love's Political and Epistemological Dimensions

The political dimension of love emerges clearly in a major theme of the essay, which is Hegel's proposal of love as capable of remedying the shortcomings of Kantian moral philosophy, specifically with respect to one of his foremost concerns: the problem of alienation and the concomitant diminishment of human freedom. Alienation (or 'positivity,' in Hegel's terminology) refers to modern individuals' perception that the ethical world is constituted by laws that stand over and against them. Instead of having a sense of identification and unity with their ethical world, modern individuals come to experience it as that which is divorced from and alien to themselves: they no longer feel 'at home' in their ethical world. We might wonder in light of this why Hegel initially views *love* as the most promising concept with which to redress alienation; for whereas the latter represents a widespread *social* pathology, and hence one whose cause is appropriately applicable to a collective, the concept of

³ Textual analysis of the *Phenomenology* will not feature prominently in my argument, as my primary aim is to focus on reconstructing the roots of Hegel's later ideas in the *Early Theological Writings* a task which has received much less attention than analysis of the *Phenomenology*. To that end, I have limited my interpretive remarks on the *Phenomenology* to what I view as uncontroversial features – in their general outline, if not in the details. See G. W. F. Hegel, *Phenomenology of Spirit*, trans. A. V. Miller (Oxford: Clarendon, 1977).

love more commonly conveys the impression of a personal feeling of affection between two individuals. Love's significance for Hegel, however, does not reside in its ordinary connotations, but in its structure as a concept that posits the unity of reason and the passions. Hegel argues that it is this unified quality of love that makes it capable of amending the shortcomings of Kant's moral philosophy and, in particular, the vision of freedom the latter entails. By virtue of the fact that love can provide for genuine human freedom, it constitutes a political concept for Hegel, as a conceptual basis for collective forms of life.

In order to see Hegel's argument for this, it is necessary first to have his critique of Kant clearly in view. For Kant, the good will is the will that is pure, which means that it is free from heteronomous influences such as desire and inclination. The good will is a will that is "determined by the *mere form of the law*" and, in being so determined, represents "freedom in the *positive sense*."⁵ The 'heteronomous' will, on the other hand, is the will that is "dependen[t] on the physical law that we should follow some impulse or inclination. In that case the will does not give itself the law, but only the precept how rationally to follow pathological law ..."⁶ The will motivated by something other than the universal form of the moral law is essentially dependent on something that does not belong to its nature as a *rational* will, but instead arises from outside it. One may employ rationality insofar as one strategically calculates how, for example, to most successfully achieve the goal of possessing wealth but this, in Kant's words, would be "only the precept how rationally to follow pathological law."⁷ It would be a form of rationality restricted to the *means*; the end would continue to arise from desire falling outside the bounds of reason.

Although Kant's vision of moral life induces, in Charles Taylor's words, "the exhilaration of freedom"⁸ – a picture of a rational will determined by nothing but itself – the price paid for this radical freedom is a moral life that is necessarily defined as "perpetual struggle"⁹ against one's own desires, inclinations, and feelings. For Hegel, this price is too high, not least because he does not consider the kind of freedom for which the Kantian individual struggles to

⁴ I do not distinguish between the terms 'law' and 'justice' in this essay, for both represent facets of the general atomistic, alienated, and one-sided basis of communal life to which Hegel is opposed. Although the difference between these terms may be of significance in a different context, for the purpose of reconstructing Hegel's conception of *love*, which he develops in opposition to the *general* world-view indicated by the terms 'law' and 'justice,' it is less important.

⁵ I. Kant, *Critique of Practical Reason*, trans. L. W. Beck (New York: Liberal Arts, 1956), VII.

⁶ *Ibid.*, VIII.

⁷ *Ibid.*

⁸ C. TAYLOR, *Hegel* (Cambridge: Cambridge University Press, 1975), 32.

⁹ *Ibid.*

be representative of *genuine* freedom.¹⁰ By virtue of the fact that the Kantian individual must suppress her desires in order to achieve a good will (and this includes not only deviant desires, such as the desire to sabotage a rival, but also those desires which we might think of as *good* to have, such as the desire to help a friend) she will inevitably experience the law as something alien to her as a *whole* being, where this wholeness comprises both reason and sensibility. Insofar as she must expunge her own sensibility in order to follow the moral law, she will be alienated from that dimension of her being. In a famous passage, Hegel re-describes the freedom of the Kantian moral individual in distinctly unfavorable terms:

[...] between the Shaman of the Tungus, the European prelate who rules church and state, the vagues, and the Puritans, on the one hand, and the man who listens to his own command of duty, on the other, the difference is not that the former make themselves slaves, while the latter is free, but that the former have their lord outside themselves, while the latter carries his lord in himself, yet at the same time is his own slave. For the particular – impulses, inclinations, pathological love, sensuous experience, or whatever else it is called – the universal is necessarily and always something alien and objective. There remains a residuum of indestructible positivity which finally shocks us because the content which the universal command of duty acquires, a specific duty, contains the contradiction of being restricted and universal at the same time [...]¹¹

If the particularity of the individual's inclinations must always be dispelled, then the universality of the moral law will necessarily appear as a demand *alien* to the individual. The moral self will be split asunder, with the rational, law-giving side of the self – 'the lord' – effecting a suppression of the sensuous side of the self. This kind of diremption within the human being cannot be the path to "restor[ing] man's humanity in its entirety"¹² – the goal of unified harmony that Hegel and his Romantic contemporaries felt would truly represent the highest form of human freedom.

Love holds significance for Hegel because it represents the unification of reason and sensibility, and hence the genuine freedom that is absent from Kant's conception of autonomy. The nature of this 'unification' can be gleaned from Hegel's remark that the "moral disposition" is a "correspondence of law and inclination" which is "life and, as the relation of difference to one another,

¹⁰ The criticism that Kantian morality effected a division within the individual between duty and inclination, or freedom and desire was well known at the time. Hegel's proposal of love as a higher principle which overcomes this diremption may be seen as one answer among others. Schiller, for example, in his *Letters on the Aesthetic Education of Man* contrasts the *Sinnestrieb* (the sensuous drive) with the *Formtrieb* (the formal drive), and proposes that a third drive, the *Spieltrieb* (the play drive) could unite the two. The *Spieltrieb* is equivalent to beauty, and also to what Schiller calls "living form." See F. SCHILLER, *On the Aesthetic Education of Man: In a Series of Letters* (New York: F. Ungar Publishers, 1965).

¹¹ HEGEL, *Early Theological Writings*, 211.

¹² *Ibid.*, 212.

love; i. e. it is an "is" [...]"¹³ These different concepts – moral disposition, life, love, and the 'is' – are commensurate for Hegel because they all possess a similar structure of a 'correspondence' between law and inclination. This ought not to be conceptualized as the unification of two separate and distinct entities (implying that they could be detached from each other) but as a merging that is so close that the two terms could not, in principle, be separated.¹⁴ This 'correspondence,' furthermore, is not a mere *coincidence* between law and inclination, in which one would be inclined to act in a manner which aligns with the commands of the law, but fail to be *motivated* by the law; this Hegel describes as "only fortuitous, only the unity of strangers [...]"¹⁵ In the moral disposition, as in life, love, and the 'is,' inclination is not something 'particular' opposed to the 'universal' element of law, but is instead a form of virtue in which "the passions are so related to reason that they do what reason commands."¹⁶

Love is a paradigm case of this structure of indistinguishable unity between reason and 'the passions' insofar as when one loves another person (as opposed to standing in a moral relationship to them) one *desires* to treat them well. This situation cannot be subsumed under the heading of a desire to act in a morally virtuous way or acting out of a respect for the moral law, for one simply *desires* to care for the other person, and to treat them well. Hegel holds, *contra* Kant, that there is something peculiar about conceptualizing this desire to treat another well, which stems from love, as a 'pathological,' heteronomous desire. Love is not properly understood as a desire *against* which one must struggle in order to act morally; instead, it is a form of genuine freedom in which one is not required to suppress or 'enslave' a dimension of oneself in order to act morally. By virtue of the fact that love's structure enables genuine freedom, Hegel views love as a counterpoint to a Kantian picture of freedom as "perpetual struggle"¹⁷ and, more broadly, as a necessary counterpoint to a form of human collective life conducted on the basis of law and its fellow concepts of justice, duty, and rights, to the *exclusion* of other dimensions of human relationships and community.

Love is, then, a political concept for Hegel insofar as it is intended to be a basis for collective life that enables genuine freedom. Yet Hegel's conception of love also plays an epistemological role: it represents a particular way of know-

¹³ *Ibid.*, 215.

¹⁴ For example, if one has a moral disposition – if one's temperament is such that one habitually acts morally – then it would be incorrect to describe one's moral action in terms of a struggle to overcome one's real desires to act in accordance with the moral law. One's desire would simply be to act in accordance with the moral law; in this way there would be a 'correspondence' between law and inclination.

¹⁵ *Ibid.*

¹⁶ *Ibid.*

¹⁷ TAYLOR, *Hegel*, 32.

ing the world. Specifically, it is a way of knowing the world that provides a more expansive, ethical point of view than the perspective of law. What Hegel suggests is that the stance of justice is intimately related to a kind of myopic vision and meanness of spirit (a position reminiscent of Hume's depiction of justice as the "cautious, jealous virtue"¹⁸). The perspective of justice, Hegel thinks, encourages a narrow and exclusive focus on *particular* elements of a situation: for example, what is owed to whom. He writes, for example, "Woe to the human relations which are not unquestionably found in the concept of duty; for this concept [...] excludes or dominates all other relations."¹⁹ The problem with the perspective of justice, then, is that it engenders an overly narrow focus on those aspects of ethical situations that can be subsumed under the concept of duty, to the detriment of other facets of the situation. Epistemologically, such a narrow perspective on ethical situations may fail to bring into view the situation 'as a whole.' In losing this capacity to see ethical situations as a *whole* – in being able to only see in terms of duty, rights, and obligation – Hegel charges that significant elements of human relations fall out of the picture.

The idea that love and justice may form *perspectives* on the world, and the further claim that the perspective of justice represents a more limited perspective than that of love, receives clarification from a tale Hegel relays about Mary Magdalene. Here, the perspective of justice and the perspective of love are clearly contrasted. In the story, Mary Magdalene, "the famous and beautiful sinner,"²⁰ is driven by the guilt of her sins to go to where Jesus is eating in the house of a Pharisee, a member of a Judaic sect. Mary Magdalene washes Jesus's feet with her tears, dries them with her hair, and finally kisses them and anoints them with an expensive ointment. At this sight, the "righteous Simon,"²¹ one of the onlooking Pharisees, feels only the "impropriety of Jesus's dealing at all with such a creature."²² Against the "power of judgment"²³ expressed by Simon, in the other onlookers there was "stirring a much nobler interest, a moral one. The ointment might have been sold for three hundred pence and the money given to the poor."²⁴ Hegel's ascription of 'nobility' to the moral interest over the power of judgment is, I think, intended to be sardonic. Although the moralists are highly conscious of the superiority of their stance, as opposed to that of the judgmental Simon or the immoral Mary

¹⁸ D. HUME, *Enquiries concerning Human Understanding and concerning the Principles of Morals*, ed. L. A. Selby-Bigge, and P. H. Nidditch (Oxford: Clarendon, 1975), Section III, Part I.

¹⁹ HEGEL, *Early Theological Writings*, 212.

²⁰ *Ibid.*

²¹ *Ibid.*

²² *Ibid.*

²³ *Ibid.*

²⁴ *Ibid.*, 212.

Magdalene, they themselves represent a "crude attitude" by Hegel's lights, for they are unable to "grasp the beautiful situation."²⁵ Instead of perceiving Mary Magdalene's actions as a beautiful expression of love and repentance from someone who has sinned, the Pharisees can only see it as a squandering of resources which that have been used to do more good elsewhere.

To say that love and justice are perspectives on the world, then, is to say that each presents a particular *view* of ethical situations. As the metaphor of vision implies, the perspectives of love and justice diverge over what appears as ethically significant; on a more fundamental level, they represent a divergence in how ethical situations are to be conceptualized. Is Mary Magdalene's interaction with Jesus a beautiful act of love and repentance, or a wasteful and morally blameworthy squandering of precious resources? Although adjudicating between the validity of each description may strike one as a difficult (and perhaps irresolvable) task, Hegel's preference is clear: although it may be true that from the perspective of moral *duty*, one ought to sell the ointment to give the money to the poor, to view the world *solely* through the lens of duty and justice is to possess an impoverished vision. For from this vantage point central dimensions of human existence and relationships – such as beauty and love – will not show up at all. The loss of these dimensions from our view of ethical situations would, Hegel thinks, signal the loss of that which is distinctively human. Hegel's argument, we can conclude, that love represents a concept which is "higher"²⁶ than law crucially turns on its status as both political and epistemological: it is 'higher' than law because it provides for genuine freedom, and for a more expansive, ethical vision.

3. Aufhebung, Contradiction, and the Relationship between Love and Justice

What, however, are we to make of Hegel's further comment that love "makes law superfluous"²⁷? This description points to a greater complexity in Hegel's conceptualization of the relationship between love and law than has been evident thus far; specifically, it suggests that Hegel envisages this relationship as one that is not merely oppositional or hierarchical. In the remainder of the paper, I will argue that the relationship between love and justice can be considered a precursor to Hegel's later conception of the dialectical movement of Spirit: Hegel refuses a picture of love and justice in which they are simply in diametric *opposition* to each other and instead develops a view in which love

²⁵ Ibid., 243.

²⁶ Ibid., 212.

²⁷ Ibid.

is capable of *preserving* the aim of justice while simultaneously overcoming the limitations of the standpoint of justice.

Hegel's later concept of 'sublation' or *Aufhebung* that characterizes the relation between moments of Spirit can be translated in a number of ways in English, including 'to abolish,' 'to preserve,' 'to lift up,' and 'to transcend.' The concept, taken in its full sense, is intended to carry with it these various meanings. Hence, when Hegel describes the 'sublation' of an earlier moment of Spirit by a later one, this ought not to be taken to mean that the latter *simply* cancels out the former. The later moment of Spirit transcends the earlier insofar as it represents an advancement of Spirit – an overcoming of the contradiction entailed by the previous moment – but it also in some sense *preserves* the earlier moment of Spirit. The relation between love and justice is similarly dialectical in the sense that it is not a relation characterized by simple opposition. Hegel views love and justice as possessing the same *aim*: the actualization of the good. Yet love is 'higher' than justice because it surpasses the latter in its more effective accomplishment of this aim. Hence, we can say that the relationship between love and justice is, on the one hand, one of transcendence or overcoming: whereas justice falls into various pathologies in attempting to actualize the good, love is able to simply *achieve* the good. On the other hand, love is not completely opposed to justice, but *preserves* the latter insofar as it represents the achievement of that at which justice aims.

What reasons, however, does Hegel offer for the claim that love is more effective at accomplishing the good than justice? And how does he conceptualize these two terms such that they can be dialectically related in the way I have suggested? Let us recall Hegel's equivalence between love, the moral disposition, and the 'is' (as opposed to Kantian morality's expression of an 'ought'): love's equivalence with the 'is' sets it against the 'ought' for with love, the good is made actual, whereas with law the good remains a mere obligation. The concrete application of this contrast, and a clarification of what Hegel means by this contrast, emerges in his remark that against the command, "Thou shalt not kill," Jesus sets the higher principle of love that "not only does not act counter to this law but makes it wholly superfluous; it has in itself a so much richer, more living, fulness that so poor a thing as a law is nothing for it at all."²⁸ What Hegel has in mind here is that love makes law 'superfluous' in the sense that love for another person will make, in this specific case, a law forbidding murder unnecessary: the desire to kill another human being will not even arise in the context of a loving relationship. Law is only necessary, Hegel points out, *because* a desire to kill exists that must be kept in check by the power of a commandment. In a community held together by ties of friendship and love, however, there would be no need for such a law; furthermore, the

²⁸ *Ibid.*, 215.

end goal of the law – to prevent murder – would be much more likely to be actualized because individuals would not need to struggle against their desires in order to follow the law. Love's structure as a state that unifies reason and the passions is an 'is' in the sense that it can *actualize* the good – not just state an *obligation* to actualize the good – in a way which law cannot.

A second reason Hegel sees law as less capable of achieving the aim of the good than love is that the former, Hegel thinks, possesses an inherently *restrictive* structure that can cause it to actively undermine the achievement of the good. The restrictive nature of law stems from the fact that it is in the nature of law to command or prohibit a *specific* action: for example, 'thou shalt not kill.' Law necessarily commands or prohibits a particular action, which Hegel contrasts with love when he remarks that the latter "[...] alone has no limits."²⁹ What Hegel has in mind here may be understood in the following way: it is coherent to say that one has definitively 'done one's duty,' i.e., fulfilled all of one's obligations to one who has authority. But there would be something strange about claiming that one has definitively finished doing what love requires for love, unlike law, is open-ended in the sense that it does not prescribe specific actions. Hegel views this difference in nature between love and law to mean that the latter is less effective in actualizing the good: if one acts on the principle of law, one might indeed act in accordance with the specific action prohibited, but in the absence of love there would exist no additional motivation to go *beyond* mere adherence to the law.

Indeed, if one acts on the basis of love we might imagine that one would not only not want to steal from others or commit murder in the first place, but would be more likely to go beyond the mere fulfillment of specific duties. One might not only obey the law but be motivated to go above and beyond the law – not only refraining from stealing from others, but actively trying to make one's community a better place in a way which goes beyond the 'call of duty'. This difference is intuitively captured insofar as if someone acts in a way that exceeds the commands of a law, we tend to describe them as motivated by something *outside* the law, i.e., idealism or a particular passion. There is nothing, however, which we see as similarly supererogatory for love and love, in this sense, has no limits. Love and justice, then, are not in absolute *opposition* to each other as they possess the same aim; however, the structure of the law, and its presupposition of a desire to transgress the law and inherently restrictive nature, makes it less successful than love at achieving the good. Love is capable, therefore, of making law 'superfluous.'

The relationship between love and justice as Hegel conceives of it in the early essay possesses several features that reflect its status as a precursor to the concept of *Aufhebung*. Love is a concept that *preserves* justice, insofar as love

²⁹ Ibid., 247.

preserves the aim of justice; love *transcends* justice insofar as love more effectively accomplishes justice's aim; finally, love *cancels* or *abolishes* justice because Hegel views the presence of love as making law unnecessary. The dialectical progression of Spirit in the *Phenomenology*, however, is ultimately driven by the successive attempts it makes to actualize itself concretely in the world, and the contradictions that result. It is perhaps not irrelevant, then, that part of Hegel's critique of justice involves detailing the contradictory consequences of an attempt to actualize the perspective of justice in a concrete case. It is to this aspect of his argument which I now turn.

Hegel thinks that justice tends towards a fixation on "giv[ing] like for like"³⁰ but that for love, by contrast, "[...] even anger is a crime and amounts to the quick reaction of feeling to an oppression, the uprush of the desire to oppress in turn, which is a kind of blind justice [...]"³¹ Whereas from the perspective of justice, all that appears as salient is that one has been oppressed by another and that this oppressor receive his or her just desserts, this desire to punish does not appear as a desire to "oppress in turn."³² This, for Hegel, represents a case of "*blind justice*," a concept that can only be understood within the context of his conception of fate. Fate usually refers to a situation in which one finds oneself bound to laws which stand, as it were, over oneself, and which one cannot control (the 'Fates' in Greek mythology, for example, were goddesses who controlled the lives of human beings, and who were often depicted embroidering tapestries, symbolizing their creation of human beings' lives). Hegel, however, departs from this concept of fate, writing, for example, that fate is the "adopti[on of] an alien nature as a result of succumbing to might or seduction," and that the specific form it takes is "submission to the fetters of the stronger."³³ Hegel's suggestion that fate entails that one 'adopt,' 'succumb,' or 'submit' to the laws of the stronger seems inconsistent with the idea that one's fate is something outside of one's control, for it implies that one has a measure of agency with respect to one's fate: one can *choose* whether or not one submits, succumbs, or adopts the "fetters of the stronger."³⁴ In Hegel's modification of the conventional meaning of the concept, fate is transformed into a law that one chooses to place above oneself, yet that subsequently appears as that to which one *must* submit.

Hegel's conception of fate shares with 'blind justice' the structure of something initially *chosen*, which is then transformed into something which appears as though one did not choose it: an alien command that stands over and

³⁰ Ibid., 238.

³¹ Ibid., 216.

³² Ibid.

³³ Ibid., 182.

³⁴ Ibid.

above oneself. A preoccupation with justice, as in the case of fate, involves the establishment of authoritative laws and, crucially, the forgetting of one's own agency in the creation of, and assent to, those laws. In the specific case of justice, what is forgotten is that justice is not an end in itself, but is intended to restore a kind of original wholeness, the shattering of which prompted the desire for justice in the first place. This parallel emerges in the following warning, in which Hegel writes, "Beware of taking righteousness and love as a dependence on laws and as obedience to commands, instead of regarding them as issuing from life. If you ignore this warning, you are recognizing over you a lord before whom you are impotent, who is stronger than you, a power who is not yourself."³⁵ In a similar vein, he writes that if one "pick[s] up the gauntlet and insist[s] on his right against the transgressor" one is "entangled in a fate by another's deed."³⁶ But why would one be 'entangled in a fate by another's deed' if one insists on one's rights? And how does the deliverance of punishment to a transgressor entail choosing to submit to an *alien* power when, if anything, it would appear that to assert one's own rights in the face of a transgressor of the law would be to assert power for oneself?

Hegel's answer to these questions would be that when one experiences a "quick reaction of feeling to an oppression" and "an uprush of the desire to oppress in turn," one may be enacting justice insofar as one punishes the transgressor of the law. But this kind of justice is 'blind' because it is characterized by a dangerous form of forgetting: a forgetting that what justice ultimately aims at is not merely following a law – to give, as Hegel later describes it, "like for like" – but instead issues "from life." Transgressions of the law matter because they fracture what was once whole; the enactment of justice should, therefore, not contribute further to this fracturing, but instead aim at the restoration of what has been damaged. 'Blind justice' is only capable of seeing the individual *parts* of the enactment of justice, such as the breaking of the law, and the righteous punishment, but fails to perceive the 'whole': the context within which justice takes place, which involves both the motivations and consequences of justice. Hegel elaborates on this point in the following statement:

[...] punishment inflicted by law is merely *just*. The common character, the connection of crime and punishment, is only equality, not life ... tyrants are confronted by torturers, murderers by executioners. The torturers and executioners, who do the same as the tyrants and murderers did, are called just, simply because they give like for like. They may act deliberately as avengers or unconsciously as tools; yet we take account not of their soul but only of their deed. Of reconciliation, of a return to life, there can thus be no question so far as justice is concerned [...]³⁷

³⁵ Ibid., 237.

³⁶ Ibid., 238.

³⁷ Ibid., 237.

Justice in this scenario is figured as *equality* insofar as justice means doing to the criminal what the criminal did to his victim: it means “giv[ing] like for like.”³⁸ This equality of justice is, furthermore, the “equality of enemies,” a claim about the psychological dynamic of justice. The experience of being wronged causes one to feel less than equal to one’s oppressor; in turn, this leads to hatred for one’s oppressor, and a desire to prove oneself equal once again.

Contradictory elements result from a preoccupation with justice and the psychological dynamic that accompanies it. An exclusive focus on justice, first, tends to lead to a neglect of the *context* of justice and hence of the latter’s original aim. Law is, Hegel notes, only a “fragment of human nature”³⁹: it is just *part* of human life, not the whole, and the end of human life is not to enforce laws. Second, a contradictory state is generated in which the individuals who are responsible for punishing the criminals commit the same heinous actions as the criminals: as Hegel notes, torturers punish tyrants and executioners punish murderers, yet no thought is given to their ‘souls’, but only to their ‘deed,’ and specifically whether their deed enacts justice. Finally, there is a gap between the way in which justice conceptualizes the criminal and the real nature of the criminal. Although in the context of the law the criminal is seen as *only* a criminal, the criminal is really “more than a sin existent; he is a man, trespass and fate are in him. He can return to himself again, and, if he does so, then trespass and fate are under him.”⁴⁰ From the perspective of justice, the criminal is defined by his crime, and is not seen as a responsible moral agent who could recognize the error of his ways and repent. Punishment, therefore, could not arise from the individual himself, which makes it necessary for the individual to be punished by a hostile, alien law. The vicious cycle of justice cannot lead to what Hegel calls reconciliation, or life – the wholeness which the original crime rent apart – but only to further fragmentation.

4. Conclusion

The concept of love that Hegel develops in “The Spirit of Christianity and its Fate” as a foundation for communal life capable of overcoming alienation may appear to be a far cry from his well-known concept of Spirit. We ordinarily speak of love when we speak of our personal feelings of affection for another individual – not to refer to a concept of the same magnitude as Hegelian Spirit. In this paper, however, I have reconstructed Hegel’s arguments concerning the nature of love and its relation to justice as they appear in the early

³⁸ Ibid.

³⁹ Ibid., 237.

⁴⁰ Ibid.

essay such that significant thematic connections between his early and mature thought become more perspicuous, and the philosophical roots of his mature thought are brought to clarity. Love, for Hegel, has both political and epistemological facets, and its relation to the 'lower' concept of law is not one of simple opposition, but instead possesses a dialectical dimension of preservation and transcendence.