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Eleonora Caramelli

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1. Author's information
University of Bologna

2. Author's contact
eleonora.caramelli2@unibo.it

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Hegel and the Experience of Forgiveness. Starting from the Spirit of Christianity

ELEONORA CARAMELLI
University of Bologna

Abstract
The aim of this paper is to explore the theme of forgiveness in Hegelian philosophy - especially as it appears in the early text *The Spirit of Christianity and Its Fate* and in the *Phenomenology of Spirit* - with the aim of emphasizing the specifically philosophical meaning of forgiveness. In the 1798-1799 text, in fact, forgiveness gains importance in relation to the comparison between the spirit of Judaism and that of Christianity. Starting from here, one can appreciate how, based on this theological background, the discussion that appears in the last section of the sixth chapter of the *Phenomenology* considers the experience of forgiveness as the paradigm of experience as such. In this sense, the moment of forgiveness is central insofar as it is a constitutively intersubjective experience.

Keywords: Christianity; Forgiveness; Experience; Hegel; Judgment.

> *Das eigentliche politische Prinzip der christlichen Liebe liegt im Verzeihen. Dies nämlich kann nicht mehr in die Seele des Einzelnen verlegt werden, dafür bedarf es stets eines Andern. Ich kann mich selbst beherrschen […], aber sich selbst verzeihen kann niemand.*
>
> H. Arendt, *Denktagebuch*

This contribution intends to explore the theme of forgiveness starting from the role it plays in Hegelian philosophy - especially as it appears in the early text *The Spirit of Christianity and Its Fate* and in the *Phenomenology of Spirit* - with the aim of emphasizing the specifically philosophical meaning of forgiveness. In the 1798-1799 text, in fact, forgiveness gains importance in relation to the comparison between the spirit of Judaism and that of Christianity. Starting from here, one can appreciate how, based on this theological background, the discussion that appears in the last section

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of the sixth chapter of the *Phenomenology* considers the experience of forgiveness as the hermeneutic paradigm of experience as such[1]. Given the fundamental *novitas* that it entails, the experience of forgiveness exemplifies the essential character of experience as such, that is, its non-deducibility. In this sense, the moment of forgiveness is central to the *Phenomenology of Spirit* insofar as it is only an opportunity, not a guaranteed possibility: in fact, as we shall see, it is a constitutively intersubjective experience.

The present contribution will be articulated in three steps. First of all, based on *The Spirit of Christianity*, I will focus on the analysis of the spirit of the law, underlined by a logic that is unable to deal with experience; then I will move on to the constitutive risk by which the logic of the law tends to absolutize itself and consequently promote a legalism that borders on pharisaism. Finally, drawing on the *Phenomenology of Spirit*, I will analyse the relationship between the judging conscience and the acting conscience, taking into account the issues related to the spirit of Judaism vs that of Christianity previously addressed in the early text. Lastly, I will try to suggest that the Hegelian *Geist* seems to present itself as a true spirit of forgiveness.

1.The logic of the law and the spirit of Christianity

The Spirit of Christianity and Its Fate was written by Hegel between 1798 and 1799 and published posthumously in 1905 in a collection edited by Hermann Nohl with the title *Early Theological Writings*. As in his Bernese period, Hegel was here driven by the analysis of the needs of his time. More precisely, his aim was to find thought devices able to remedy the divisions typical of modernity. In this sense, the historical dimension intersects with the theoretical dimension, so that, as we shall see, the spirit of Israel constitutes in this writing, as has been noted (Appel, 2003, pp. 199-200), a true figure of thought.

[1] For a wider overview of the subject of forgiveness in philosophy, also with regard to the contemporary debate, cfr. Kodalle (2013).

Regardless of the typifications - if not actual stereotypes - about Israel attributed to Hegel in this text[2], what interested him was to analyze a figure of the spirit characterized by a certain logic. This logic is under the sign of Abraham, the father of the Jewish people. In the face of division, Abraham responds by subjugating one part to the other, thus indefinitely reproducing the division itself. This theme is important because, at that time, Hegel was reflecting on the nature of the division itself so as to envision a way to solve it without resorting to a relationship of domination, that is, a relationship in which one party crushes the other.

Referring to the events of the Patriarchs, Hegel immediately mentions the episode of Noah, where the latter, in the face of the wild and hostile nature, seeks to dominate it. But with what power does he do so?

> If man was to hold out against the outbursts of a nature new hostile, nature had to be mastered; and since the whole can be divided only into idea and reality, so also the supreme unity of mastery lies either in something thought or in something real. It was in a thought-product that Noah built the distracted world together again (*W* I, p. 275; *THW*, p. 183).

The power mentioned by Hegel, as paradoxical as it may seem, is the power of thought, which makes it so that the thinking subject dominates the thinking object. But what is the sphere that supervises the activity of thought as domination? It is the law, which commands humans to regulate and limit themselves. And if the domination of thought is controlled by the law, it appears as legal (*gesetzmäßige Herrschaft*, *W* I, p. 275).

As mentioned, Israel represents a figure of thought in this context, as shown by the insistence on the adjective *gesetzmäßig*: in Hegel's thought, the latter can only refer to the dialogue with Kant, which Hegel would soon take further in *Faith and Knowledge* (1802). Conformity to law, that is, legality (*Gesetzmäßigkeit*) is in fact the a priori principle of Kantian Understanding. As Hegel would put it in 1802, the characteristic of the Understanding is indeed to take a finite aspect of reality and absolutize it *against* all the others - something that is likely to forever fall back into the logic of domination. The centrality of the law is the trait-d'union by the virtue of which Israel and the constellation of Kantian thought tend to

[2] For a problematization of this theme, see at least the seminal Fackenheim (1967, pp. 157 ff.), Pöggeler (1974) and, more recently, Arndt (2012).

overlap. In this sense, therefore, the power of thought I spoke of earlier does not correspond to that of thought as such, but rather to the kind of thought that rests on the Understanding: that is, the *Verstand*.

Thanks to Israel, the *modus operandi* of thought *qua* regulated by the *Verstand* is also described as a life practice. Abraham's *ingenium*, which is Israel's sign, is in fact defined as «self-subsistent, autonomous (*selbständig und unabhängig*)» (*W* I, p. 277; *THW*, p. 185). In this context, the concept of autonomy may refer to a principle of the *Critique of Practical Reason,* where the autonomy of the will is opposed to heteronomy, even if in that case it is the result of the exclusive use of reason (cfr. § 8).

However, Abraham's independence, as the rejection of any heteronomy, at the same time entails the rejection of the dimension of love. The act by which Abraham becomes the father of a nation is one that breaks the bonds of coexistence and love. This is not a temporary break that accounts for the need fulfilled by love. On the contrary, Abraham frees himself from the very need of that bond. «Abraham wanted *not* to love, wanted to be free by not loving» (*W* I, p. 277; *THW*, p. 185). The observance of the law as autonomy has to be so pervasive and so exclusive that not even the love for the most desired of children may scratch it; so, his willingness to strike his own child has to prove Abraham's superiority over any feeling of love. This freedom, which feeds on autonomy instead of love, therefore becomes a spirit that has to do without everything so as to depend on nothing. Which means that this spirit ends up to be «the spirit of self-maintenance in strict opposition to everything» (*W* I, p. 277; *THW*, p. 186).

> He was a stranger on earth, a stranger to the soil and to men alike. Among men he always was and remained a foreigner, yet not so far removed from them and independent of them that he needed to know nothing of them whatever, to have nothing whatever to do with them […] He steadily persisted in cutting himself off from others, and he made this conspicuous by a physical peculiarity imposed on himself and his posterity (*W* I, pp. 277-278; *THW*, p. 186).

Abraham, a stranger on earth, preserves an autonomy that can only come at the price of the deepest solitude. As a result, the liberator of the Jewish people from the Egyptian captivity also became their legislator. The freedom of autonomy, in fact, is at the same time submission to the law, which cannot fix the division, but rather constantly perpetrates it. The law,

in its strict logic, only allows for repetition with no exception, that is, with no unprecedented plus that only as such may lead to reconciliation (*Versöhnung*). The law shows its radical inability to achieve a real unification *qua* juridical institute.

Hegel speaks of the law in the third part of the text after discussing Israel in the first and Jesus's morality and love in the second. Where the law revokes any dialectics, reconciliation seems possible only when punishment is associated with the idea of destiny, which constitutes one of the decisive conceptual structures of this Hegelian text as well as one of the first signs of a markedly dialectical thinking. The punishment brought by the law *qua* criminal law, in fact, by weakening the guilty, can suppress the contradiction between the ought and the reality of the crime; however, the restoration of legality by the law is but the ratification of the gap between the law and individual actions.

The extraordinary resilience of the law is due to the fact that nothing, not even a violation, can affect legality, because in that case the law «is then called a penal law» (*W* I, p. 338; *THW*, p. 226). The law, as universal domination, is opposed to all that is particular. Therefore, nothing real can affect it. Nonetheless, legality also suffers from a constitutive weakness, as restoring the legal order through punishment does not coincide with the fulfillment of justice. Necessarily animated by the logic of a formal universality, whose sole prerogative is to not fall into contradiction, the law, in its dialogue / confrontation with the real, proceeds to the punishment of the offender because it «cannot forgo the punishment, cannot be merciful, or it would cancel itself» (*W* I, p. 339; *THW*, p. 226). By promoting the recovery of legality by force alone, the law makes of justice (*die Gerechtigkeit*) something constitutively contingent.

Penal law, far from reintegrating the offender, simply destroys the latter, which is but the example of how the law behaves in the face of every individuality. In other words, this means that the law does not tolerate any exception, as the case of the «exception which the trespasser wished to make to the universality of the law» (*W* I, p. 340; *THW*, p. 227) shows. The law, being opposed to individuality and peculiarity, only provides for repetition, because it is basically incapable of dealing with and acknowledging the unprecedented character of experience. The

guilty, therefore, even when punished, will always be guilty, and the transgression will always be a transgression. In its indifference to *Gerechtigkeit*, the formal universality of the law entails the irreversibility of the *Ungerechtigkeit*.

> What has happened cannot be undone; punishment follows the deed, and that connection is indissoluble. If there is no way to make an action undone, if its reality is eternal, then no reconciliation is possible, not even through suffering punishment. To be sure, the law is satisfied when the trespasser is punished, since thus contradiction between its declared fiat and the reality of the trespasser is annulled […] Only the trespasser is not reconciled with the law (*W* I, p. 340; *THW*, p. 227).

From a theoretical point of view, there are at least two significant consequences. In the spirit of Judaism, the logic of the law seems to be the only legality of thought. In this way, thought remains incapable of dealing with experience, which remains entirely alien to it. Secondly, what interests us most in this context is that the logic of the law prevents the very possibility of forgiveness insofar as it unilaterally ratifies the irreversibility of what has happened: «what has happened cannot be undone» (*W* I, p. 340; *THW*, p. 227). The violation of the law, in this sense, remains a forever open wound, which cannot be healed. Perhaps, in the light of this dramatic view, we can appreciate the mysterious conclusion of Hegel's discussion of Israel and the logic of the law, where the tragedy of the Jewish people is not regarded as a Greek tragedy, but as a modern one. Indeed, it is compared to *Macbeth* (cfr. *W* I, pp. 342-343; *THW*, pp. 204-205).

This problematic mixture of ancient and modern confirms above all that through Israel Hegel intends to analyze an ideal configuration of thought, so transversal as to embrace even the modern divisions of which the *Verstand*'s primacy is both the symptom and the cause. This comparison, above all, is useful in emphasizing the characteristic that underlies the logic of the law. As Hegel explains in the later *Lectures on Aesthetics*, modern tragedy, rather than the ancient one, is similar to the *Trauerspiel*. In this sense, the end of the first part of *The Spirit of Christianity* tells us that the logic of the law is fundamentally a logic of mourning.

2. Pharisaism, solitude before the law and the spirit of Jesus

As opposed to the Jewish spirit, which establishes an abyss between life and guilt, as well as between guilt and forgiveness, the spirit of love, open to reconciliation, recognizes instead a bond between guilt and reconciliation. The enhancement of this bond, however, triggers the strongest reaction in the Jewish spirit of separation: «when their hatred took the form of a judgement, the thought of such a bond must to their minds have been the thought of a lunatic (*der Gedanke eines Wahnsinniges*)» (*W* I, p. 355; *THW*, p. 215). If the form of *judgment* alludes to the episode of Pilate attributing Jesus's death sentence to the crowd (Matthew 27:21; Mark 15:13; Luke 23:21; John 18:40), the fact that Jesus's attitude also appears to be that of a madman means that, for the logic of the law, a thought that wants to overcome its dependence on legality lies outside of the *logos* itself.

Against pharisaism, which is a peculiar declination of legalism, Jesus proposes a love that is primarily based on acknowledging need (cfr. *W* I, p. 354; *THW*, p. 216), where the reward doesn't follow the quantitative logic related to the degree of observance of the law. Here, continues Hegel, «the concept is displaced by life» and there is no loss of universality, but a «genuine infinite gain on account of the wealth of living relations with the individuals» (*W* I, p. 355; *THW*, p. 215).

The «reconcilability (*Geist der Versöhnlichkeit*)» (*W* I, p. 328; *THW*, p. 215), therefore, «makes a general demand on his hearers to surrender their rights, to lift themselves above the whole sphere of justice or injustice by love» (*W* I, p. 328; *THW*, p. 218). «Love does not leave the judge to apportion its right; it reconciles itself to its enemy with no regard to right whatever» (*W* I, p. 328; *THW*, p. 216). Thus, the fulfillment of justice is based on a surplus, so to speak, by which the law becomes superfluous: namely love. On the other hand, as we have seen, from the repetition perpetuated by the law, «from the terrifying reality of evil and immutability of the law» man «can fly to grace alone» (*W* I, p. 341; *THW*, p. 227). This means that love goes beyond the logic of reward and punishment, so that neither are something that one can deserve, strictly speaking.

From this point of view, legalism seems to overlap with the hypocrisy of pharisaism, because full adhesion to the logic of the law implies a

remunerative vision of justice, whereby righteousness is a form of credit and salvation is the result of trade. This is the topic addressed by the parable (Luke 18: 9) mentioned by Hegel (cfr. *W* I, p. 332; *THW*, p. 220).The Pharisee thanks God for not being like many other people who are unjust, thieves and adulterers like the publican next to him. He feels righteous because he honours all the dictates of the law. The publican, on the contrary, stands before God asking for mercy for his sins.

The absolutization of the law entails «honesty (*Rechtschaffenheit*)» (*W* I, p. 334; *THW*, p. 221) but *Rechtschaffenheit* risks falling into the arrogance of *Rechthaberei* because «this conviction of self-righteousness (*in sich gerecht zu sein*)» involves «disparagement of others» (*W* I, p. 332; *THW*, p. 220) . The good conscience that comes from the belief that one has done one's duty, in fact, absolutises itself and thus turns into disdain for other people. Thinking that he exhausts the scope of what is right, the righteous *judges* others according to the etymological meaning of the verb *urteilen*, on which Hegel insists. In fact, the German word *Urteilen*, as Hegel affirms in the *Encyclopedia of the Philosophical Sciences* (§ 166, *Zusatz*[3]), could refer to an original divide (*Ur-theilung*)[4], which means that by judging others the person with *Rechtschaffenheit* dissects them, breaks them into pieces.

There is a dual hypocrisy to this attitude. On the one hand because, in line with the idea of having built up credit by following the law, the person with *Rechtschaffenheit* ends up making the outcome of her action the very condition for it, that is, something like an a priori right. On the other hand, hypocrisy also undermines the validity of her judgment of others. The *Urteilung*, understood as the self-righteous' right to condemn others, is really the outcome of their inability to endure otherness: it is the «subsumption of others

[3] «Die etymologische Bedeutung des Urtheils in unsrer Sprache ist tiefer und drückt die Einheit des Begriffs als das Erste, und dessen Unterscheidung als die ursprüngliche Theilung aus, was das Urtheil in Wahrheit ist». The broader consequences of this view can be found in the «Hegel Dictionary» edited by Inwood (1992), where it is stated that indeed Hegel «accepted the widespread view that *Urteil* and *urteilen* derive from *ur-* (original) and *teilen* (divide), and thus signify an "original division"» (p. 152).

[4] The Hegelian doctrine of judgment in this sense is inspired by Hölderlin, who in the brief text *Urteil und Sein* (probably dated 1795) had traced the meaning of the German term *Urteil* back to *Ur-Theilung*, that is, the original partition (F. Hölderlin, *Sämtliche Werke*, II, p. 59). On this point, see the exhaustive monograph dedicated specifically to Hegel's doctrine of judgment: Lau (2004), pp. 161 and ff.

under a concept manifested» that the one who judges «cannot hold out against their independence» (W I, p. 335; *THW*, p. 222). And yet, even though he is unaware of it, the subject of the *Rechtschaffenheit* is himself a particular declination of otherness, one of many.

> This subsumption of others under a concept manifested in the law may be called a weakness on the ground that the judge is not strong enough to bear up against them altogether but divides them; he cannot hold out against their independence; he takes them not as they are but as they ought to be; and by this judgement he has subjected them to himself in thought, since the concept, the universality, is his (*W* I, p. 335; *THW*, p. 222).

According to a legal logic, the subject of the *Rechtschaffenheit* sees himself as the sole owner of what is right, reducing the universal to his own property. As we have seen, however, this position is the result of an optical illusion of which the pharisaic hypocrisy is both a victim and the perpetrator. Being an actor, who formulates hidden judgments underneath his open words (from the Greek *hypokrisis*, made up of *hypo-*, "under", and *krinein*, "to decide, to judge"), the hypocrite - as noted by Hannah Arendt (2006, p. 93) - is also one that hides appearance instead of revealing it. As a consequence, he ends up becoming blind to himself and, in fact, blind to others. In this sense, hypocrisy is the most arrogant of all vices. As opposed to the falsity of those who are content to deceive others, remaining in a relationship (however ambiguous) with them, the hypocrite - who, as the etymology of the term suggests, is a theatrical actor - always acts, even to himself, thus remaining confined in his autistic inner theater.

> There is no *alter ego* before whom he might appear in his true shape, at least not as long as he remains in the act. His duplicity, therefore, boomerangs back upon himself, and he is no less a victim of his mendacity than those whom he set out to deceive. Psychologically speaking, one may say that the hypocrite is too ambitious; not only does he want to appear virtuous before others, he wants to convince himself (Arendt, 2006, p. 93).

What one should note in Hannah Arendt's words is that for the hypocrite the other is not an *alter* ego. On the contrary, by justifying (*rechtfertigt*) himself in front of himself, the hypocrite is the subject of an essentially monological discourse. Just as the law is closed to the *novitas* of experience, so the hypocritical and legalist pharisaism is impermeable to any form of otherness. Yet, just as legality is only apparently armed but is

actually always exposed to infraction, so the Pharisee, superficially certain of his good conscience but secretly undermined by his limits, cannot help but judge others to neutralize their particularity. To disentangle this seemingly inexorable mechanism, the thinking that wants to open up to reconciliation and forgiveness does not have to erase the law, but to deal with it. It is an opportunity to think of its peculiar logic so as to take it outside of the exclusive domain of legality.

> This spirit of Jesus, a spirit raised above morality, is visible, directly attacking laws, in the Sermon of the Mount, which is an attempt, elaborated in numerous examples, to strip the laws of legality, of their legal form (*W* I, p. 324; *THW*, p. 212).

As you can see, therefore, it is necessary to deal with the logic of the law and separate the *logos* from legality, so as to give the former its freedom and to allow for a reconciliation that rests on grace and forgiveness. In this sense, judgment finds a renewed vitality, which goes beyond its purely applicative function. It is no coincidence that, despite having already noted the centrality of *nolite iudicare*, Hegel cites the seemingly antithetical passage of John 5: 22: «the Father judges no one, but has entrusted all judgement to the Son». It seems that «the demand to surrender their rights» (*W* I, p. 331; *THW*, p. 218) passes through a resignification of judgment by which the latter, by means of its very activity, abandons the sphere of legality to the extent that it separates - *urteilt* - the *logos* from the law.

However, if we must not judge, then why has the Father «entrusted all judgment to the Son»? In the Greek original, the term used is *krisis*, which in the New Testament certainly refers, among other things, to the themes of *parusia* and the final judgment[5]. In fact, Hegel also mentions John 12: 47, where it is said that God sent his Son not to judge (*richten* in Luther's translation) the world, but so that the latter could be saved (*gerettet*) through him. Although in Luther's translation the judgment of John 5: 22 is rendered as *das Richten*, one cannot ignore the Greek original, where *krisis* derives directly from *krinein*: to judge, *urteilen*. In the context of *The Spirit of Christianity*, where reflection on judgment is conceived within a critique of legalism, one must dwell on the apparent contradiction without trying to resolve it immediately, that is, by fully referring the *Richten* of John 5: 22 to

[5] Cfr. "*krisis*" in Lampe, 1971, p. 779, and in Bauer, 1988, pp. 918-919.

the theme of doomsday (*Jüngstes Gericht*). This apparent contradiction, in fact, can have a precise meaning about the way in which thought, by means of the separation promoted by legalism itself, may overcome legalism without opposing it. «The son of God does not judge, sunder, or divide, does not hold to an opposite in its opposition» (*W* I, p. 378; *THW*, p. 262).

I will not even attempt to exhaust such a profound subject. However, what interests us here and, I think, was also Hegel's focus, is that, as noted, the way in which Jesus makes use of the terms *krinein* and *krisis* shows that he j*udges and does not judge* at the same time (Papasoglu, 2013). One of the possible examples of this significant ambiguity can be found in John 8: 12-20, a passage describing a confrontation between Jesus and the Pharisees. The latter, having heard him say «I am the light of the world», claim that his testimony is not valid, because Jesus is testifying on his own behalf. Instead of defending himself against pharisaism by insisting on the *novitas* of his statement, Jesus seems to justify himself by appealing to the law by which a testimony could only be accepted in court if matched by at least another equal testimony. In John 8:16 he says in fact: «I am not alone, but I am with the Father who sent Me».

However, this is no opportunistic reaction. On the contrary, precisely by accepting the suspicions and accusations made by the Pharisees, Jesus shows how the truth of legalism is something that goes beyond legalism itself. It is clear, in fact, that if the other witness is the Father, the conformity of the Son's testimony has a meaning that goes beyond the mere validity of the law. Indeed, the Pharisees then ask: «Where is your father?» and Jesus answers (John 8: 19): «You do not know me or my Father; if you knew me, you would know my Father also». Further insisting - against the Pharisees' definitive judgment - that legalism can overcome itself, Jesus also says (John 8: 15-16): «I pass judgment on no one. But if I judge, my decisions are true (ἀληθινή), because I'm not alone. I stand with my Father, who sent me».

On the one hand, this statement seems aimed at proving the validity of his testimony before the law, but on the other hand - once associated to his ability to judge - it serves to make this legal validity superfluous. Therefore, this means that the act of *krinein*, in its original meaning of «to separate», has a meaning and should be kept, albeit not according to the unilaterality attributed to it by the law. By admitting and valorizing the diairetic

meaning of the term, Jesus distances himself from legalism. The validity of his judgment, in fact, is no longer measured against legality, but against truth: in John 8: 16, his judgment belongs to the sphere of *alētheia*. By imperceptibly shifting from the legal dimension to that of truth, Jesus exemplifies the way in which, while recognizing a certain value to judgment, he uses it in a sense that, overcoming legalism, deconstructs it from within and therefore constitutes its *pleroma*.

As Hegel noted, in fact, the Father does not judge, therefore the Son, who is at one with his Father, does not judge either. However, «at the same time he has received authority, and the power (*die Gewalt und die Macht*) to pass judgement, because he is the son of man» (*W* I, p. 379; *THW*, p. 263). The point is that the ability to judge, once speculatively conceived in its relation to the divine, is not only the power of separation, but also the power of union. This means that, once recognized the unity of the Son and the Father, which legalism cannot tolerate, the power held by the Son by virtue of that bond is also that of separation. Despite not judging in the legal sense, the Son can still judge insofar as he knows that the power of judgment is the power to separate *and* to bond. «His power (*die Macht*) to bind and to loosen (*zu binden und zu lösen*) is grounded in the divine» (*W* I, p. 379; *THW*, p. 263).

The diairetic character of judgment acquires a value of truth only when it is understood not as exclusive and unilateral, but as the other side of the power to bond - that is, to forgive. Overcoming legalism is possible when the logic of separation, which belongs to the law, is accompanied by the possibility of reconciliation. That is why the Son judges and at the same time does not judge. He does not judge because he does not condemn and oppose, but because he separates judgment from legalism. Therefore this judgment goes beyond the one-sidedness of the *Urteilung* which gives rise to the order of legality and, instead of restoring separation, it exploits the power of the latter to promote forgiveness.

3. Good conscience and the spirit of forgiveness

In the *Phenomenology of Spirit*, forgiveness appears in the final section of the sixth chapter dedicated to the spirit, following the part devoted to

«Conscience (*Gewissen*). The beautiful soul, evil and its forgiveness». First of all, one should focus on the meaning of *Gewissen*, which is hard to translate. In general, as known, the German language has at least two terms corresponding to the semantic spectrum of the Latin term *conscientia*: that is, *Bewußtsein* and *Gewissen*. The first indicates a theoretical awareness, whereas the second defines the field of conscience in relation to morality. However, these terms have different nuances, which Hegel - who was very careful to the meaning and etymology of the words he used - would have been aware of.

As shown in the Grimm brothers' dictionary, since Luther the term *Gewissen* has had a religious and moral connotation.[6]*Gewissen* identifies the process by which behaviour, instead of being guided by perception, is determined by the act of judging (Grimm & Grimm, 1854). According to the Grimm brothers, who quote examples taken from Philip Melanchthon, the term also indicates acting correctly, by respecting God's will or even being determined by God. As has been noted (Cassin, 2013, pp. 264-265), however, these nuances can also be found in Luther, for whom the *Gewissen* is not properly the autonomy of conscience, as the latter finds its true meaning in the relationship between man and God.

In such a complex issue, the most important element is that for Luther the dimension of *Gewissen*, thanks to its relation to faith and the inner stirrings of the heart, is also a form of certainty, an ability to judge one's deeds that should produce a sort of self-evidence: conscience is free insofar

[6] For Luther, the term was theologically connoted, being the equivalent of the Greek *syneidesis*, found for instance in John 8:9 and especially in Paul's Letters. Despite being a rarer occurrence in the Gospels, the term was of crucial importance to Paul and, therefore, to Luther, especially as regards Rom 2:15, where - in Luther's translation - it is said that «des Gesetz Werk ins Herz geschrieben ist; ihr Gewissen bezeugt es ihnen». As can be seen, the point here is the connection between *Herz* and *Gewissen*. *Gewissen*, which is close to the meaning of *gewiss*, is a certainty that comes from the heart when it is listening to God properly. The term draws on Paul's idea of *syneidesis* as the conscience facing God (on this, cfr. Stelzenberg 1961, p. 85). The certainty coming from *Gewissen* therefore comes from turning one's heart to God, which is different from mere *Meinung* as a judgment coming from the self rather than from communicating with the divine. So, the heart contributes to achieving certainty (*Gewissheit*) insofar as it is the source of *Gewissen* as opposed to *Meinung*. The latter, despite seemingly promoting the love of the self, actually disowns it by obliterating the *Herz*. On this topic, see at least Ringleben (2010, pp. 469-472) and Büttgen (2011, pp. 269-272).

as its sure faith makes it self-assured. In this sense, rather than being close to the root and semantic field of *Bewußtsein*, Luther's *Gewissen* roughly overlaps with *Grundbedeutung* of *gewiss*, whence *Gewissheit* as certainty.

In Hegel, in addition to echoing the association between *Gewissen* and *Gewissheit*, the term undoubtedly refers also to Kantian moral conscience, addressed in the previous section. Given the proximity between *Gewissen* and *Gewissheit*, the reader of the *Phenomenology* cannot fail to note that the former reproduces in the field of moral knowledge the position characterizing sense-certainty (*sinnliche Gewissheit*), whose knowledge is merely apparent - that is, only presumed (*gemeint*)[7].

The reason why *Gewissen* is *Gewissheit* is that conscience, in this respect, tries to overcome the contradiction related to the law, that is, the incommensurability between the abstract universality of what is legal and the particularity of the agent. But how does it do this? *Gewissen* simply believes that the content of the law is nothing but the universalization of the intimate beliefs of subjectivity. Duty is no longer the universal common denominator of the singularity. On the contrary, for *Gewissen* the law acquires cogence and value precisely because of subjectivity, according to a radicalization of Mark: 2 27 («The Sabbath was made for man, not man for the Sabbath»). And yet this knowledge is presumed and therefore presumptuous, since intimate conviction does not stand the test of action, where it conflicts with other convictions that claim to be equally recognized. By judging its own action as fair, in a somewhat pharisaic way, conscience judges unfair the action of others, thereby also claiming the power that the Father had given to his Son[8].

[7] In this sense, as noted by H.S. Harris (1994, vol. II, p. 109), when reason appears as the law-giver the meaning of *Gewissheit* is to be understood as «Sense-Certainty».

[8] After underlining the properly theological background of the passages I have analyzed, I should briefly explain what reasons, in addition to the limited space of the present contribution, have led me to leave out the theme of forgiveness and the studies dealing with the *Anerkennung* in Hegel, in the context of practical philosophy (cfr., for instance, Siep 1979), of an ethical discourse (cfr. Honneth, 1992) or of philosophy of law (cfr., among others, Honneth, 2001 or Costa Douzinas, 2002). Indeed, compared to its later systematization, where the theme of *Gewissen* is related to the objective spirit, in the *Phenomenology of Spirit* it is conceived as «Vorhof des religiösen Bewusstseins» (Bal, 2004, p. 237). In the *Phenomenology*, even though chapter four already addresses the issue of recognition,at the end of chapter six *Gewissen* is described as «eine letzte theologische

> But even so, conscience is free from any content whatever; it absolves itself from any specific duty which is supposed to have the validity of the law. In the strength of its own self-assurance it possesses the majesty of absolute autarky, to bind and to loose. This *self-determination* is therefore without more ado absolutely in conformity with duty. Duty is the knowing itself; this simple selfhood, however, is the in-itself; for the *in-itself* is pure self-identity, and this is in this consciousness (*W* III, p. 476; *PhS*, p. 393).

Gewissen does not solve the antithesis between universal and particular, but simply accommodates it. The conscience justifies its position as a declination of the universal, and condemns the others' actions as an expression of individual particularism. Therefore, the action of *Gewissen* does not face the others. Instead of letting itself be transformed by participation in a common action, the *Gewissen* locks itself in its solitary inner theatre.

«In its own mind (*aus sich selbst*)» (*W* III, p. 480; *PhS*, p. 396), that is, from its interiority, conscience now presents itself in «the majesty of its elevation above specific law ad every content of duty» as «the moral genius which knows the inner voice of what it immediately knows to be a divine voice» (*W* III, p. 480; *PhS*, p. 397). This is the beautiful soul, whose *exemplum* can be found in Jacobi's *Woldemar*, in Goethe's *Wilhelm Meister* or in Schlegel's *Lucinda*. The theoretical foundation of thinkers evoking the idea of a beautiful soul can be found in Schiller's *On Grace and Dignity* (1793), where beauty acquires a moral value in Kantian terms. As for how the beautiful soul is described, a reference is undoubtedly Hölderlin, whose Hyperion is a literary example of this figure. The beautiful soul already hints at the theme of the religious community, but conceives of divine service as something that can be performed in one's own interiority, where she is «the contemplation of its own divinity (*ihre eigene Göttlichkeit*)» (*W* III, p. 481;

Struktur, die zur Religion und absolutem Wissen hinführen soll» (Köhler, 1993, p. 133). The relation of the term to its theological background separates *Gewissen* and forgiveness from other topics, such as the potential consequences linked to the chapter on self-consciousness in the 1807 work or the *Element of the Philosophy of Right*, where *Gewissen* belongs to the part devoted to *Moralität*. In the *Phenomenology*, instead, it shows «ein notwendiger Entwicklungsprozeß vor dem Hintegrund einer teologischen Gesamtstruktur auf dem Wege der bestimmten Negation, verweist die Einteilung in Paragraphen allen bereits auf eine eher statische Konzeption der Gewissenheit in der *Rechtsphilosophie*» (Köhler, 1993, pp. 137-138).

PhS, p. 397). This is therefore a «solitary divine worship» (*W* III, p. 481; *PhS*, p. 397). The sin of the beautiful soul, which retreats into the anachoresis of its own interiority, is to be unable to expose itself to experience.

> It lacks the power to externalize itself (*die Kraft der Entäusserung*), the power to make itself into a Thing, and to endure mere being. It lives in dread of besmirching the splendour (*die Herrlichkeit*) of its inner being by action and existence; and, in order to preserve the purity of its heart, it flees from contact with the actual word, and persists in its self-willed impotence (*die eigensinnige Kraftlosigkeit*) to renounce itself which is reduced to the extreme of ultimate abstraction, and to give itself a substantial existence, or to transform its thought into being and put its trust in the absolute difference (*W* III, pp. 483-484; *PhS*, p. 400).

The beautiful soul then ends up suffocating in the narrowness of its own interiority and falls into madness. However, what *Gewissen* cannot tolerate, due to its fear of confrontation and experience in general, is that, when we decide to act, we should accept that this action might change us: intervening in a field whose variables are infinite, action constitutes as such a sort of betrayal of our intimate beliefs. But *Gewissen* claims to always stay the same, regardless of everything else[9]. Assuming that it can exhaust the universal, conscience «displaces or dissembles (*verstellt*)» (*PhS*, p. 394) the fact that it is only a part of it. Precisely for this reason, it falls into what Hegel calls *Verstellung*, that is, a form of hypocrisy by which the agent lies to everyone, including himself[10]. This circumstance therefore ends up producing an antagonism between the acting conscience and the judging one, which will hasten to condemn the incoherence of the former.

However, hypocrisy falls on both sides, because the judgmental conscience in turn claims to incarnate the authority of a completely impartial court, while its judgment does not rely on anything other than the universalization of its own intimate conviction, different but equal to that which guides the action of the accused subject. Even the *Gewissen* of the judgmental conscience therefore tries to escape experience. As Hegel seems to suggest, insisting on the possessive adjective that characterizes the

[9] H.S. Harris (1997, p. 109), underlining the proximity between *Gewissen* and sense-certainty, notes that the latter «is a *Gestalt* that never changes – and at every stage of our spiritual evolution it remains inadequate in the same way».

[10] On the several meanings of *Verstellung* and its problematic English translation, see Robinson (1977), pp. 73-76.

convictions of *Gewissen*, both when acting and when judging, the vertiginous spiral that is created between the acting conscience and the judging one is produced by the fact that each, taken in itself, claims to be ab-solute and entitled.

Just as little is the persistence of the universal consciousness in its judgement an unmasking and abolition of hypocrisy. In denouncing hypocrisy as base, vile, and so on, it is appealing in such judgement to its *own* law, just as the evil consciousness appeals to *its* law. For the former comes forward in opposition to the latter and thereby as a *particular* law. It has, therefore, no superiority over the other law, rather it legitimizes it. And this zeal does the very opposite of what it means to do; for it shows that what it calls true or genuine duty and which ought to be *universally* acknowledged, is something *not* acknowledged; in so doing it concedes to the other an equal right to be *for itself* (*W* III, p. 487; *PhS*, pp. 402-403).

However, even if consciences do not wish for it, the dynamic of judgment contributes to dissolve the antithesis it has produced. When the judge places himself on the same level as the acting conscience, the latter can perceive the judging conscience as equal to itself: it «comes to see (*Anschauung*) its own self in this other consciousness» (*W* III, p. 487; *PhS*, p. 403). Although, on the one hand, judgment is what condemns conscience to solitude, as if it ratified the consequences of its *Gewissheit*, on the other hand, it has the power to reveal its deception and to challenge its presumed (*gemeint*) and presumptuous autarchy. Given the extraordinary ambiguity of the *Urteilen*, which I mentioned earlier, it triggers - despite itself - a dynamic that is open to reconciliation. The important thing is that this unthinkable outcome can occur even *if the consciences do not wish for it*, that is, starting from an unprecedented process that can surprise them for the first time. It is precisely for this reason that it undermines their supposed autarchy: it inaugurates a real experience, that is, a bilateral mechanism that frees the conscience from its false belief that it can always and in any case do it all by itself. The judgment, which is what separates at first, may end up uniting.

The judging conscience, in other words, points out that, whenever we act, what acts is ourselves *qua* our individual self, and in this sense the

purpose of duty is always mixed with the attainment of a subjective finality, even if only that of self-satisfaction for one's own *Rechtschaffenheit*. «No action can escape such judgement, for duty for duty's sake, this pure purpose, is an unreality; it becomes a reality in the deed of an individuality, and the action is thereby charged with the aspect of particularity» (*W* III, p. 489; *PhS*, pp. 404).

However, claiming the right to judge, the judging conscience also shows its baseness (*Niederträchtigkeit*), because nothing justifies its belief of standing above the acting conscience (*W* III, p. 489; *PhS*, p. 404). By virtue of its supposed *Rechtschaffenheit*, its «tatlos Reden» (*W* III, p. 489) betrays its particularity just as the action betrays that of the agent.

At this point, however, the acting consciousness can come to see its judge as the *other* which, though, is equal to it - another in which to recognize itself. For the first time, conscience comes to a certainty that no longer comes from the solitary depth of its interiority, which is much less transparent than it suspects. Indeed, this certainty comes from experience, thanks to its relationship with the other. For this very reason, it produces an unexpected and unforeseen act, which Hegel does not hesitate to define an «extreme form of rebellion (*Empörung*)» (*W* III, p. 490; *PhS*, p. 406): conscience confesses.

Unlike reciprocal delegitimation, where every conscience was autistically affirmed on the basis of its presumed knowledge, the institution of confession constitutes an irreducible novelty, because one can only confess to another. Only by opening up to the transformative character of experience can one come to completely abandon oneself to another. In fact, as Hegel puts it, this is a renounce, but not a humiliation nonetheless. On the contrary, what the conscience renounces by confessing is nothing but its own prison, its supposed and particularistic self. Judgment separates conscience from itself so to reunite it with the blow of the spirit, of which, as is said in John 3: 8, «you cannot tell where it comes from or where it is going». In the same way, the possibility of forgiveness following confession insists on an absolutely gratuitous act. While punishment is commensurate with guilt, forgiveness exceeds the sphere of the law. It constitutes the *exemplum* of experience and converts the conscience to it, because it cannot be deduced and can only come from another, which constitutively goes beyond our subjectivity.

The world of reconciliation is the *objectively* existent Spirit, which behold the pure knowledge of itself *qua* universal essence, in its opposite […]. The reconciling *Yea*, in which the two I's let go their antithetical *existence*, is the existence of the I which has expanded into a duality, and therein remains identical with itself, and, in its complete externalization and opposite, possesses the certainty of itself: it is God manifested in the midst of those who know themselves (*W* III, p. 494; *PhS*, pp. 408-409).

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