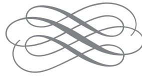

CHAPTER 1

Justice

One feature that distinguishes us as humans from other animals is that we want to know what is right and what is wrong. This deeply rooted desire has a unifying consequence for human inquiry and knowledge: all humanistic studies are transversely linked by ethics.

Taken one by one, the perspectives of philosophy, theology, psychology, sociology, or anthropology are "optional." We can, for instance, choose to look at human existence from a theological perspective, but we can also declare that we are secular and have no interest in it. Looking at things from the perspective of ethics, however, is inescapable; the right and wrong of a given situation chooses us, as we sooner or later discover from experience. We cannot simply declare that we are not interested in the distinction between right and wrong.

Since Aristotle ethics has been the study of good, and therefore also of goodness.[1] Its goal is an absolute and philosophical one, which includes all other goals as relative. Through the millennial authority of Aristotle, confirmed and spread by thinkers like Diogenes Laertius, the primacy of ethics has remained a constant feature of Western culture.

Immanuel Kant refined the study of ethics for modern philosophy by condensing our longing for justice into two ethical imperatives: the *categorical imperative* recommends following only those principles that we would establish as universal rules, while the *practical*

imperative asks us always to consider the human being as a goal or end in itself, and never as an instrument or means.[2]

Since the Enlightenment of the European eighteenth century, we have lived in an essentially secular world. Toward the end of that century, the American and French Revolutions irreversibly posited a separation between the authorities of Church and State. Toward the end of the nineteenth century, following Nietzsche's famous posting of a death notice for the traditional conception of God, humankind has been increasingly left alone in deciding what ethics is, and in determining what is right and wrong.

Left alone, yet also of necessity more urgently grounded in the enterprise, Carl Gustav Jung has adhered to the tradition that assumes that ethics is central to every discipline.[3] And he specifically claimed that deep psychotherapeutic healing is an ethical act, and that every ethical act is indirectly therapeutic. Nor has Jung been alone in placing ethical activity at the center of modern humanity's task. The whole teaching of Levinas, explicitly or implicitly, consists of ethical reflection. In turn, Zygmunt Bauman has rooted the centrality of ethics in sociology, stating that while after the horrors of the twentieth century traditional ethical codes have lost their relevance, still in every society a deep, prerational longing for ethics has become more central than ever.[4]

Yet Jung's psychology occupies a unique position in any such array. Erich Neumann—a Jew from Berlin who immigrated to Israel after having analyzed with Jung—was probably the first to understand that depth psychology, and specifically Jungian psychology, were not exclusively therapeutic, but also constituted an enormous cultural and moral revolution. This contribution had arrived, Neumann noted, during a peculiar acceleration of urgencies. At the end of World War II he observed that the world had hardly time to know itself as liberated from the threat of Nazism because the liberators were already threatening each other, and the fate of life on earth, with nuclear weapons. With this unique historical threat, however, also comes a unique opportunity. Neumann accordingly attempted to turn Jungian psychology into the basis for new ethics.[5] Traditional Judeo-Christian ethics have offered a basis for understandable and relatively functional moral rules governing both human behavior and

attributions of responsibility. However, this ethical dispensation has taken pride of place at enormous cost to individual ethical awareness. General rules have been privileged. Individual understanding and individual authority based on that understanding have been accepted only as the wards of toleration or as remarkable, sometimes freakish, exceptions. The issue of guilt has been simplified, tending toward attributions that assign the moral burden to only one of two polarities. Collective attributions of responsibility coexist with individual ones, with the consequence that punishment can also be made collective. Psychological dynamics are denied wholesale, with the result that they take place unconsciously: the guilt of the other party is regularly overstated because one's own guilt is denied and projected onto the counterpart.

To overcome this "old ethics," as Neumann calls it, becomes in itself a considerable moral task, and with enormous stakes for survival, because the persistence of traditional ethical guidelines entails the risk that they will turn mutual attributions of guilt into collective paranoia, as both hot and cold wars have shown, in an era when there will be little or no margin for error. Neumann proposes "new ethics" as the best way through the impasse of projection left by the older set. A psychological perspective must guide the new ethics for our situation. Ethical evaluation should start with introspection and analysis of one's own "shadow side," thereby leading gradually to an integration of the "inner opposite polarity."[6] Such ethics will necessarily be individually oriented, less punitive than the traditional ones, and will remain focused on positive, educational goals—on the growth of consciousness in the place where it happens first, in the individual.

The relationship between ethics and religion has been a changing one. Ancient polytheism displayed gods who had little or nothing to do with justice. On the one hand, the God of the Old Testament can be less moral than His creatures, as Job's torments remind us. On the other hand, modernity, having developed rationality, allows God to survive provided that He collaborates in the search for a rational and functional justice.

If we believe in God, we call Him the Creator. And indeed, only divine creativity could invent a being as capable of injustice as man. But

God also loves complexity and paradoxes, and so He endowed His perverted creature with a permanent longing for justice. The longing for this divine (or, depending on the perspective, archetypal) quality seems even stronger than the longing for God Himself. It survives secularization and atheism. Actually, it seems that secularization and atheism reinforce our need for justice. *Once God isn't any more the direct administrator of justice, we inherit his responsibility. We can do without Him, but not without the principle of justice,* which is His most inescapable legacy.

This is comforting and, at the same time, frightening. Comforting, because our secular society has retained the moral core of religious teaching. Frightening, because in pursuing justice we humans unconsciously enact God's role.

We tend to overlook the dramatic implications of this enactment for the human psyche. When we read Hitler's or Stalin's statements about justice, we dismiss them as expressions of immorality. The tragic truth is that these men were sincere in making such statements. The main problem with them was psychological, not political. As Neumann would put it, that problem was a lack in elaborating the shadow.[7]

A liar knows that he might, one day or another, be discovered, and if so that he will be sanctioned. He knows that he is up against boundaries, and so such a normal liar is human. Most tyrants, on the contrary, possessing a power that is formally limitless, identify with a divine archetype. Even in our own day they enact the principle that legitimized absolute authority in the predemocratic state and was minted for thousands of years on most coins: *Dei Gratia* (out of God's personal concession). Archetypes erase history and connect one directly with the original psychological source: in this case, with God, who was supposed to be the direct source of every political power. A tyrant cannot even imagine that he might be accountable to a system of justice. He IS direct divine justice.

Let me frame three brief theses about justice.

First, we do not pursue justice because we have an *interest* in it. We pursue it because we experience it as a *necessity.*

Second, not only is justice an archetypal necessity, it also claims the right to subordinate all other archetypal drives to its control.

And third, in the idea of justice the essence of religion is preserved in secular terms. As in the case of religion, justice is endowed with an absolute, totalizing quality. Yet justice is the senior partner, for in many respects this quality on its own ends up being more absolute than it is in religion.

Before turning Christian, what was considered the most civilized part of Europe was ruled by Greco-Roman polytheism. As already noted, this religion with many gods in a certain sense had an aesthetic more than an ethical function. The gods existed so that it would be possible to tell amazing tales about them. Their existence served literary more than theological or moral purposes. Therefore the idea of justice lived its separate, somehow precociously secular existence. Humans cared about it more than the gods did, and felt themselves, in this respect, to be tragically alone. Their only, but essential, rule was modesty: do not try to imitate the gods, avoid arrogance, and practice self-limitation. One of the two rules at the sanctuary of Delphi was: "nothing [should be] too much."[8]

From Socrates on, certain thinkers dedicated their efforts to the formulation of justice, and were called philosophers. But justice was already present before those attempts to formulate it in rational terms. Being as yet undefined, it did not translate into rules and codes. It could be the latent content of a tale, and could also be offered to the whole of a society as an aesthetic experience through drama.

The most powerful ancient instance known to us is Sophocles' play *Antigone,* which is centered on the eternal opposition between justice and law. Antigone refuses to obey a law forbidding the burial of her brother Polynix. The law is relative: viewing Polynix as a traitor, the king wants to carry out an exemplary humiliation of his body. Antigone claims though that justice is absolute and eternal, and that justice requires respect both for relatives and for all the dead, along with their ritual burial.

A radical longing for justice by the individual is no invention of modern democracies. The fact that *Antigone* is possibly the most famous of ancient dramas reminds us that, even two and a half mil-

lennia ago, the audience fully agreed with the idea that an ordinary citizen could know justice better than the king, and a woman better than a man. The awareness of justice is, was, and should remain more important than knowledge of and respect for the law.

In one respect laws are standardized and impersonal, but in another they change with time and place. Justice corresponds, in one perspective, to an eternal, archetypal drive, but in another it shows up in personalized forms. The relativism of so-called positive law—specific legislation and all its related judicial findings—only does what it can (or perhaps holds back from doing what it can) to represent archetypal justice. Justice (which might include unconscious psychological elements, thus corresponding to what Neumann calls "new ethics") is therefore more important than law.[9] This perspective on justice and law, as we know, prevailed not only in ancient Greece. The largest and oldest civilization on earth—China—has thrived until today by letting its courts rule not on the basis of codes but of traditions that public sentiment considers just.

Following these premises, we would do best to stick to the traditional meaning of ethics. My discussion, taking its orientation from archetypal promptings, wants to participate in the universal longing for justice, rather than offering one more attempt to codify rules and laws.