



Hegel's Criticism of Revenge: A Defence

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I. Introduction

After the Hamas attack on Israel of October 7, 2023, that resulted in over 1100 deaths and the taking of about 250 hostages, an urgent question arose: how should Israel respond? Many right-wing Israelis called for revenge. Some called for Gaza to be 'flattened' and 'destroyed,' using language that some have interpreted as a call for ethnic cleansing. On the other side, some senior members of Hamas defended their barbaric attacks that included the raping and mutilation of innocent civilians, and called for the wiping out of Israel in response to what they regard as a history of oppression and human rights violations against Palestinians perpetrated by Israel.¹ Inflammatory slogans such as 'From the River to the Sea' only further anger Israelis, although many Israelis recognize the injustice of punishing 2 million Gazans for the actions of a small fraction—the Hamas members who perpetrated the violent attack. I turn to Hegel's views on revenge and justice, motivated by the belief that what Hegel has to say can help us think about the appropriateness of using violence to seek revenge. My purpose is not to offer a new interpretation of Hegel's view of revenge: Hegel was clear and left little room for dispute, although I do present

¹ Mark Landler, "Erase Gaza": War Unleashes Incendiary Rhetoric in Israel," *New York Times* (November 15, 2023).

numerous lesser-known passages from Hegel's lecture notes that effectively illustrate and re-enforce his position. My purpose is to defend Hegel's view against its critics.

Hegel criticizes revenge (*Rache*), which he distinguishes from justice (*Gerechtigkeit*): revenge is subjective, used by private parties for personal satisfaction, and leads to destructive cycles of violence, whereas justice is objective, used by a rational modern state to validate right (*Recht*). I respond to two recent criticisms of Hegel's view. Challenging Hegel's view that revenge is necessarily destructive, Shai Lavi argues that revenge can be used to overcome a history of victimization and assert a new national identity, pointing to the example of Jewish groups using violence against Nazis after WWII; and Christian Uwe challenges Hegel's distinction between subjective revenge and objective justice, and Hegel's claim that a state has a monopoly of 'full rationality,' by pointing to neocolonial contexts in which modern states use force to suppress others unjustly.² I defend Hegel's view that revenge is not justice and is destructive, in the face of these criticisms. Lavi's historical example reinforces rather than challenges Hegel's position; and where Uwe suggests we need to revisit the "assumption of rationality behind the idea of the State," I argue that no revisiting is needed: Hegel recognizes that the ideal of rationality immanent in the institutions of the state is not always met. Drawing on Dieter Henrich's neglected work on a 'right to rebel' that in turn draws on *Rechtsphilosophie* lecture notes, as well as my own previous work, I argue that Hegel leaves open the possibility that the state does not always adhere to the ideals immanent in its laws and practices, and that when we are not at home in the modern state, its institutions may not be fully rational, its demands may not be completely just, and we may not even have an obligation to obey its laws. But that a state may not always be just does not undermine Hegel's distinction between justice and vengeance. Hegel's concern with the destructive force of vengeance still carries great weight even as he recognizes that modern states may be only imperfectly just.

II. Hegel on *Rache* vs. *Gerechtigkeit*

Before turning to Hegel's views, I comment on the sources I use to gather them. The key text in which Hegel discusses justice and revenge is his *Philosophy of Right*—or the *Rechtsphilosophie*.³ There are earlier works in which he sketches the political philosophy

² Shai Lavi, "'The Jews Are Coming': Vengeance and Revenge in post-Nazi Europe," *Law, Culture, and the Humanities* 1 (2005): 282-301; Christian Uwe, "Revenge, Coloniality, and Hegelian Justice," *Dalhousie French Studies* 119 (2021): 57-68.

³ Abbreviations in citing Hegel's *Philosophy of Right*: PR refers to Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right* (Cambridge: Cambridge University Press, 1991) and to the German edition, Georg Wilhelm Friedrich Hegel, *Werke in zwanzig Bänden*, eds. Eva Moldenhauer and Karl Michel (Frankfurt am Main: Suhrkamp Verlag, 1986); Numbers are Paragraphs; Rem refers to published remarks; Z to Additions (*Zusatz*) from lecture notes appended to the paragraphs; Bem refers to Hegel's marginal notes in Hegel 1986. Hegel lectured on the philosophy of right several times. I also cite lecture notes taken by Hegel's students: Rph I refers to Georg Wilhelm Friedrich Hegel, *Vorlesungen über Naturrecht und Staatswissenschaft* (Hamburg: Felix Meiner Verlag, 1983); Rph II refers to Georg Wilhelm

he only fully develops in the *Rechtsphilosophie*, such as the *Philosophical Propaedeutic*, but I will focus on the most mature version of his views, my goal being to see if Hegel's settled views can help us think about contemporary issues rather than to trace Hegel's intellectual development. The *Rechtsphilosophie* encompasses not just the text Hegel published in 1821, but lecture notes taken by his law students, from courses Hegel taught seven times in Berlin. In these lecture notes Hegel clarifies his views and sometimes expresses more liberal views he may have been unwilling to publish in the 1821 book due to censorship pressures in his Prussia.⁴

The common—and accurate—understanding among Hegel scholars is that for Hegel revenge is subjective, meted out by victims based on their personal feelings of hurt, while justice is objective, meted out by the state as legal punishment based on written laws that are rational. Whereas legal punishment upholds the law and preserves the state, revenge leads to retaliation and endless cycles of violence that can destroy a state.⁵

Hegel introduces his views on revenge in his introduction to the *Philosophy of Right*. Hegel argues that those who seek revenge act on their naturally-given impulses and desires, and doing so is not to act freely (PR 19, 20). An individual who seeks revenge may act upon an impulse to do what is right, but if we redress an injury because of a desire for vengeance, Hegel says, right has a subjective content and is contingent (Rph V: 3:142, 17-30). It is based on a feeling which may have no rational ground. For Hegel, one is free only when one's actions are rationally grounded and not based on

Friedrich Hegel, *Vorlesungen ueber Rechtsphilosophie* (1818-1831), ed. Karl-Heinz Ilting, in 4 volumes (Stuttgart-Bad-Canstatt: Friedrich Frommann, 1973), vol. 1; Rph III refers to Georg Wilhelm Friedrich Hegel, *Philosophie des Rechts: Die Vorlesung von 1819/20*, ed. Dieter Henrich (Frankfurt am Main: Suhrkamp, 1983); Rph V refers to Hegel, *Vorlesungen ueber Rechtsphilosophie* (1818-1831), ed. Ilting, vol. 3; and Rph VI refers to Hegel, *Vorlesungen ueber Rechtsphilosophie* (1818-1831), ed. Ilting, vol. 4.

⁴ See Mark Tunick, *Hegel's Political Philosophy: Interpreting the Practice of Punishment* (Princeton, NJ: Princeton University Press, 1992), ch. 1.

⁵ Some might argue, first, that we should not understand Hegel to criticize revenge for its negative consequences, because Hegel is not a consequentialist; and second, that doing so ignores how Hegel opposes revenge for metaphysical reasons: revenge is inherently irrational, an example of a 'bad infinity' that necessarily must be sublated (see PR 102). I thank anonymous reviewers for making these points. As to the first point: while Hegel rejects the consequentialist theory of utilitarianism and does not rely on future utility to decide whether a practice is justified—see Tunick, *Hegel's Political Philosophy*, 35, 61-2; and Mark Tunick, "A Political Philosophy to Guide Practice : Hegel's Rechtsphilosophie and Criminal Accountability," in *Hegel's Political Philosophy: Themes and Interpretations*, ed. Evangelia Sembou (New York: Peter Lang Publishing, 2021): 181-209—he does appeal to consequences: to a future in which right is respected and humans are free. As to the second point: Hegel does tie his views on revenge to his logic and metaphysics in referring to revenge as a bad 'infinity'; however my strategy in interpreting Hegel has long been to develop a textually-grounded reading of Hegel that will contribute to debates on contemporary controversies and that therefore does not depend on a metaphysics many of us may not accept—see Tunick, *Hegel's Political Philosophy*, ch. 1 sec. 3.

immediate inclinations and impulses.⁶ Hegel uses revenge as an example of acting on a natural impulse—and therefore not freely—in another series of lectures as well: we must limit this drive for vengeance, and avoid blind barbarity, by reflecting (*Rph* VI, 4:136, lines 24-26).

Hegel's defence of justice as objective and his criticism of vengeance as subjective draws on his rejection of 'subjectivity' as a standard of judgment. But his view on subjectivity is complex: while he insists that whether laws and institutions are right is not a matter of personal preference or taste—it is not subjective—he also thinks that it is crucial for each of us to agree that our laws and institutions are right. This is a subtle position that I now expand on.⁷

Hegel's political philosophy asserts that there is an objective basis of right: the laws and practices shared by members of a modern state. In the Preface to *PR* Hegel writes, "The truth concerning right, ethics and the state is at any rate as old as its exposition and promulgation in public laws and in public morality and religion" (*PR* Preface, 11). But he immediately adds: "What it needs is to be comprehended as well, so that the content which is already rational in itself may also gain a rational form and thereby appear justified to free thinking" (*PR* Preface, 11). As is clear from this last sentence, Hegel doesn't completely reject subjectivity. We won't be free in obeying the laws of our state unless they are subjectively justified to us. But we should not conclude from this that the laws of our state are right *because* we consent to them—they are justified by objective criteria. In contrast to social contract theorists like Thomas Hobbes and John Locke, Hegel does not think we choose our state—we are born into it and taught to adhere to its requirements (*PR* 75Z, 100Rem). But we can still be free living according to its laws by coming to see the laws as justified to us.⁸ We even have a right to demand that the laws be justified to us — what Hegel calls "the right of subjectivity" (*PR* 107, 118, 132, 260). Hegel says it was Socrates' great contribution to world history to recognize this principle of subjectivity—to demand that the commands of conventional Greek morality accord with his own inner determination of what is right (*Rph* VI, 4:301). But while it is essential to our freedom that we understand the rationality of our laws, we must not think, as social contract theorists may seem to, that these laws are justified because we agree with them.

Hegel didn't think the ancient Greeks prior to Socrates had subjectivity. When the Greeks meted out justice they were relying not on their own conscience or inner feelings and convictions, but on a shared sense of right. They did not critically reflect on the objective reasons for their laws and penal practices, and so the justice they delivered was indistinguishable from revenge. Hegel says that the distinction between revenge and justice did not exist among the ancient Greeks, who used the same word,

⁶ For a discussion of Hegel's conception of freedom and how the free will is distinct from the natural or immediate will that wills based on impulses, see Tunick, *Hegel's Political Philosophy*, ch. 2.

⁷ The following paragraph draws on Tunick, "Political Philosophy to Guide Practice."

⁸ See Hegel, *Rph* III, 243:25-29; *PR* 266; and *Rph* VI, 4:640, lines 4-14.

Dike ('justice'), for both revenge and punishment (*Rph* I: 57).⁹ The actions of the ancient Greeks, on Hegel's view, were based on "immediate" intuitions—intuitions not mediated by reflection. But in a modern state, where individuals do have subjectivity, it is important that justice not be thought to rest on immediate impulses and desires: justice is not revenge.

Hegel's fullest treatment of revenge occurs when he discusses legal punishment. In a modern state, he emphasizes, legal punishment takes the form of objective justice, not revenge (*PR* 220). In his lectures he explains that the judge is not avenger. The judge must be cold, heartless, and have only the interests of law in mind (*Rph* IV: 4:556, 2-9). For Hegel, the purpose of punishment is not to satisfy a desire for payback, but to vindicate right: we punish to declare that what the criminal did was wrong. If we don't punish crimes, it is as if what the criminal did was not wrong: punishment "annuls" the crime, "which would otherwise be regarded as valid," and restores right (*PR* 99). Hegel also argues that it is the 'right' of criminals to be punished, and is their implicit will. The thief who steals would object if someone stole the thief's property—their implicit will is to respect property rights, and in stealing they went against their own implicit will. Hegel says that punishment expresses the criminal's own true will (*PR* 100). In contrast, when we punish out of revenge, we fulfil a demand not of the state, or of right, but of the victim (*Rph* I, corresponding to *PR* 221). In a modern state we don't let victims pursue justice on their own: they have a duty to use the courts, rather than their fists (*Rph* III, 179: 25-33). Hegel says that no one should be so powerful that they need not stand before the court to get justice—no one should be so powerful that they can seek self-revenge.¹⁰

The demand that legal punishment be based on objective standards of right and not subjective desires for revenge supports a related demand for the publicity of legal proceedings. Hegel says in *PR* 224 that courts must be open to publicity so that we can be convinced right is being had. In his lectures Hegel explains that the reason for publicity is not to publicly shame the criminal; it is to reinforce that objective justice is being observed (*Rph* VI 4:564, and 563:27-8).

The distinction Hegel emphasizes between revenge and justice is a distinction commonly made to explain the difference between the criminal and civil law in many modern legal systems. This is a distinction Hegel himself made in his lectures: in the civil law victims initiate a lawsuit, whereas in the criminal law the victims should play no role: it is the job of the state prosecutor to pursue justice (*Rph* VI 4:445-7). In many jurisdictions today victims may play no role in determining the punishment of a convicted criminal except as a witness to the crime. This is not always the case:

⁹ The distinction we make between revenge and justice is also not yet made, Hegel adds, in 'uneducated states' (Hegel, *Rph* VI 4:294, 1-3). Etymologically, Hegel argues, the word for justice, *Gerechtigkeit*, comes from the word for revenge, *Rache* and, Hegel says, in uneducated states, justice is revenge; but in modern states they are different.

¹⁰ John Locke takes a similar view: when we leave the state of nature and join civil society we wholly give up our natural right to punish and agree to leave punishment in the hands of society. See John Locke, *Second Treatise of Government* (Indianapolis: Hackett Publishing, 1980), Par. 130.

some jurisdictions *do* admit the use of victim-impact evidence, so that the victim's feelings of hurt play a role in determining the criminal's sentence. But Hegel believes the use of such evidence is inappropriate. Feelings of personal hurt should not play a role in legal punishment, which is not to be carried out for personal motives (PR 101 Rem). Hegel notes there is a 'residue' of revenge when we allow victims to decide whether to punish, but he thinks victims should play a role only in the civil law system, the very purpose of which is to enable victims to seek compensation for their injuries (PR 102).

Hegel distinguishes revenge not only from justice, but from the *lex talionis*. The law of the *talion* (from which root we get our word 'retaliation') is often conflated with revenge: if someone hurts you, hurt them back. But it is primarily a theory about how much punishment we should inflict for a given crime: 'an eye for an eye'; if you steal, forfeit your property; if you kill, you should be killed. The *lex talionis* is actually a limit on revenge: *no more* than an eye for an eye. But it is easy to confuse it with revenge. Hegel opposes the principle of an eye for an eye because he thinks it is irrational—an 'absurdity'—to set a strict equivalence without taking into account particular circumstances of the crime (PR 101 Rem).¹¹ Hegel is critical of both understandings of the *lex talionis*: he rejects revenge as a basis for punishment, and he doesn't think a strict equivalence—an eye for an eye—is a rational way to determine a criminal's sentence, either.

III. Critics of Hegel's View on Revenge

A. Berns' Criticism of Hegel's Distinction Between Revenge and Justice

There has been some resistance to the distinction between 'revenge as subjective' and 'justice as objective.' Walter Berns, a conservative legal scholar, sees punishment as expressing not an objective justice that is devoid of emotions, but rather, righteous anger.¹²

Berns regards such anger not as an irrational impulse but as an expression of justifiable moral sentiments. We are able to be angry with humans because we judge that humans are responsible for their actions, whereas "[w]e can become angry with an inanimate object (the door we run into and then kick in return) only by foolishly attributing responsibility to it, and we cannot do that for long." Similarly, "we cannot be more than momentarily angry with any one creature other than man; only a fool and worse would dream of taking revenge on a dog."¹³ Appropriate anger, as distinguished from rash and fleeting emotional fits, reflects a moral judgment. It

¹¹ Hegel's criticism of an eye for an eye is well-known: "it is very easy to portray the retributive aspect of punishment [when understood as rooted in the *lex talio*] (theft as retribution for theft, robbery for robbery, an eye for an eye, and a tooth for a tooth, so that one can even imagine the miscreant as one-eyed or toothless); but the concept has nothing to do with this absurdity..." (Hegel, PR 101 Rem).

¹² Walter Berns, "The Morality of Anger," in *The Death Penalty in America*, ed. Hugo Bedau (Oxford: Oxford University Press, 1998).

¹³ Berns, "The Morality of Anger," 334.

reveals “a profound caring for others.”¹⁴ Berns uses Camus’s *The Stranger*—a work that is critical of punishment—as a foil for his own views. Camus imagines a world that does not hate murderers, but for Berns, the moral world in Shakespeare’s *MacBeth* —in which murderers are despised—rings truer.¹⁵

The righteous anger that punishment expresses, on Berns’ view, differs from individual revenge based on personal emotions. It reflects a shared moral judgment. Berns thus implicitly draws on a political theory that sees the state as a source of shared values that punishment expresses. Berns rejects the classical liberal political theory that regards the state as created through a social contract to serve as a mere convenience, enabling us to satisfy our individual interests: “a country that understands itself in this manner, can put the mark of Cain on no one.” Berns, whose work on the morality of anger ultimately supports capital punishment, argues that such a country can have no legitimate reason to execute its criminals, or, indeed, to punish them in any manner: “Punishment arises out of the demand for justice, and justice is demanded by angry, morally indignant men; its purpose is to satisfy that moral indignation and thereby promote the law abidingness that, it is assumed, accompanies it. But the principle of self-interest denies the moral basis of that indignation.”¹⁶

Hegel agrees with Berns that the state is not a mere contract of convenience that facilitates the self-interested pursuits of its individual members —although for Hegel the state includes civil society, with its markets for goods, services and jobs, that allows individuals to pursue their self-interest. The two agree that legal punishment is objectively just and reflects a shared judgment that the criminal did something blameworthy. Where Berns departs from Hegel is that Berns blurs this standard with subjective emotions such as anger. To be sure, Berns does recognize that not all impulsive reactions are morally supportable. He recognizes that punishment based on righteous anger must have rational grounds, or else we will be senselessly kicking doors or dogs in revenge. But he doesn’t say much about the distinction. In contrast, Hegel emphasizes the cognitive or reflective basis for judgments within our criminal justice system and argues that appeals to emotions can be destructive.

B. More Recent Critics of Hegel’s Distinction Between Revenge and Justice

There are two more recent challenges to Hegel’s claim that vengeance is a subjective desire distinct from the objective demand for justice, and that vengeance is necessarily destructive. One criticism is that Hegel’s so-called rational modern state does not in fact mete out objective justice, and that it does seek vengeance in pursuing imperialist policies; according to this criticism, the institutions and laws of the modern state are not ‘fully rational,’ as Hegel seems to suppose, and so Hegel’s distinction between revenge and justice dissolves. A second criticism challenges Hegel’s position that vengeance is necessarily destructive: this criticism points to the

¹⁴ Ibid., 335.

¹⁵ Ibid., 336-337.

¹⁶ Ibid., 340.

case of post-WWII Jews who used the desire for vengeance against the Nazis as a means to forge a national identity and establish a Jewish state.

- Christian Uwe's Neocolonial Critique of Hegel

Christian Uwe effectively conveys Hegel's views on revenge.¹⁷ He notes how for Hegel revenge is wrong in form, as it is subjective as opposed to rational and objective; "civilized peoples don't do revenge" and uncivilized peoples mistake revenge for justice; revenge results in endless cycles of violence; and justice, in contrast to revenge, is freed from subjective interest. Uwe also notes that Hegel believes a modern state is rational, and "the fullest expression of our freedom."¹⁸ Uwe then objects to Hegel's distinction between revenge and justice: it is hard to sustain given the wrongs committed by states in neocolonial contexts. In light of the asymmetrical discords, like that between state and subjected colonies, "it may be worth revisiting the assumption of rationality behind the idea of the State."¹⁹

Uwe draws on four francophone novels that depict how underlying systemic wrongs are at the root of individual revenge, in order to challenge Hegel's view that state-run justice differs from vengeance.²⁰ His first example, which will suffice to understand his criticism of Hegel, draws on Max Lobe's *39 rue de Berne*. As Uwe describes it, Dipita, a gay teen raised by a single mother sex worker, meets William; Dipita finds out William is unfaithful, and this personal grudge is connected to his memories of his mother's politically unjust subjugation. Angry, envious, and disgusted, Dipita pushes William violently, and as a result, William trips, falls, and dies. William is a trigger, but not an offender.²¹ Uwe is reluctant to judge characters such as Dipita who seek vengeance as a result of having suffered trauma and humiliation, and notes a double standard: "no comparable accountability is observed at the level of states. [I]t appears then easy to speak of 'uncivilized peoples' when such peoples are apprehended through the lens of individuals' relation to one another or to states, while states themselves... get to keep their supposed civility despite dehumanizing war inventions and practices [a]nd acts of geopolitical revenge [a]nd exploitation of othered colonies."²² Uwe wonders what justice we can expect when states serve hegemonic ambitions that involve violations of human dignity.²³

While recognizing a conceptual distinction between revenge and justice, Uwe seems to challenge the distinction between individual revenge and legal punishment in practice. For Uwe, the so-called justice of the state is not really justice, and is no different than the revenge Hegel criticizes, a fact Hegel is blinded to because, Uwe argues, Hegel insists the state is rational. Uwe, citing Guinle and Brennan, notes that

¹⁷ Christian Uwe, "Revenge, Coloniality, and Hegelian Justice," *Dalhousie French Studies* 119 (2021): 57-68.

¹⁸ Uwe, "Revenge, Coloniality, and Hegelian Justice," 57.

¹⁹ *Ibid.*, 57.

²⁰ *Ibid.*, 57-58.

²¹ *Ibid.*, 58.

²² *Ibid.*, 61.

²³ *Ibid.*, 63.

Hegel claims the state is rational even though actual states don't hold up to that ideal: "Hegel's State is seen as a standard against which to judge the ethicality of actual states and that of civil society... [T]he historical shape that actual Western states took throughout their colonial ventures does not invalidate the ideal exigency of Hegel's rational state and its position as the best purveyor of justice."²⁴ But while he refers here to Hegel's ideal state as a standard to judge actual states and perhaps criticize practices or laws that don't adhere to what is rational, Uwe seems unwilling to take seriously this critical power; nor does he recognize Hegel's willingness to reevaluate the ideals that guide a state when its practices don't conform to the ideals. Instead, he says: "Still, one may fault Hegel's crucial reliance on Reason for overestimating the State's abilities."²⁵ Hegel insists that the state is fully rational, and for Uwe, "history contradicts the alleged monopoly of full rationality that a State exhibits."²⁶ Uwe thus questions the assumption that the state's meting out of justice is freed from subjective interest and in practice is any different than revenge.

It is true that if the state is coopted by powerful interests in civil society, the justice the state metes out would not be free from subjective interest, and it might look like revenge. But as I will expand on in section IV, Hegel does not blindly assume actual states are perfectly rational and just. He is willing to criticize a state's practices and institutions when they don't live up to the ideals immanent in the state, and he is in principle willing to revise his conception of those ideals. Yet Hegel does not think that a reality of state injustices dissolves the compelling distinction between subjective revenge and objective justice. Where Uwe dissolves this distinction in the face of actual injustices by the state in practice, Hegel insists we keep this distinction, even in the face of an actuality that doesn't live up to the ideals immanent in the state.

- Shai Lavi and 'Plan A'

Shai Lavi, like Uwe, is troubled by Hegel's distinction between revenge and justice.²⁷ Lavi notes that for Hegel, revenge is subjective and destructive —a view he wishes to question by turning to the example of Jews in post-Nazi Europe.²⁸ A common view that Lavi challenges is that Jews did not seek organized revenge in response to the Nazi atrocities, instead relying on formal institutions of justice such as the Nuremberg trials. Lavi argues that some Jews did seek organized revenge, and Lavi thinks that what they sought was not destructive, but rather helped forge a new national identity.

Lavi notes tensions among Jews earlier in the 20th century about the appropriateness of revenge. Micah Yoseph Beridhevski was a radical nationalist who criticized Ahad-Ha'am for his more moderate Zionism: Ahad Ha'am thought

²⁴ Ibid., 64, citing Jean-Philippe Guinle, "Réflexions sur l'État hégélien," *Les Études philosophiques* 2 (1980): 145-165, at 152; and Timothy Brennan, *Borrowed Light: Vico, Hegel, and the Colonies* (Stanford, CA: Stanford University Press, 2014), 90.

²⁵ Uwe, "Revenge, Coloniality, and Hegelian Justice," 64.

²⁶ Ibid., 67.

²⁷ Lavi, "The Jews are Coming."

²⁸ Ibid., 283.

Judaism's key virtues included forgiveness rather than vengefulness, while Beridheviski didn't want to equate Jewish values with the Christian morality of loving one's enemy.²⁹ But while there were 'notes of discord', there were common themes: that Jews should take charge of their own destiny.³⁰ After WWII and the Nazi atrocities of the holocaust that took the lives of around 6 million Jews, there was a similar debate about the extent to which force should be used to seek revenge. The Jewish Brigade, drafted under Ben-Gurion, had a restrained approach. A different response was taken by Jewish partisans from Eastern Europe under Abba Kovner: they were willing to use force in more radical ways. Yet both groups shared a Zionist goal of redressing spilt Jewish blood.

The Brigade targeted war criminals and sought 'revenge proper,' whereas Kovner's group aimed at collective wrongdoing and divine justice and sought what Lavi calls "vengeance."³¹ Lavi argues that where revenge proper is presented as spontaneous, vengeance is the product of will and aims at cosmic justice. In making this distinction he draws on Samuel Johnson's pithy quote that revenge is an act of passion, while vengeance is justice.³² But 'self-presentation aside,' both Jewish revenge and vengeance, Lavi argues, were deliberate and modern approaches to overcome a history of victimization, and promised a new Jewish existence: they were gestures to overcome the prevailing sense of Jewish passivity and assert a new Jewish identity. For Lavi, revenge and vengeance, rather than being self-destructive, are roots of "modern Jewish nationalism."³³ Lavi thus uses the events post-WW II to challenge Hegel's claim that vengeance is necessarily subjective and destructive. To fully appreciate his argument that revenge played a positive role in building a national identity among Jews, so that we can critically assess it, we need to dive more deeply into his historical evidence.

Members of the Brigade were drafted in Palestine and were mostly committed to Zionist ideals. After encountering survivors from the death camps, they sought revenge, and used the star of David as a sign of revenge.³⁴ In late May 1945, the Jewish Brigade made its way through Italy, with slogans such as '*Die Juden Kommen!*' They set several Nazi homes on fire, and attacked and beat Germans. Some said women were raped. The Brigade's internal command was horrified, but others said the emotions after what happened in the gas chambers were uncontrollable.³⁵ These acts were portrayed as spontaneous and uncontrollable responses to atrocities, though we can wonder whether they really were uncontrollable, or resulted from a

²⁹ Ibid., 284-285.

³⁰ Ibid., 285.

³¹ Ibid., 285.

³² Ibid., footnote 5. I do not follow Lavi or Samuel Johnson in distinguishing revenge proper and vengeance, as I find the distinction problematic. For example, Lavi says the Jewish Brigade sought revenge proper, which is a spontaneous act of passion or even an instinctual response—perhaps like Berns' example of kicking a door after stubbing your toe on it; but the Brigade was not acting without deliberation in seeking out Nazis to punish.

³³ Ibid., 284.

³⁴ Ibid., 287.

³⁵ Ibid., 288.

mixture of passion and anger on the one hand, and a sense of justice on the other—perhaps similar to what Berns refers to in saying that punishment expresses righteous anger. In either case, unchecked, such sentiments depart from objective justice. What the soldiers did was contrasted with the rule of military law. There was the concern that this was “shameful violence”;³⁶ one soldier said, “Feelings of revenge...pulsate within my blood...but I do not wish to harm those whose hands are clean.”³⁷

The Brigade, seen as going out of control, was transferred to Belgium and Holland. In Palestine, leaders of the Haganah, a prominent Zionist paramilitary organization, instructed Brigade leaders to restrict the practice of revenge.³⁸ In response, some soldiers formed the ‘T.T.G.’ and conducted secretive missions that killed perhaps 150 or more Nazis. One target, during interrogation, gave them names of other Nazis, who would then be dealt with.³⁹ The T.T.G. didn’t act without rules: they would target only German war criminals whose crimes against Jews had been proven, while war criminals who committed crimes against other nations were handed over to a British unit. But they didn’t exactly provide due process: a bullet through the head, then strangling, with no words said: “We just killed them like you kill a bug.” Unlike legal punishment, these acts were meant to satisfy the will of the victim and manifest his power over the wrongdoer.⁴⁰ Lavi notes that in insisting that punishment remain in Jewish hands, the will for self-assertion was manifest⁴¹—which supports Lavi’s thesis that revenge promoted nation-building, but which perhaps undermines his and Samuel Johnson’s distinction between revenge and vengeance, since here revenge is seen to result from deliberative will rather than spontaneous passion.

In contrast, the group led by Abba Kovner, named Nakam (‘Revenge’), didn’t want a partial solution.⁴² They would not limit vengeance to Nazi-hunting: they wanted a response on a much bigger scale that targeted the whole German people. They would not make fine philosophical distinctions between acts and omissions by distinguishing those who committed atrocities from those who merely failed to intervene. The goal was ‘divine justice.’⁴³ Lacking divine intervention, the people would take on the role of avenger. The response would be monumental, so it would appear as punishment from God. Lavi argues that as with the Brigade, force was used to create a new Jewish identity.

Kovner’s plan, called ‘Plan A’, was to poison the central water systems in Hamburg, Frankfurt, Munich, and Nuremberg, but only after the Allies ended the occupation, so as to harm as few innocent people as possible.⁴⁴ Kovner was careful

³⁶ Ibid., 288.

³⁷ Ibid., 289.

³⁸ Ibid., 289.

³⁹ Ibid., 290.

⁴⁰ Ibid., 291.

⁴¹ Ibid., 291-292.

⁴² Ibid., 292.

⁴³ Ibid., 293.

⁴⁴ Ibid., 294. A film based on these events, released in 2021, is *Plan A*, by Yoav Paz and Doron Paz.

not to share Plan A with the Yishuv—the Jewish establishment in Palestine. Ben-Gurion didn't think an act of revenge that would kill 6 million Germans would bring back the 6 million Jews who were killed by Nazis.⁴⁵ Kovner secured the poison and was transporting it on a ship when the ship was stopped by British authorities, and so the poison had to be thrown overboard. The British did not know about Plan A, but it appears Ben Gurion, who wanted to stop Kovner, instructed the Haganah to inform the British that Kovner was on board and a member of a resistance group — without revealing Kovner's objective.⁴⁶ There was an alternative to Plan A that *was* carried out. This plan — 'Plan B' —was to poison those interned in a prison camp where SS and Gestapo officials were held and reportedly resulted in over 2000 German prisoners being sickened.⁴⁷ Eventually many of the avengers led a new life, replacing their desire to avenge with a commitment to build a new future.⁴⁸

Lavi concludes from this extraordinary history of Jewish revenge targeted at the perpetrators of horrible crimes that contrary to Hegel's position, there is a positive role for revenge — a positive role in forming a new nation.⁴⁹ He argues that revenge "played a unique role within modern Jewish history" and suggests we rethink a prevailing way of understanding the relation between a liberal nation state and "political violence."⁵⁰ Max Weber espoused the prevailing view: the state alone has a monopoly over the legitimate use of violence, and its legitimacy stems from the state's reliance on the rule of law. Hegel, too, says revenge—the unauthorized use of violence—should have no place in civilized societies, which should be governed by the rule of law.⁵¹ But Jewish revenge, argues Lavi, had a place in the political disarray of post WW-II Europe. Once the nation state could arise and rule of law was established, then revenge could take a back seat;⁵² but there was not yet a Jewish nation state. Revenge was a means to create a Jewish nation seeking to break from the past.

Lavi, without explicitly saying so, appears to invoke an idea of 'righteous anger,' as did Berns, that is shared by a group or community. From the fact that Jewish groups invoked righteous anger to seek revenge or vengeance, he concludes that we need to revise Hegel's view that the modern state shows the triumph of reason over passion. To civilize, we needn't subjugate the subjective will.⁵³ Rather, one 'transmutes' one's will to power into the state's will to rule through law. Kovner's

⁴⁵ Lavi, "The Jews are Coming," 295.

⁴⁶ *Ibid.*, 295-296.

⁴⁷ *Ibid.*, 294-295; and Sam Roberts, "Joseph Harmatz, Who Led Jewish Plot to Kill Germans after WWII, Dies at 91," *New York Times*, Sept. 29, 2016.

⁴⁸ *Ibid.*, 296.

⁴⁹ *Ibid.*, 299.

⁵⁰ *Ibid.*, 298.

⁵¹ *Ibid.*, 298.

⁵² *Ibid.*, 299.

⁵³ *Ibid.*, 300. Hegel does not want to subjugate the subjective will, either; nor does Hegel say that passion should be subdued. In *Reason in History* Hegel says that "passions are the spring of actions." See Georg Wilhelm Friedrich Hegel, *Reason in History* (Englewood Cliffs, NJ: Prentice Hall, 1953), 26. But Hegel thinks that revenge is a destructive spring of action.

wish for divine justice did not disappear “but was transported into the mainstream Zionist project of building a new nation on a new land”—the “state... became a secular incarnation of divine justice, which is not subordinate to reason.”⁵⁴

Lavi's thesis is provocative and important; yet it is somewhat elusive. Lavi writes that “[w]e must go beyond Weber and Hegel to see how the true power of the state does not lie in its monopoly on the legitimate use of violence” but in “the monopoly over the use of violence that is lawful without need of justification.” “The state of vengeance...is sovereign” because it can “claim the obedience and support of its members regardless of any act it decides on.”⁵⁵ Perhaps here he means that collective revenge differs from the isolated desire for satisfaction of a single victim: the Brigade, and Nakam, shared a sense of justice that was not purely ‘subjective’—though it is not clear how it could be described as ‘lawful’ in the absence of established laws, or in light of international law. At one point, Lavi invokes Hegel's idea of “heroes and adventurous knights” to suggest that Hegel recognizes potentially legitimate acts of revenge even in pre-civilized society—as a surrogate for justice where just institutions don't exist, or, in the case of post-WWII Europe, Lavi would say, where the rule of law fails. But the Jewish Brigade and Nakam are not quite Hegel's heroes or knights: they were acting within a civilized society in which legal institutions became corrupt.⁵⁶ Even if we don't think that Europe in this post-war period was civilized, or ‘merely’ corrupt, there is a deeper problem with the comparison. Lavi says that the Jewish Brigade was needed to obtain justice because of the failure of legal institutions.⁵⁷ But did the Brigade, or Nakam, obtain justice? In the next section I will argue that what Nakam sought through Plan A was not justice, as justice is a proportionate response directed to the right people at the right time. Plan A was a response of righteous anger that could lead to escalated inflammatory responses that might destroy the process of nation-building—precisely the danger Hegel points to in distinguishing revenge from justice.

IV. Defending Hegel's Distinction Between Revenge and Justice

Berns, Uwe, and Lavi, in their own ways, challenge Hegel's distinction between revenge and justice by challenging the idea that justice is objective while revenge is merely subjective. Berns argues that anger—an emotion that drives the revenge that Hegel is critical of—is a legitimate basis for legal punishment and reflects shared moral judgments; Lavi, too, regards the demand for revenge or vengeance, on the part of both the Brigade and Nakam, as something shared and not purely personal, and disagrees with Hegel that revenge necessarily is destructive. Uwe, in contrast, does not seem to challenge the very distinction between subjective, emotionally based reactions, and objective, rational judgments; he challenges Hegel's claim that a modern state's institutions really are rational and just. In this section I defend Hegel against both sorts of criticisms.

⁵⁴ Lavi, “The Jews are Coming,” 300.

⁵⁵ *Ibid.*, 299.

⁵⁶ *Ibid.*, 301.

⁵⁷ *Ibid.*, 300.

Lavi does not appear to regard the attempts at revenge and vengeance by the Brigade and Nakam as inherently destructive. But let us focus just on Plan A, and contrast it with the plans to seek justice through the rule of law that were advocated by Ben-Gurion. Plan A violates some essential features of justice. While some might not regard the punishment it metes out as disproportional — ‘six million for six million’ superficially sounds fair — it is not meted out on the right targets at the right time and in the right way.

While Hegel’s discussion of how justice must be proportional is limited to his recognition that justice is situational — ‘an eye for an eye’ may sometimes lead to an absurd result if taken literally — this is a topic addressed by one of the philosophers Hegel praised the most: Aristotle. In his *Nicomachean Ethics*, when discussing the difficulty of acting with virtue, Aristotle notes that to be virtuous requires acting appropriately and with moderation. While the passage refers to different virtues than justice — the virtues of temperance and generosity—it applies to the virtues in general and provides important guidance on what one must do to act justly:

This is why it is a hard task to be good, for it is hard to find the middle point in anything... [A]nybody can become angry — that is easy, and so it is to give and spend money [which one might think is required to exercise the virtue of generosity]; but to be angry with or give money *to the right person, and to the right amount, and at the right time, and for the right purpose, and in the right way* — this is not within everybody’s power and is not easy; so that to do these things properly is rare, praiseworthy, and noble.⁵⁸

Justice for the murder of Jews in the holocaust should be meted out on the right targets. But to poison the water of four major metropolitan areas inevitably will kill people who had no role —direct or indirect — in those atrocities. The ‘right time’ to seek retributive justice for blameworthy acts is after fair procedures to establish the accused’s culpability, but Nakam was not interested in following a process for determining individualized guilt for their intended victims.

Hegel is concerned that revenge not only will not be just but that it will be destructive, leading to cycles of retaliation that could decimate both sides. Lavi suggests, in contrast, that in the absence of due process of law, vengeance can temporarily replace due process and could have the positive role of establishing an identity that could lead to the building of a nation. But what if Plan A were successful? It seems more likely that the consequence would be outrage and resentment by the world community. This, Lavi notes, was Ben-Gurion’s rationale for rejecting appeals to revenge and adhering to the law.⁵⁹

Revenge is problematic not only because it can go after the wrong people at the wrong time without ensuring due process — in Hegel’s words, by using one’s “fists” rather than the “courts.” In addition, revenge, which reflects the subjective desires of those who have suffered, may be sought for reasons with no objective validity. As

⁵⁸ Aristotle, *Nicomachean Ethics*, in *Aristotle in 23 volumes*, trans. H. Rackham (Cambridge, MA: Harvard University Press, 1934), Book II, Ch. 9, Sec. 2. My emphasis.

⁵⁹ Lavi, “The Jews are Coming,” 297-98.

Berns notes, sometimes these subjective desires reflect a compelling collective moral judgment. The Nazis committed unspeakable atrocities and must be held accountable in an appropriate way. But there are occasions where one seeks justice *mistakenly* — where there is no objectively compelling evidence that injustice was suffered. Donald Trump, after losing in his bid to be re-elected as U.S. President for a second term in 2020, claimed that he really won that election but that his victory was not acknowledged because there was widespread voter fraud — a claim that courts and other investigators have repeatedly and convincingly refuted. Trump then sought vengeance on some of the people he wrongly claims were involved in a fraudulent vote count. He claims to seek justice but really is pursuing misguided revenge.

Uwe's challenge to Hegel's distinction between revenge and justice differs; it is a challenge to Hegel's claim that the state is actually rational and metes out justice.⁶⁰ For Uwe, the modern state commits injustices that are indistinguishable from revenge. Here my defence of Hegel is not to disagree with Uwe that the state does not always live up to the ideal of rationality, but to argue that Hegel is aware of this. Hegel leaves open the possibility that a modern state can fall short of its ideals, and in his lectures he even suggests that some members of the state whose "free will does not come into existence" in the state, due to the failure of the state's institutions to function as they ideally should, may have no duty to obey its laws.⁶¹ Hegel's assessment of the state as just is subject to revision in the face of an existing reality that fails to conform to the ideal of justice or right. In this way it is 'evidence-based,' which not only does not undermine but even strengthens Hegel's distinction between justice and vengeance.

Hegel famously writes that "what is rational is actual; and what is actual is rational" (PR Preface, 20). This has been taken by many commentators to mean that for Hegel, the actual world is as it ought to be and there is no need for criticism.⁶² Uwe seems to read Hegel in this way.

But we must recall that Hegel published his *Philosophy of Right* following censorship decrees in Prussia and did not want to alienate the powers that be. There is some evidence that Hegel's famous line contains a hidden, esoteric meaning. In his lectures on the *Rechtsphilosophie* immediately preceding the publication of *Philosophy of Right*, notes of which were discovered and published in the German by Dieter Henrich,

⁶⁰ Uwe makes a more specific and convincing charge: that Hegel supports coercion to civilize those he regards as non-civilized. Here Hegel is guilty as charged. He thinks nature is coercive and so he says there is a right to remove Africans from nature as a response to this original coercion. See Georg Wilhelm Friedrich Hegel, *Philosophy of History* (NY: Dover, 1956), 35-40, 135; PR 93. In his lectures Hegel compares this to pedagogical coercion, which he distinguishes from slavery, which he regards as an "absolute crime" because it denies humans their essence as free beings (Hegel, *Rph* I 51, 178-80).

⁶¹ Hegel, PR 29; *Rph* VI 4:154-15-21. The ensuing paragraphs summarize arguments I first laid out in Mark Tunick, "Hegel on Justified Disobedience," *Political Theory* 26 (1998): 514-535; and Tunick, *Hegel's Political Philosophy*.

⁶² Rudolf Haym, *Hegel und seine Zeit* (Berlin: Rudolph Gaertner, 1857), 367; Sean Sayers, "The Actual is the Rational," in Hegel and Modern Philosophy, ed. David Lamb (London: Croom Helm, 1987), 147-148. See sources cited in Tunick, *Hegel's Political Philosophy*, 152-153.

Hegel's student records him saying that "what is rational becomes actual; and actuality becomes rational" (*Rph* III, 50-51), which clearly differs from a declaration that the existing world is by definition rational. In the final series of lectures Hegel again says that "what is actual is rational," but he adds that "not everything that exists is actual" (*Rph* VII, 4:923, 14-25). Here Hegel draws on a distinction he made in his *Lesser Logic* between actuality and existence: existence includes "any freak of fancy, any error, evil and everything of the nature of evil, as well as every degenerate and transitory existence whatever." We should not include such contingencies as part of actuality.⁶³ Particular injustices in a state are to be regarded as not 'actual' but part of contingent 'existence.' Hegel's dictum expresses his view that in a state that is essentially rational, existing irrationalities don't count as proof against the state's rationality. Hegel would surely deny that from these unfortunate 'appearances' we should conclude, as Uwe seems to, that there is no difference between the state's justice and subjective vengeance.

Hegel's critics may say these appearances of injustice count enormously. At least in his lectures, Hegel is willing to admit they count, to a degree greater than he was willing to admit when he published the dictum that "what is actual is rational." But even so, Hegel counsels us to be reconciled with our institutions though they imperfectly embody our ideals, rather than abandon them. For the most part Hegel wants those in modern states to accept their existing practices and institutions. In his preface to the *Philosophy of Right*, Hegel writes, "to comprehend what is, this is the task of philosophy ... To recognize reason as the rose in the cross of the present and thereby to enjoy the present, this is the rational insight which reconciles us to the actual" (*PR* Preface, 21, 22).

Hegel is willing to criticize existing practices when they aren't living up to the ideals immanent in them. Hegel recognizes that existing law can contain some unholy things (*Rph* I, 5, 11-20). He notes that slavery exists in some states "though it is absolutely wrong" (*PR*, *Rph* I, 10, 169-71). But while Hegel recognizes that there can be existing injustices, even significant ones, before we reject the state and its institutions, and conflate legal justice with subjective revenge, we should reflect on how, despite its imperfections, the state has immanent within it a core of rational institutions:

We are confident that the state must subsist and that in it alone can particular interests be secured. But habit blinds us to that on which our whole existence depends. When we walk the streets at night in safety, it does not strike us that this might be otherwise. This habit of feeling safe has become second nature, and we do not reflect on just how this is due solely to the working of special institutions (*PR* 268Z).

Hegel argues that it is easy to criticize and find fault: "Uneducated people delight in argumentation and fault finding, because it is easy enough to find fault, though hard to see the good and its inner necessity. The novice always finds fault." But Hegel

⁶³ Georg Wilhelm Friedrich Hegel, *Encyclopedia of the Philosophical Sciences* (1830), trans. William Wallace (Oxford: Oxford University Press, 1971), par. 6.

wants us to resist this easy route: those who are educated, Hegel says approvingly, “see the positive merit in everything” (PR 268Z).

Finding the positive merit in everything does not mean ignoring what is bad. For Hegel, obedience to the state is justified *if* the state provides us the means for our “free will to come into existence.” But in his lectures on the *Rechtsphilosophie*, Hegel makes the striking claim that “if my free will does not come into existence in the state, I have no corresponding duty to the state” (*Rph* VI, 4:154,12-21).

Hegel suggests that rebellion may sometimes be justified also in the set of lectures discovered by Dieter Henrich. Hegel describes how, in a society sharply divided between rich and poor, the poor person feels himself excluded and ridiculed by virtue of his status. His freedom is contingent on the will of the rich. “Envy and hate emerge on the part of the poor against those who have something.” And from this inevitably arises an “inner anger.” After describing the plight of the poor, Hegel then makes a remark in which Henrich finds great significance: “Earlier we had seen the right of distress as relating to a momentary necessity. Here necessity no longer has this purely momentary character.” Henrich comments: “Nowhere else in all of Hegel’s work do we find the conclusion Hegel unambiguously arrives at here, albeit in a hesitant statement concealed in a reference to a previous passage: the poor have in civil society a right to rebel [*Recht zum Aufstand*] the order which prevents the realisation of their freedom.”⁶⁴

Henrich explains how Hegel compares this right to rebel with the right of distress, which declares the right to take another’s property when in extreme danger of losing one’s life.⁶⁵ Henrich says that the “necessity of poverty,” in contrast, is not temporary, but “arises out of society’s organization.” This is why Hegel says, “here necessity no longer has this purely momentary character.” To Henrich, “this can only be understood as a declaration that the poor have a right against the society” that denies them their existence — a right to revolution.⁶⁶

Hegel doesn’t explicitly say there is a right to revolution; he might just think the poor have a right to resist unjust social conditions by advocating for reforms, which is what in another essay he said that Englishmen oppressed by England’s game laws were entitled to pursue.⁶⁷ But while the evidence is ambiguous regarding the extent to which Hegel is open to revolution when existing injustices are great, Hegel is willing to criticize existing practices and laws of a rational modern state. Unlike Edmund Burke, who wants us to uncritically adhere to prejudices, customs, and prescriptive law, for Hegel, “legitimacy comes from rational principles grounding law, not from tradition or custom.”⁶⁸

⁶⁴ Dieter Henrich, “Vernunft in Verwirklichung,” in Georg Wilhelm Friedrich Hegel, *Vorlesungen über Naturrecht und Staatswissenschaft* (Hamburg: Felix Meiner Verlag, 1983), 20; cited and discussed in Tunick, *Hegel’s Political Philosophy*, 116-17.

⁶⁵ See PR, 127-128.

⁶⁶ Dieter Henrich, “Vernunft in Verwirklichung,” 20.

⁶⁷ Georg Wilhelm Friedrich Hegel, “The English Reform Bill,” *Political Writings* (London: Oxford University Press, 1964), 300, 309ff; discussed in Tunick, *Hegel’s Political Philosophy*, pp. 117-18.

⁶⁸ Hegel, *Philosophy of History*, 417.

Hegel's criteria of rationality are determined in an immanent manner — faced with practices that are not fully rational, we will experience an internal contradiction. We are implicitly free beings, but irrational practices will keep us from realizing our freedom. In an earlier work, I single out three specific conditions for rationality that we find in Hegel's texts.⁶⁹ A practice or law is rational, and commands our commitment, if it is part of a system of ethical life that is (1) coherent, (2) functional and enduring, and most importantly (3) if we are “at home” in this system of ethical life.

Ethical life is rational in part if it is a coherent system. A particular practice or law is rational, in part, if it belongs to a system that we can understand to be a coherent whole.⁷⁰ A rational practice is closely interwoven with other practices, so that to change one would require changing others. They all hang together. But it is not enough merely for a system of laws and institutions to be internally coherent. They must endure and function well.⁷¹

Perhaps the most important criterion of rationality for Hegel is that the system of ethical life of which a rational practice is an integral part not just endures, but is one in which we are “at home” or free: “Only the will that obeys the laws is free, for it obeys itself and is at home [*bei sich selbst*].”⁷² Hegel's account of rationality draws on his conception of freedom and philosophy of historical development. For Hegel, history — when understood philosophically — is a process of development from less to more adequate forms of social life, with each progressive stage providing institutions that better let humans realize their essence as free beings. Actual history is filled with contingent events, false starts, and mishaps, but when understood philosophically Hegel believes we can identify a trend of development. In the modern state we have institutions such as private property, contracts, marriage and divorce, corporations, public agencies including the police that provide for people's welfare, and laws that protect individual rights, all of which enable each of us to be ‘at home’ in our society. That these institutions provide us a home in which we live a satisfied life — which for Hegel is what constitutes being free — is what makes the practices and institutions of ethical life rational. But if these institutions fail to ensure that the members of society are at home in the world — perhaps because they do not protect everyone's rights, or fail to ensure that each has a place in civil society and their basic welfare needs are met — then the institutions are not functioning as they should, and Hegel seems willing, at least in his lectures, to criticize such a state. The criteria that we must be at home in the state is not a merely subjective criteria of whether we ‘feel’

⁶⁹ See Tunick, “Hegel on Justified Disobedience,” 522-26, which the next two paragraphs briefly summarize.

⁷⁰ Hegel, *PR* 145, p. 190. See *PR* 3 Rem.; *PR* 261 Rem, p. 283: “the part should be considered only with reference to the whole”; and *PR* 211Z, p. 243: “right...must be a system in itself.” See also Michael Hardimon, “The Project of Reconciliation: Hegel's Social Philosophy,” *Philosophy and Public Affairs* 21 (Spring 1992): 165-95; 168.

⁷¹ Hegel, *PR* 270Z, p. 302, my emphasis; see also *PR* 272, p. 305; *PR* 49Z, p. 80; and *PR* Preface, p. 11 on “enduring.”

⁷² Georg Wilhelm Friedrich Hegel, *Werke in zwanzig Bänden*, eds. Eva Moldenhauer and Karl Michel (Frankfurt am Main: Suhrkamp Verlag, 1986), vol. 12 [Philosophy of History], p. 57.

at home: there are objective criteria, that include having one's basic welfare needs met (by having food, clothing, housing), having a job or career so that one contributes to civil society, having one's right to one's person and property respected, and having one's contracts with others enforced fairly.

Uwe is correct to think that Hegel's criticism of revenge will be convincing only if Hegel can convince us that the state, in punishing, is upholding objective standards of justice that differ from the subjective emotions that revenge satisfies. Uwe was not convinced of this because the modern state Hegel defends commits injustices and is not fully rational. I have argued that Hegel is aware that the criteria for rationality may not always be met and if the institutions of the state don't meet them, Hegel is willing to criticize those institutions. The crucial point of disagreement between Hegel and Uwe is that where Uwe seems willing to abandon a distinction between objective justice and subjective revenge in the face of a non-ideal state, Hegel, I think convincingly, insists that just because a state may not always live up to its ideals does not mean the objective justice the state metes out is no different than the subjective revenge victims pursue: Hegel's criticism of revenge and his concern that it is destructive still has great force even though he recognizes that modern states are only imperfectly just.

Conclusion

I began by referring to Hamas's attack on Israel of Oct. 7, 2023. Palestinians have legitimate claims that they are being treated unjustly, and they have little effective legal recourse to redress their injuries. But disproportionate acts of violence by Hamas targeted against innocent civilians is unlikely to be an effective political tool and is unjust, just as an Israeli backlash targeting all Palestinians in Gaza is unjust and also likely to breed increasing resentment that can grow in a vicious cycle that Hegel might liken to the destructive cycles of revenge that can decimate societies.

This is not necessarily to deny Machiavelli's point that violence can sometimes be appropriate for political purposes — in extraordinary situations. As Lavi notes in discussing Hegel's passage on the role of heroes and knights in history, Hegel does allow that historical acts of violence might be necessary to move world history forward. But just as Machiavelli doesn't condone the gratuitous violence of an Agathocles, Hegel is critical of violence for the sake of revenge.⁷³ He is not alone in the canon of political theorists in condemning revenge. Hobbes considered it a natural law to not express hatred ("contumely") and to not seek revenge for evils past, because acts of vengeance are likely to lead us back to a state of nature, which is a state of war.⁷⁴

One might object that Hegel's distinction between justice and revenge makes sense only when there is a state with legal institutions and the rule of law that aim for justice and offer due process protections. Anyone within that state who has a dispute and believes they were injured should turn to the objective standards of justice in that

⁷³ Niccolò Machiavelli, *Prince* (Cambridge: Cambridge University Press, 2019), ch. 8.

⁷⁴ Thomas Hobbes, *Leviathan* (NY: Cambridge University Press, 1996), Pt I, ch. 15.

state, rather than to their own subjective standards, or fists. But what about disputes between states, or between a state and a stateless people? In international law, the objection continues, there may not be objective standards of justice, or mechanisms to resolve these disputes that ensure due process. For Hegel there is a 'right' and justice in world history that should prevail, even if there are no clear sources for discerning what is right: there are standards of justice that are not just relative to a particular society. One might point, for example, to Aristotle's standard that justice and other virtues involve appropriate actions that must be targeted to the right persons at the right time and in the right way. It was no defence of Plan A that Jews had no recourse to due process of law and could simply disregard proportionality and culpability requirements for justice. But even for those who aren't sold on the ethical imperative to adhere to substantive justice even when the means are wanting to provide procedural justice, Hegel's point, that echoes the concern Hobbes's articulated earlier, deserves to be given great weight: we should have the foresight not to take emotionally-driven action that may lead us to return to a metaphorical state of nature, in which life is "solitary, poor, nasty, brutish, and short."⁷⁵

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⁷⁵ Hobbes, *Leviathan*, Pt I, Ch. 13.

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