Envious justice

In this paper, I discuss Freud’s thesis that our sense of justice is secretly rooted in envy and jealousy. I hope to show that the thesis points to a deep truth about justice, but that it is itself rooted in an even deeper untruth – this time about love. In fact, Freud’s critique of justice is like the cynic’s criticism of the idealist: the cynic is quite right in what she says about the idealist’s self-deceptive position, but fails to realise that, at bottom, she herself shares the very perspective she criticises. In the course of my discussion, I will also make some comments of a more generally methodological character about what it means to investigate the use of concepts once we take seriously the “Freudian” focus on the pervasive repressive functions of our talk and thinking. This part of the discussion will be related to some themes in Wittgenstein – a thinker who, while harshly critical of Freud, used to speak of himself as a “follower” and “disciple” of Freud (LC, 41).¹

1. Wittgensteinian preliminaries

Freud’s thesis, stated in his book on Group Psychology (1921) is that demands for justice and equality arise in response to sibling rivalries in the nursery. As Freud explains,

The elder child would certainly like to put his successor jealously aside, to keep it away from the parents, and to rob it of all its privileges; but in the face of the fact that this younger child (like all that come later) is loved by the parents as much as he himself is, and in consequence of the impossibility of his maintaining his hostile attitude without damaging himself, he is forced into identifying himself with the other children. So there grows up in the troop of children a communal or group feeling, which is then further developed at school. The first demand made by this reaction-formation is for justice, for equal treatment for all. ... If one cannot be the favourite oneself, at all events nobody else shall be the favourite. ... What appears later on in society in the shape of Gemeinggeist, esprit de corps, ‘group spirit’, etc., does not belie its derivation from what was originally envy. No one must want to put himself forward, every one must be the same and have the same. Social justice means that we deny ourselves many things so that others may have to do without them as well ... This demand for equality is the root of social conscience and the sense of duty. (SE 18:119–121)²

This is a large claim, but in some ways far from new, of course. Others, too, have claimed that conventional justice merely expresses the envy of the weak against the strong, and many more have held that the constraints of morality and justice are a kind of compromise we accept only

¹ For the abbreviations used for Wittgenstein’s works, see the list of references. I have discussed Wittgenstein’s Freudian “discipleship” at greater length in Backström (forthcoming).
² I quote Freud’s works from the chronologically ordered 24-volume Standard Edition (SE), giving volume- and page-number. See list of references for details.
because without it social life would become impossible. What is peculiar, and typically Freudian, in Freud’s account, is the central role he gives to love. He interprets our moral reactions and valuations as responses to various crises in our love-life or, as he would say, in the “libidinal” dynamics of our relationship to others, primarily of the child to its parents and siblings. It is because it exemplifies this general Freudian figure of thought that the thesis about justice and envy, in itself a minor topic in his work, deserves critical attention also from the point of view of understanding Freud’s thought generally. For any basic insights or confusions we find embodied in the thesis will eo ipso reappear, in some form, in his accounts of, say, the Oedipus-complex or the super-ego.

As I hope my discussion will bring out, Freud is right in his intuition about the centrality of love. The trouble is that whenever he starts explaining what he means by love, he reduces it to various attitudes which could never play the fundamental role that he ascribes to it, but must on the contrary themselves be understood as repressive reactions directed against love. I will return to this fundamental point towards the end of the paper. Until then, it will remain in the background, as I focus on the relation between envy and justice more directly. Before doing that, however, I want to say something of a more general nature about the character of Freud’s thesis, and about the kind of difficulty such theses present.

Freud’s thesis is a typically philosophical claim. He is certainly not reporting an empirical discovery; rather, his claim illustrates Wittgenstein’s general judgment about Freud that “what he gives [us] is speculation – something prior even to the formation of a hypothesis” (LC, 44). A hypothesis predicts certain connections that may or may not be found to obtain in fact, and can thus be tested. Freud, by contrast, is suggesting that we make certain connections between everyday facts that are as such not in doubt; that we adopt a certain way of looking at them. This is of course perfectly legitimate in itself; as Wittgenstein emphasises, understanding in philosophy, and in various human sciences, is achieved precisely through re-arranging already known facts in ways which allow new patterns of significance to emerge. The typical expression of insight here is not “Oh, I didn’t know that!” but rather “Oh, I never thought of it like that!”

What Freud says is speculative, however, insofar as he fails to show the truth – the actual sense, the implications and presuppositions – of his claim. Instead, he briefly sketches a few examples, refers to certain commonplaces, and feels satisfied that he has made his case (cf. SE 18:120–1). Further reflection may of course show (as I will try to do in this paper) that Freud has grasped an important connection between justice and envy, but in the text I quoted from he has merely recorded what he, along perhaps with many others, is tempted to say about justice. And as Wittgenstein says, to express such temptations is “not philosophy; but ... its raw material ... something for philosophical treatment” (PI §254).

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3 Cf. Wittgenstein’s remarks on why Freud’s thesis that dreams are wish fulfilments is speculative (LC, 42).
As Wittgenstein insists, the essential prerequisite of such treatment is that we refuse all theorising, all vague and hypothetical claims, and simply “describe” the phenomena about which we are tempted to speculate (PI §109), the aim being an account which “simply puts everything before us, and neither explains nor deduces anything” (PI §126). Only in this way can we get rid of the sloppiness in our thinking which reduces it to a peddling of mere “opinions” (cf. MS 155, 40r–v). In Freud’s case, this speculative laxness is often obvious; in more mediocre theorists, one tends to find a cautious moderation and logical rigour in details, which makes them seem opposed to such excesses. This appearance, however, is typically due to the speculation having already taken place as it were anonymously, through their unquestioning acceptance of the prejudice of respectable intellectual opinion at the time. They can afford to be rigorous in small matters because they have allowed the big picture to pass through unchecked, and we fail to notice this sloppiness because we tend to share it. The dominance of various fantasies of “naturalism” is among the most obvious – and therefore in another sense the most invisible – contemporary examples of this.

Wittgenstein is always looking to expose the big picture that frames the little ones, and he emphasises that the most invidious speculation is the kind we engage in when we imagine we are just stating the obvious. As he says, the “first step” in our reasoning “altogether escapes notice”, and what is in fact the “decisive move in the conjuring trick” seems to us “quite innocent” (PI §308). The difficulty is to realise that what one presents as self-evident or necessary is really only a picture, that one need not look at things in this way – and, in the important cases, that one does not in fact look at them like that, although one likes to imagine that one does.

Alas, what makes this realisation difficult is not primarily our lack of intellectual acumen, or the complexity of the things we philosophise about. No, the complication lies in ourselves, in our unwillingness to see what is there right in front of our nose. As Wittgenstein says:

What makes a subject hard to understand – if it’s something significant and important – is not that before you can understand it you need to be specially trained in abstruse matters, but the contrast between understanding the subject and what most people want to see. Because of this the very things which are most obvious may become the hardest of all to understand. (CV, 17; cf. PO, 161)

It seems to me that it is this insistence on the theme of our resistance to seeing clearly, on how we anxiously create and cling to confusion, that most basically makes Wittgenstein a “follower” of Freud. What he criticises Freud for is, in effect, that in his own theorising Freud often seems to forget his insights about repression and resistance, and gives himself permission to spin out ideas that have a “charm” for him – to use a word with which Wittgenstein frequently characterises Freudian ideas (REF) – a charm that may be connected to how these ideas allow Freud to avoid and repress certain

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4 Here, as in a few other cases, I have made slight modifications in the translations of Wittgenstein, without notifying the reader.
insights. As Wittgenstein suggests, we might understand the power of many psychoanalytic ideas “through reflections resembling those of psychoanalysis itself” (MS 163, 69r-v).  

Of course, this is not just Freud’s problem. In his own case, too, Wittgenstein confesses to the same difficulty. He writes:

I feel in myself a Freudian resistance to finding the truth. When I write a sentence unwillingly, with the feeling that it is stupid or repellent to me, it is normally precisely the sentence that makes a major contribution towards arriving at the truth. When I feel almost embarrassed to write something down, it is normally something very important. (MS 107:100)  

Now insofar as we do resist clarity, simply “describing” phenomena as they are, as they really appear to us, is what we are least inclined to do. The whole point is to get ourselves to do this thing that we are constantly manoeuvring to avoid. Thus, Wittgenstein tells his students, “I don’t try to make you believe something you don’t believe, but to make you do something you won’t do” (MS 155, 42r).

When he urges us to “bring words back from their metaphysical to their everyday use by looking at how they are actually used ... in the language which is [their] original home” (PI §116) he is, again, telling us to do something. He is not, as many have imagined, stating a thesis about the supposed clarity and innocence of everyday language, as though confusion was introduced into our life and thinking only with the speculation of philosophers. His point is not that we can keep out of confusion if we just take care to speak as we ordinarily do, but rather that it is only if we attend closely to what we do actually say and think in everyday life that we will see where our real confusions lay. Whereas if we start speculating, we may imagine we have left our “crude” everyday thinking behind, but will in fact end up simply replicating its dead-locks in an abstract, theoretical idiom. Metaphysical confusion is a mere symptom of everyday confusion, a kind of “secondary revision” of it.  

This is true of what we say about justice, too. To show how, I will now turn to elucidating Freud’s thesis. I will start by examining a number of seemingly natural objections to it.

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5 An example from Wittgenstein of an analysis along these lines, or a sketch of such an analysis, can be found in his remarks about the seductiveness of the Freudian notion of the “primal scene” (REF).
6 I quote this passage in the translation given in Majetschak (2010), to my knowledge the only scholarly discussion of the methodological analogy Wittgenstein saw between Freud’s approach and his own that emphasises the theme of resistance.
7 Cf. the relative scarcity (although certainly not total absence) of classical arguments – “If you say A, it follows that B” – in Wittgenstein’s texts, and the wealth of injunctions to the reader to do various things. He tells us to imagine a situation in concrete detail (sometimes followed by the question: “Can you do it?”), or to ask ourselves whether or when we would, in a real situation, say X, or what it actually feels like to do Y, or whether we in fact have reasons or doubts in situation Z where we imagine that we should or must have them. And so on.
8 See Feyerabend, 1955, 480–1, for an early, forceful statement of this reading.
9 Cf. Wittgenstein’s remark PI §125 on getting a clear view of the contradictions that give rise to trouble in our everyday practice: the famous remark preceding it, on philosophy “leaving everything as it is” (§124), is apt to be completely misunderstood if read in isolation from §125. – EXPLAIN “secondary revision”.
2. Freud’s thesis: some natural objections

It’s a commonplace of everyday psychological observation that envious resentment *often* masquerades as a demand for justice. Freud turns the trivial observation into a thesis by moving from this factual “often” to the idea that the *very practices* in which our concepts of equality and justice are embodied are secretly motivated by envy.

At first sight, it might seem easy enough to dispose of Freud’s claim by a purely logical manoeuvre, as it were, without the need to look further into how we speak of justice. For the claim seems to be a clear example of the classic confusion, shown by Wittgenstein to structure many a metaphysical thesis, of explaining the rule through its own exception, although the rule is the necessary background for the exception to make sense. There can be sham forms of justice only because we have a notion of real justice. Indeed, it would seem that the best proof that a claim to justice is *not* in itself an expression of envy is precisely the fact that envy *can* be disguised behind claims to justice – after all, envy can hardly be disguised behind itself!\(^{10}\) I think this objection points to an important *question* concerning the role of dissimulation in moral life\(^{11}\), but nonetheless it fails. For Freud is not claiming that demanding equality is simply the *same* as expressing envy. Rather, he is saying that it is a *reaction formation against* an initial envy; a response, in other words, which, while being different from and indeed a partial reversal of the initial response it reacts on, nonetheless secretly preserves essential traits of it. And this possibility is not covered by the objection in the form I gave.

However, it might seem that there is still a quite simple way to distinguish demands motivated by envy from genuine demands for justice, the difference being that the latter are universal and impartial. Unlike envious protests, they are not voiced only when *I* am treated unfairly (as it seems to me), but also when *others* are; indeed, in the form of repentance, when *I* was the one treating others unfairly.

There is truth to this objection, but it is important to realise that one may very well *sincerely* insist that certain rules of justice be impartially honoured, and yet do so out of envy. Thus, a grumpy old man may insist that in the apartment building where he lives there should be rules forbidding loud music, and he may honour the rule strictly for his own part, too. Still, his real motive for insisting on the rule may be that he feels old and tired and envious of young people who still have home-parties or show other signs of vitality.

\(^{10}\) Analogously, while the observation that people may hide their feelings might form the starting point for a generalisation to the effect that we can never “really” know the feelings of another, that they are somehow essentially hidden, the best proof that feelings are *not* essentially hidden is actually precisely the fact that we *can* sometimes hide our feelings (and indeed that we need to take steps to do so); we can hide what of itself tends to show. As Wittgenstein puts it: “One can say ‘He is hiding his feelings’. But that means that it is not a priori they are always hidden. Or: There are two statements contradicting one another: one is that feelings are essentially hidden; the other, that someone is hiding his feelings from me” (LWPP II, 35).

\(^{11}\) To put it shortly: if morality is at bottom only a mask for certain private interest (as Freud, too holds), then we still need to explain whence comes the need for such masking, and how, *ex hypothesi*, we do always act self-interestedly, we can so much as get the *idea* of someone not acting that way – which is the idea behind which we supposedly hide our true motives. In the end, I don’t think Freud can really answer these questions. – Cf. Scheler, FE, 177–9.
Here we should note the crucial point that envy hides itself. When we are moved by envy we will not admit it even to ourselves. Instead, our envy will be expressed in covert ways, say by speaking ill of those we envy, or pretending we don’t care for what we in fact envy in them, or by our hiding the envy behind an attitude of admiration or pity or moral indignation. And so on; as Mandeville says, “The symptoms of envy are as various, and as hard to describe, as those of the plague” (1997, 81). The essential point, however, is that our envy, even when it is quite obvious to others, doesn’t show itself as envy to us. Thus, the grumpy old man will tell himself that he is simply acting in the interest of securing a good living environment. He sees no problem in his attitude, but rather condemns the attitude of the young people who want to play loud music; perhaps he feels that they have no respect for others.

Envy is, then, to speak in Freudian terms, an essentially repressive reaction. It is always felt as something else. But this means that insofar as our everyday use of the concept of justice is indeed secretly motivated by envy – and the point is that envy can only motivate secretly – we will fail to see or admit this, and will present what are in fact basically envious claims as, precisely, claims of justice.

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12 At one point, Wittgenstein imagines “A language in which there is a word ‘to frightle oneself’; meaning: to torture oneself with fearful thoughts. And then you might suppose, for example, that this verb had no first person present. The English “I am ... ing’” (LWPP I §1). Envy is a word that lacks a first-person use in this sense; I can say “He envies” but not “I envy”. That is, it belongs to our concept of envy that I cannot say it and fully mean it. We quite often say “I envy you”, of course, but then we mean precisely the opposite: we don’t mean to say that we are pained by seeing the other’s good and would like to see her deprived of it, which is how we feel when we envy someone, but rather we mean, or wish to present ourselves as meaning, that we are happy for the other, because she has what we see as good and wish we also had. Philosophers sometimes try to accommodate this fact in terms of a distinction between “benign” and “malign” (or “vicious”) envy, where the former would be what is conventionally expressed in saying “I envy you”, with no ill-will implied (e.g. Rawls 1972, 532–3). Now if there is really no ill-will implied in one’s attitude it is, I would say, no proper envy at all. But then the question arises why we say “I envy you” in expressing it, as we after all do? Well, we say “I envy you” precisely about the good things (possessions, qualities, circumstances) that we or someone else might genuinely (malignantly) feel envious over. So in saying “I envy you” we are in effect signifying that although this is a situation in which we, or an unspecified “one”, might feel envious, we do not feel that way but are only glad that things are good for the other. – But if we are indeed not envious, why do we feel a need as it were pre-emptively to deny an allegation of envy that might be made? Why don’t we simply say “I’m happy for you”, as on other occasions we might? Might this not be because we feel unable wholeheartedly to say “I’m happy for you”; because, in beholding the good of the other, we are after all not quite free of a hostile (malignantly) envious impulse against her? The point of our saying “I envy you” would be to expresses this evil impulse and thereby reject it and kill it off. In this sense it would perhaps be quite appropriate to distinguish “benign” from “malign” envy; the point would not be that there was (morally, existentially speaking) nothing wrong with benign envy, but rather that the problem, the tumour of the soul that is envy, was in this case declared to be of a kind that has not spread and will not be allowed to spread to infect everything, as does the malign form of envy. So in saying “I envy you” we are, as it were, declaring: “I have found a seed of evil in me, but I will not hide and nurture it, rather I will spit it out and expose it”. – Needless to say, such declarations may prove ineffectual; the evil seed may stay inside and start to grow. Nonetheless, while it would be best if one could simply, wholeheartedly say “I’m happy for you”, if one cannot find it in oneself to do so, the fact that one can at least say “I envy you” is in a certain sense a good sign. For if one really, malignantly envies the other one probably will not be able even to say it (“I envy you”), as that would sound too real, would reveal too clearly what one feels, to oneself and to the other, and so one will perhaps instead say, in the bad faith of envious resentment, “I’m so happy for you!”

13 To be sure, one may in a general, intellectual sense know that one is envious. However, such knowledge will not only fail to prevent envious reactions from reappearing, but when they do, one will effectively deny one’s “knowledge” that one is envious in what one then feels; one will, e.g., feel how unfair it is that one’s neighbour is the one who always succeeds. One will not feel that the problem is one’s own reaction, although on an intellectual level one knows this is so, rather one will feel that the problem is the unfairness of the world always rewarding the other with success. As Wittgenstein remarks, it is “possible for one to live, to think, in the fancy that things are thus and so, without believing it; that is to say, when one is asked, then one knows, but if one does not have to answer the question one does not know, but acts and thinks according to another opinion” (RFM, 115). In general, to “know” what one’s problems are may often be merely a way of keeping them in place, unsolved – as when, to take a banal example, I respond to your reminders that I should really get the car fixed by saying “I know, I know, I really should”, and having satisfied myself in this way that the situation is crystal clear, do nothing about it.
Our distinguishing envy from justice in certain *particular* cases would then merely serve to uphold the ideological illusion that the two are essentially distinct. “In the claim of *this* person *here*”, we say, “envy is masquerading as justice, but this is an exception, a perversion; in the normal, legitimate cases, the situation is quite different!”

So how can we tell whether a certain claim for justice is or is not a rationalisation for envy? Clearly, the mere fact of general agreement in judgments about this takes us nowhere, for “obvious” cases of justice may *seem* obvious to us only because we happen to *share* the particular envy they manifest. Thus, all the grumpy old ladies in the building will find the grumpy old man to be absolutely right in his demand for quiet; they can see no enviousness in it, precisely because they too are moved by the same envious resentment. Is, then, the difference between justice and envy simply a matter of whether or not one can get the sympathy and backing of the community for one’s claims?¹⁴

One natural response to this quandary might be to insist that a genuine, non-envious sense of justice is not reducible to a respect for rules agreed upon, but will also, and first of all, come to expression in *how* one reflects on the rules themselves, on what they should be. Thus, in thinking about which house-rules would be fair, each of the inhabitants should abstract from the particular preferences and inclinations they happen to have, and consider equally which rules the other inhabitants might find reasonable, given their preferences. It may prove hard to come up with a compromise that everyone finds fair, but a genuine sense of justice demands that we try. Insofar as we care about justice, we will put ourselves in the other’s shoes and consider what the world and our actions look like from there.

I think this way of putting it points to something very important, but is at the same time quite misleading. It is certainly true that if by the sense of justice we mean something less than this kind of openness and responsiveness to others, then justice is no genuine (moral) good at all, as all kinds of egocentric bigotry, for instance the case of the grumpy old man, would then count as *bona fide* cases of justice. It is also clear that in Freud’s perspective there is no place for a genuine sense of justice, precisely because he presents justice as a mere outgrowth of envy which preserves the latter’s basic orientation. And that orientation is the opposite of openness to others.

Envy has a curious *other-directed self-centredness*. The envious person is obsessed by what others have, and is thus other-directed in his desire. Yet, his perspective is essentially self-centred insofar as in looking at those he envies he sees only the image of his own deprivation.¹⁵ In his envy, the grumpy old man is unable to put himself in the shoes of the young people in the morally relevant sense, that is, to attempt to understand and guard the good of their way of life. For while he has an instinctive sense of that good – that is indeed what *awakens* his envy – in his self-centredness he *feels*

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¹⁴ This is the view of Smith (1991).

¹⁵ Borrowing Allan Bloom’s apt characterization of the psychology of the *bourgeois*, we might say that the envious person “when dealing with others ... thinks only of himself, and ... in his understanding of himself, thinks only of others” (1991, 5).
this good only as the pain of not sharing it. To help their good grow would thus be to inflict further pain on himself, and this he will not do.

3. Justice vs. openness

I will now turn to why it’s misleading to talk about a genuine sense of justice which makes us put ourselves in the other’s shoes. The reason is that when claims of justice are actually raised in concrete situations, and equally when we discuss justice on a level of principle, the focus is typically not on openness and responsiveness to others. On the contrary, a certain lack of openness between people seems to be taken for granted. We focus on the question what a just rule or a fair compromise would be, given that people have different preferences. This focus, I would say, tends to sidestep the real moral problem, which is that the people involved need to open up to each other, to acknowledge and change their self-centred attitudes.

Thus, in our example the grumpy old man would need to overcome his envious resentment of the young, so that he could hear in their music something else than irritating and humiliating noise; hear in it the sound of life and joy, too, and in so hearing it in his way come to share that joy. And in a typical case the young people will need to work on their attitude just as much as the old man. He may well be right that they lack respect for others. Their loud music may express not so much vitality and joy as irresponsibility and arrogance. Such attitudes don’t express anything personal but are determined by shared circumstances and collective identifications, as will be evident as soon as a young man gets a job and a family, and suddenly realises the value of quiet nights. Such “insights” will amass and weigh him down more and more until, years later, he has himself turned into a grumpy old man. In effect, the average youth and the average grumpy old man are the same average person, only at different stages in their average life, and their antagonism is part of the social game, part of the way in which both of them deceive themselves about the other and themselves.\footnote{The need of the young to declare that they will “never grow up to be like the old man”, and the old man’s tendency to think that “things were different in his youth” are part of the same game.}

Now in this situation, while it is true that the young and the old have different preferences, the salient point is that both these preferences express egocentricity – which, as I just indicated, has nothing to do with what is individual or personal, but is rather connected with one’s accepting certain social identifications, while manifesting distrust and disregard for others. That is the moral problem. But when questions of justice are raised in the situation, the moral problem has typically been evaded, as we focus instead on the broadly speaking political problem of what we can get people to agree on, given that they don’t want to face the real problem, but are merely willing to moderate their egocentric claims a bit if the others do so, too. Insofar as this evasion is not recognised as such, the situation will be perceived in a falsely moralised light, and we solemnly declare that a just balance has been achieved, when in fact all that has happened is that a deal has been struck between the
tendencies to envy, grudgingness, arrogance, and so on of the various people involved. I don’t claim that we could, in general, do without this kind of bargaining. What I’m saying is that it’s precisely because we refuse to do anything about our real moral difficulties that we need it so badly.

Of course, openness will not make the need to discuss and make mutual adjustments go away, and there will still be practical reasons for making common rules of various kinds, but insofar as there is no ill will between people, all these things will be attended to in a completely different spirit. For instance, if my neighbours decide to throw a loud, spontaneous party when I need to sleep because I have to work the next day, we have a practical problem. But if we are on good terms, we will be able to deal with the situation in a manner quite different from the grumpy old man and his young neighbours. For I will not be resentful and suspicious of my neighbours; I will be glad that they have a good time and will think it a pity that I can’t join them. And for their part, they will appreciate my need for sleep; they know I’m not just out to ruin their fun, nor are they arrogantly inclined to belittle my needs. We may come up with all kinds of solutions to the problem. Perhaps they realise they can move their party to a friend’s place instead, or perhaps we decide that we will all have a party, and the next day all will help me with the work I need to have done.

I’m not trying to paint a rosy picture in which everything always works out perfectly and no-one ever has to be inconvenienced or make a sacrifice. I’m sketching a real possibility, not a daydream. The point is not that when people are open, everything is harmony, but rather that the character of our conflicts will then be different. Conflicts, inconvenience and sacrifices do not by themselves turn things nasty between people. That turn is taken only when we close ourselves to others, start looking enviously, grudgingly, arrogantly, at them. That turning is the nastiness. To be sure, we often seek to justify our hostility by pointing to inconveniences we have suffered and sacrifices we have made, and these may be real enough, but the point is that we use them only as a cloak for our hostility.

Now as long as people remain open to each other, I don’t see how questions of justice would arise. To be sure, we will share resources and burdens, and share them roughly equally, when there is no special, practical reason to act otherwise. Thus, if I see you carrying two heavy grocery bags, I offer to take one of them, not both. Why should I? I don’t wish to be your servant; I simply want to help you with your load, and I do. My action is perfectly intelligible, but has as little to do with justice as my carrying my own groceries a bag in each hand, rather than both bags in the same hand.

Similarly, if we are having a meal and there is not quite enough food, of course I will try to ration it so that everyone gets something, and not leave some without any food at all. But while acting in the latter way would be unjust, that doesn’t mean that when I portion out the food so that everyone has some, I’m acting from a sense of justice. It may simply be the case – and insofar as I act in a spirit of openness it will be the case – that the possible motives for acting unjustly, for instance envy or callous disregard for certain “kinds” of people, are absent. In the same way, if I see someone always
giving less to one person than to the others, I will of course react; I will perceive the horror of their action, but again I need not see it as attaching to its injustice, as defined by some standard or other, but rather to the lack of love they show for the person they are putting down (in fact, their actions betoken a lack of love for those they favour, too, as we shall see).

By contrast, let’s now consider a case where considerations of justice do come to the fore. This will happen only insofar as the openness between the people involved is, in one way or other, impaired. For instance, to recall the kind of situation on which Freud builds his case, we can imagine a group of children at the table, who are all jealously keeping guard so that no one gets more than the others. In such a situation, the adult dishing out the food may take care to give everyone as near equal portions as possible. Here, justice, equality, is indeed the central concern. And given that it is so, it’s of course, generally speaking, better that things should be arranged (and food distributed) justly rather than unjustly. Nevertheless, the salient point is that the very emergence of considerations of justice shows that there is already a moral problem in the situation.

Justice becomes an issue here only because injustice is expected or feared. We need not now worry about how far this fear is a reaction to previous experiences of actual injustice; that may vary. The important point is that insofar as the fear has become a generalised attitude or orientation, defensive-aggressive protests will be triggered even in situations where objectively there is nothing to fear, for one then enters any situation with the suspicion that one will be, or the obscure feeling that one has already been, somehow unfairly disadvantaged. This, of course, is precisely the attitude of the envious person, who sees in the good of others only a sign of the unfairness of life in denying that good to him.

The children at the table jealously clamouring to have their fair shares of the food are a typical sight, of course, but nonetheless a sad one. It would be better if they did not feel the need distrustfully to keep a check on what the others get, but would trust adults and each other not to want to favour or disregard anyone; would trust life to be good to them. The more there is such trust, such openness, the less will one hear about justice.\(^\text{18}\)

The upshot of this is that the notion of a genuine sense of justice – meaning an attitude that is morally speaking good without qualification – cancels itself out. For while motives that tempt us to injustice will indeed be absent insofar as there is openness to others, by the same token a concern with rules and measures of distribution as such will be absent. But such concern is what defines the sense

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\(^{17}\) We can also imagine a case, of course, in which the demand is not that everyone should have the same, an equal share, but rather that things should be divided according to more complicated calculations regarding desert and equity (i.e. fairness in this given situation and all things considered). Here, the motto is not “To each the same” but “To each his own”, but this greater sophistication does not change the basic attitudes in play.

\(^{18}\) Such trust is to be distinguished from a situation where certain adults have a reputation for strict justice, so that with them the children can relax and feel no need to press their claims, because they know they will divide things justly; that situation obviously only makes sense against a background of a generalised distrust and mutual enviousness where, for once, justice is assured to be observed.
of justice as a distinct virtue, and so it seems that the openness that alone would make genuine justice possible, actually rules it out.

4. A systematically repressive concept

If what I have said is roughly right, there is truth in Freud’s intuition about a secret link between envy and justice. If envy is, as I noted, an essentially repressive reaction, a reaction that implies a denial and distortion of its own character, then our everyday concept of justice might be characterised as a systematically repressive concept. This is so insofar as, in focusing on questions of justice, we conceive of ourselves as concerned with matters of high moral principle, and thus hide the fact that we approach the whole situation in an atmosphere of distrust and of envious-grudging comparison of our lot to that of others.

If the notion of systematically repressive concepts (or uses of concepts) sounds un-Wittgensteinian, this is due to the false idea, noted above, that Wittgenstein treats everyday language as innocent and sacrosanct. In fact, he claims that an “entire mythology” is “laid down in our language”, that the ways in which we speak contain an “immense network of well-kept false paths” (PO, 199, 185). One way of characterising his philosophical activity is to say that it aims to uncover this “mythology”, this level of collective fantasy. In a remark which he characterises as “reminiscent of Freud”, Wittgenstein notes that, as well-adjusted members of society, we will be “horrified” by the thoughts he develops, since we have “always been trained to avoid indulging” them. He tries, he says, to bring to light precisely those “problems that education represses without solving”, as it were telling those repressed doubts: “you are quite correct, go on asking, demand clarification!” (PG, 381–2). In other words, looking at the everyday use of concepts involves uncovering and challenging the repressive function that is or may be part of that very use. Alas, since this is not a theoretical matter, but a matter of how we live, of what we most anxiously fear and wish for, such philosophising only works, Wittgenstein cautions, “with those who live in an instinctive state of rebellion against ... language”; with those who have not, “following all of their instincts”, immersed themselves completely in the language community’s way of life with its collective repressions (PO, 185).

Returning, now, to the specific concept of justice, I would say that the central repression involved in our turning to justice is the implicit, and sometimes explicit, denial of any real alternative to it. It is implied that life is basically a matter of learning to play by common rules and make compromises, all the while keeping count of the contributions made and benefits received by oneself and others. Things of plainly practical value, such as doing household work, are constantly discounted against things which have moral “value”, such as showing appreciation and respect, in a kind of moral

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19 I should note that in the passage just quoted, Wittgenstein discusses specifically how mathematicians are likely to react to what he says about the philosophy of mathematics. The point, however, seems to me quite general.
bookkeeping operation whose point is to guard a “just balance of give-and-take”, to ensure that “too much” is not asked or “too little” received.

No attention is paid to the possibility of what I have called openness, where people give and receive freely, without worrying about losing out or being repaid. Indeed, we should note that the envious-grudging attitude finds it as impossible to receive as to give “too much” – that is, to give or receive anything truly for free, out of love. For in both cases the whole bookkeeping game is challenged, and the attitude consists precisely in keeping the game going as though there were no alternative to it. Therefore, those who give freely will be perceived as a deadly threat, and will be enviously maligned, their behaviour presented, perhaps, as naivety or conceit (“Does she think she’s better than us with all her ‘goodness’?”).

In a more theoretical mood, the envious-grudging attitude might admit the possibility of another way in principle, but only in order to deny its relevance in reality. Thus, it might be allowed that saints may be what I called open, “but then we are no saints, are we?” It is characteristic of this ad hominem argument that one leaves it unclear whether the admission that we’re no saints is meant as a simple statement of fact, or is to be followed by “...and thank god for that!” In the latter case, it’s obvious that the figure of the saint does not really stand for goodness, but for something intolerable (for self-righteousness or life-denying asceticism, perhaps), and even in the former case one does not in fact think of goodness in any concrete sense, for then one’s lack of it could not be treated as a fact to be simply noted. That would be as if one were to say, with a shrug of the shoulders, “There are people who are not heartless and cruel, of course, but then we’re not among them”.

In any case, the question at issue is not to decide how far we are or are not good, but to get clear about what goodness is, and to understand the dynamics of our moral difficulties. To do so, and to see the real significance of what usually goes on, it’s not enough only to focus on it. Rather, it must be put in the contrasting light of what might have been going on instead. The usual way of reacting will be seen for what it is through recognition of the real possibilities that it implicitly rejects, or rather – insofar as it sustains itself in its “good conscience” only by presenting itself as self-evidently the only possibility – represses. The point is not that ethics should investigate what life could or should be like rather than what it is actually like, but on the contrary that the actuality of life is inseparable from, although not reducible to, what its possibilities are perceived to be, where a crucially important mode of such recognition is denying a possibility. The cynic’s impatient, contemptuously hostile rejection of all “idle” talk of what might be reveals that even he does not really believe that life is “just” this or that; if he did, there would be nothing for him to get so emotional about.20

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20 The same ambiguity can also be clearly seen in the (non-cynical) despair which despairs over life ever being different than what it is, ever changing for the better. I despair over what life has turned out to be like for me, but my very despair results from my seeing life as it is in the light of what I hoped it would have been, and still hope it would be now, although I am continuously giving up that hope. The word despair comes from the Latin desperare, combining de- “down from” and sperare, “to hope”; despairing is a falling from hope. As long as one is in despair one sees the hope, and is continuously
5. Mistaking love

The sum of the above is that an important truth is contained in Freud’s thesis about justice and envy. Nonetheless, I believe that the thesis as a whole is utterly false. The falsity lies not in Freud’s view of justice as such, but in the view of love that underlies it.

Freud assumes as a matter of course that morality is something secondary, a relatively late fruit of development. He reports as established fact that children are “completely egoistic” and that it is only later that “altruistic impulses and morality will awaken in the little egoist and … a secondary ego will overlay and inhibit the primary one” (SE 4:250). The way justice overlays and inhibits envy is supposedly one aspect of this development. At the same time, however, Freud assumes that love, or “libido” as he calls it, is the main driving force in human beings, including children. In other words, love is for Freud an essentially amoral force.

The child is born, Freud assumes, with certain libidinal tendencies which make it love its parents. Furthermore, these tendencies are essentially possessive and conflict-generating, that is, they naturally manifest themselves in jealousy and envy towards anyone who appears to threaten the child’s exclusive position in the affections of the parents. Thus, Freud tells us that the boy at the Oedipal stage “wants to have his mother all to himself” (SE 16:332) and cannot “forgive” his mother for granting the “favour” of sexual intercourse to his father; the boy regards this as an “act of unfaithfulness” and “thirsts for revenge” (SE 11:171). In fact, all children indulge in vengeful fantasies arising from their “feelings of being slighted” because they are “not receiving the whole of [their] parents’ love” but have to “share it with brothers and sisters”. While such fantasies may have a clearly sexual charge, as Freud thinks they invariably do, this sexual charge itself gets its character from the motives of “revenge”, “retaliation” and “envy” that, Freud notes, infuse them (SE 9: 237–9).

But envy, unfaithfulness, revenge are all moral concepts, morally charged attitudes. So contrary to what Freud claims, the erotic universe he imagines the child inhabiting is not an amoral, but on the contrary a thoroughly moralised one. The central presumption structuring this universe is the notion that one is somehow entitled to a privileged position in the affections of others, and its central mood the anxious fear that one is being denied one’s rightful position. What this means, I think, is that while Freud takes himself to have shown how the idea of justice and the rest of morality falling from it, letting it go. What drives me to despair is, then, precisely the fact that I cannot look at my life simply as a given, but always see it, more or less consciously, in contrast to the goodness, the openness, that is lacking in it. It is as though I saw the place I am at from somewhere else. – Here we might also be reminded of the crucial importance Wittgenstein attached to acknowledging different possibilities in philosophy, in the face of one’s tendency to assume that the perspective one is inclined to take is the only possible one; that things cannot or must not be different. The “usefulness of philosophy”, Wittgenstein once remarked, consists in asking “Why should it be like that?” in such a way as to “clear away a prejudice” (MS 133, 46r-v).

21 How exactly Freud’s discussions of e.g. the birth of guilt and the installation of the super-ego fit in with his account of justice as born of envy is not easy to see. I will not discuss the question here.
arises as a reaction-formation against certain troubles with love, what he in fact does is to view love itself from the envious-grudging perspective of justice.

There is of course no denying the fact that possessiveness, jealousy, and favouritism are terribly potent destructive forces, and that they are at play in little children, too. But recognising this fact is quite different from assuming, as Freud does, that love simply is favouritism or jealous possessiveness. In fact, this reductive move makes it impossible to understand what is destructive about these attitudes, at the same time as it hides from view what is good about love – how it is a life-giving force opposed to the destructive forces of death, as Freud himself insists it is in his speculations about a fundamental conflict between eros and thanatos (the death drive).

To see this, consider the following chilling example from Leonard Shengold of life with a parent who will not love his children – an example apparently described, by the patient who related it, as a “typical event” of his childhood:

The father entered the dining room where the table was set for the family meal. Beside each plate was a fresh piece of fruit – the dessert. The man made a complete round of the table, stopping at every chair to reach out and squeeze to a pulp every piece of fruit except his own. The older children and the intimidated mother, used to such happenings, said nothing. But the youngest, a five-year-old boy, cried when he saw the mangled banana at his plate. The father then turned on him viciously, demanding that he be quiet – how dare he make such a fuss about a banana? (Shengold 1989, 29).

I will make no comment on this. Instead, let’s change the example slightly. Suppose that the father had not crushed the young boy’s banana, but on the contrary had made a point of saving it, while squashing the fruits of everyone else. Only the father and the favourite son were to enjoy themselves, while the other children and the mother were to watch and weep. And this, let’s imagine, would be the way things were always done; a completely ruthless system of favouritism. Now, what we should note is that, according to Freud, this is what children really wish for. As he put it in the passage about envy and justice; “the elder child would certainly like to put his successor jealously aside, to rob it of all its privileges…”.

Well, then, here we have it! Contrary to what Freud implies, it’s clear that it is not a situation where the favoured child gets as much love as it is possible to get, but rather a situation from which love, for the favourite no less than for the others, is wholly absent – or rather is very much present, but only in the terrible sense of being constantly, ruthlessly, and spitefully rejected. The ruthlessness and the spite are manifestations precisely of the deliberate rejection of love; that is what gives the

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22 As Wittgenstein remarks, “Anyone who listens to a child's crying with understanding will know that psychic forces, terrible forces, sleep within it, different from anything commonly assumed. Profound rage & pain & lust for destruction” (CV, 2nd ed., 4).

23 Wittgenstein said that to be able to judge a philosophical thesis we often need to “describe in practical details and dispassionately what a reality looks like which corresponds to [it]”, to take “the general (vague) talk of philosophers seriously and make a practical application of it” (MS 130, 51). That is what I have just tried to do.
father’s acts their emotional charge and character, what makes them evil and destructive – and also what makes them human, different from the devastation wrought by some inanimate or merely animal agent. We might say that the perverse point of the father’s actions, whether he favours one son or favours no-one, is to prove by means of a forcible demonstration that there is no love in this world; that no love will be allowed to survive in his presence.\footnote{In a very real sense one could say that his action is the ultimate expression of envy. He is like Shakespeare’s Iago, who wants to destroy the love he senses, and finds unbearable, between Othello and Desdemona and who, because ultimately he wants to prove that there is no such thing as love at all, needs to ensure that the lovers themselves come to see their love as a delusion, as something that never really existed. For a good discussion of Iago, see Sodré (2008).}

Jealousy and favouritism are not expressions of love; on the contrary, they enter our love-relationships insofar as we are too weak to abide in love, and our faith in the other’s love and our own dwindles. If I believe in the love between us, I will not feel jealous of your contacts with others because I will not distrust you and fear losing you, nor will I feel a need to “prove” to you or to myself that I love you by making sacrifices for you or showing that I prefer you to someone else. Love is openness, contact between people, and at the same time a longing to preserve and deepen this contact. But insofar as we become distrustful and withdraw from each other, while nonetheless wanting somehow to remain close and attached, we will tend to grasp for “tokens” and “proofs” of love to compensate for the love we feel unable to express directly (in the same way as, when faith in God is weak, the failing believers demand “proofs” in the form of miracles).

Love is in a certain sense “known by its fruits”, because it is not an inner state but a way of relating to the other, and so is as it were all expression. But it cannot be “proven” by any external “sign”, for apprehending love is a matter of feeling the openness of the other in her gesture, and that can be felt only by opening oneself to her in love. The very distrust of the distrustful beholder makes it impossible for him to see the love even when it is there in the other’s gesture; to him it will appear as, say, flattery, pity, or disgusting intrusion. Or rather, he will present it to himself in this way, but only to mask from himself the anxiety, the claustrophobia, produced in him by the other’s open address. He is made claustrophobic by his own closedness, which is revealed to him as such by the other’s openness that he dare not answer.

The distrustful, then, will never be convinced by the “proofs” of love they demand, and yet they go on demanding proof. They – that is, most of us much of the time – are in a state of existential confusion, for we desire the love we fear, we ask for what we don’t really want and give what we know isn’t really wanted, because we dare not ask for or give the one thing needful.

Favouring is one of the forms that such impossible “proofs” of love take. In favouring you over someone else, I try to prove the depth of my relation to you by showing you how much less I care about the disfavoured other. Thus, instead of simply telling you something and allowing it to have whatever importance it has, I lower my voice, and let you understand that what I tell you is so important that I will only tell it to you, not to those others. This move is of course quite illusory, for
secrecy itself cannot give the matters kept secret any weight, and a doubt about what we mean to each
other is not silenced by determining that others mean little to us. Nonetheless, we are constantly
tempted by this kind of illusion.

Envy, we might say, is that very illusion – or one of the emotional modes of its appearance,
which changes depending on the position one finds oneself in, in this illusory game of relative
favouredness; thus the one from whom the secret is kept will envy the one to whom it is told, who will
in turn feel flattered to be in the envied position. As for the justice of equality, it is one way of trying
to manage and moderate the destructive consequences of this game, not by opening oneself to others
in love and thus giving up the illusion, but rather by distributing the favours equally among those we
fear to love.
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