1. Evolution and Justice

The mineral world stands apart from the axis of justice. A mountain rises and erodes, sandstones form and harden, granite decomposes to gruss, rivers change course without the possibility of outrage or protest. What happens cannot be put on the scale of morality, cannot be felt as right or wrong. It is simply what happens.

The vegetable world also seems innocent of justice’s negotiations. Light comes and goes from a field. Heat, cold, rain, drought come and go and are, as we say, simply weathered. If the color-changed light cast onto one tree’s leaves by the leaves of another shows they are approaching too closely, the branch quite frequently turns away, in a gesture described as “crown shyness.” Some experience of suffering may accompany the competition for soil nutrients and water, but if so, it is suffering of a kind beyond human grasp.

Recognizable conceptions of morality and justice begin with the rudiments of a sense of a separate self and of self’s “place”; that is, with the social birds, fishes, and mammals. The experience of a “correct order,” or of dismaying disorder, becomes possible only if order is first present. The whiplash of inequality—its enforcement, its possible correction—becomes possible only when there are compacts of behavior between those who live in the context of a larger whole.

Hierarchy in herd, flock, or troupe is the acquiescence of others, won, maintained, or lost. Discomfort over who eats or mates first, last, or not at all is precursor to our ideals of “inalienable rights,” to our feelings that each human being should know freedom of body, spirit, and mind; know security from arbitrary power; know love more than hunger, curiosity and ingenuity more than fear. Among social animals is also the beginning of visible mercy; the body language of submission is a surety that injury will end. Social animals (with a single exception—ourselves) rarely kill their own kind, and among the few species that do, almost never within their home community unless that community is stressed past bearable limits.

Primates, recent experiments show, possess both a sense of fairness and the impulse to collaborate and assist. A capuchin monkey, rewarded for some trained action with a bit of cucumber, sees a neighbor rewarded for the same behavior with a tasty grape and goes on strike, sulks in a corner, refusing clearly inequable wages. The capuchin’s ostracism of the experimenter is a communication as telling—and, in the wild, as strongly repercussive—as a bite. Conversely, another recent experiment revealed that both chimpanzees and eighteen-month-old human infants will hurry to
bring a dropped item back to the researcher’s hand—though if the clothespin or book is deliberately thrown down, it will be left where it landed.

This innate impulse toward helpfulness offers one alternative to the “order” of punishment and force. Altruism, empathy, and mutual nurturance—the evidence of a basic tenderness between fellow creatures—carry the survival strategies of symbiosis into the social world. Red foxes bring food to other, injured foxes that are not their own young. Elephants bring edible branches to dying elephant elders unable to rise. Scientists have videotaped a humpback whale repeatedly lifting another, dead whale to the surface, the same way a newborn whale is lifted to the surface for its first breath; the whale carried the corpse for five hours before giving up. These acts, which might be rightly named acts of empathy, of compassion, extend interspecies. Traditional stories in many cultures tell of animals adopting and suckling orphaned young of a different kind, including the she-wolf’s suckling of Romulus and Remus. One man who attempted suicide from the Golden Gate Bridge in San Francisco was brought to the surface by a seal (a circumstance so unnerving he spoke of it to no one for three years). Newspaper stories, most recently one from Australia, report dolphins forming a circle around human swimmers to protect them from sharks.

These examples may not at first seem to center on issues of justice, yet they underlie our faith in the possibility of a life not ruled entirely by chaos, force, and fear. Simone Weil described the hope for justice in this way: “At the bottom of the heart of every human being, from earliest infancy until the tomb, there is something that goes on indomitably expecting, in the teeth of all experience of crimes committed, suffered, and witnessed, that good and not evil will be done to him. It is this above all that is sacred in every human being.”

Weil rooted our most fundamental sense of rightness in what transcends both personality and the personal, yet is also independent of the changing whims and fashions of collective life. She called this the realm of God, and it seems that in every human culture, the laws of right behavior (the Latin ius, “law,” underlies the English word justice) are first attributed to the divine. Yet given how often divergent ideas of the sacred seem to lead us to bloodshed, it may be a usefully calming corrective to acknowledge the creaturely acts of discipline and kindness that underlie our human sense of

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justice and injustice, of compassion and ruthless force, and to acknowledge that even among the social animals, the individual matters and is cared for beyond practical exigency, beyond mere usefulness to the group. “Civil society” is older, and larger of heart, than is generally imagined.

That these concepts are primal in us—innate, pre-verbal, pre-human—explains no small part of the strength of their grip. That the desire for justice is seated in the friction between selves and their differing desires—in communal and not individual life, that is—remains a binding truth. A workable sense and measure of justice bestows on all social animals, including humans, no small part of our basic survival, both of body and spirit. The failure of justice lacerates because it is, at bottom, an injury to life itself.

2. Aeschylus’ Oresteia

I asked a friend—a lawyer who specializes in the final appeals of death penalty cases—what he might have to say on the subject of justice. He answered with a quote from William Gaddis: “Justice?—You get justice in the next world, in this world you have the law.”

Justice in animal life is simple—the customs of right behavior don’t often change, or do so at the almost unobservable pace of evolution. Nor do they conflict with one another because of different conceptions of the meaning of right. In human life, the complexities tangle and entangle. We recognize injustice by the uprising of outrage within us. Yet those—whether the empowered or the almost powerless—who act in ways universally decried as “inhuman” claim themselves warranted, claim they have no other choice, that their actions are necessary, done for justifiable “reason.” Reason: the double-edged sword in our human relationship to justice. Rational mind can harden the heart, strip it of the capacity for compassion, prevent it from reeling back from the commission of horrors; it does this by overpowering the recognition of outrage with manufactured rage or manufactured complacence. Equally though, rational mind can temper the heart’s loosed fears and angers, which would equally perpetuate horror, if allowed.

To see the conflict of emotion and ideas in action, we need only read Greek tragedy, a body of work that explores the most difficult collisions of heart and mind and allegiance to conflicting values. Taken as a whole, these plays attempt to work through the question of what it means to act well, to choose well, in a human life amid human straits and dilemmas.
In Sophocles’ *Antigone* (circa 440 BCE), the issues and their resolution are both basic and comparatively simple. The king Creon forbids the burial of one of two brothers—the one who attacked rather than defended his city—as punishment for treason. Antigone, sister to both and also betrothed to the king’s son, defies the command: to leave a brother unburied defiles an order stronger than any decreed by kings. By the end of the play, the brother is buried, and the offended gods have stripped Creon of everything he loves: son, wife, and power. Antigone, too, is dead. It is a tragedy of the most straightforward form, in which no one survives intact. But the hierarchy of justice and right behavior is also clear—Antigone defends her desire to bury her brother with a simple statement: “I share my love, not my hate.” Forgiveness, fidelity to blood kin, respect for the dead—these are presented as transcendent values, which must be honored.

Aeschylus’ slightly earlier trilogy, *The Oresteia* (458 BCE), presents a story both more extended and more complex, one that is also, in no small part, an account of justice’s evolution, in the face of irresolvably divergent claims, from private to public realms. That these Greek plays were created in the context of ritual—enactments intended to be repeated—is not accidental. Questions of justice—or any other genuine dilemma—cannot be answered in static or absolute form; they will continually be refound, recreated, renewed, and reformed.

The curse on the House of Atreus precedes both Atreus’ own crime and the segment of the story recounted in the three plays. It stems from an alternation of parricide and sacrificed children (more than once then served up to their father as a vengeance-meal) that recedes into the past to the earliest gods. Vestigial from that first world of overthrown gods are the Erinyes, or Furies. Primordial forces of vengeance and the outward embodiment of inescapable inner guilt, they defend “right order” of the most fundamental kind: its roots in the love between kin. The story of their transformation and domestication into the Eumenides, or Kindly Ones—their inclusion, that is, into the world and order of human-centered affairs—is the end point of *The Oresteia*’s tale.

The events explored in Aeschylus’ trilogy begin with the sacrifice of a daughter in order to go to war. Then follow the killing of a husband to avenge the daughter, the murder of a mother to avenge the father. The core question of the *Oresteia* plays—a question that continually resurrects itself in new places and forms—is how this succession of vengeance and guilt might ever end. The god Apollo has demanded that Orestes kill his mother, Clytemnestra,
who has killed Agamemnon, who has killed Iphigenia, also at the demand of the gods. Orestes does so. But even Apollo cannot then release Orestes from the pursuing Furies, whose cry is that the murder of a mother is a crime so scalding not even a god’s command provides excuse.

It is the Furies’ role to preserve horror at such an act, both within the community and within the self; their role not to allow the unforgivable to go unnoticed, let alone be forgiven. Orestes himself has played the role of a Fury against his mother, as powerless not to act against her for having killed his father as the Furies are powerless not to act against him. The insolubility of human grief before injustice stands at the center. In the Greek world preceding The Oresteia, a primal crime can never be undone or redressed. It can only become a new basis for the current condition of existence. And so there is further murder, for generations.

Northern Ireland, Iraq, Palestine, Darfur, Afghanistan, Argentina, Rwanda, Lebanon, Guantánamo, Bosnia, Chechnya, Haiti, Cambodia, Kashmir, Burma, Korea, East L.A.—loosed Furies move through them all. One religious disciple murders another and a millennium later the act remains a reason for carnage. A people displaced from its homeland displaces another people from its homeland, and a child watches a house bulldozed while his mother weeps. An outspoken daughter is made to disappear without any accounting. A farmer is tortured because someone hid in his barn. A woman gathering wood for cooking is raped and visibly branded as having been raped; she returns home and is killed for shaming her husband. A gang member’s young brother is killed; a nation knowingly left to starve. Gift blankets are seeded with smallpox, conquered fields with salt, and suffering leaps from victim to victor as invisibly and inevitably as a plague flea.

The Furies speak for the outraged dead from beyond the grave. They are pure vengeance, creatures beyond placation or reason. They are, themselves, for all who see them, terror.

Yet what The Oresteia proposes as a resolution is not the Furies’ rejection. Pushed away, they goad harder. It is the courteous acknowledgment of them in the final play that makes possible a remedy beyond the cyclical continuance of bloodshed and revenge. Orestes has been sent by Apollo to Athena, goddess of wisdom, to establish his innocence or guilt. Athena listens to Orestes’ story, then listens to that of the Furies. She is the first to treat them with honor, and her offered respect changes them from harrying, outcrying hounds to creatures who speak and explain themselves, who can stand within a broadened circle of communication. There is another step as well: Athena declares the decision of Orestes’ fate too difficult for her to make alone. The full community
must be drawn into the process. A representative group of citizens will listen and vote, with Athena herself, if necessary, breaking a tie—which she declares in advance will be a vote for mercy.  

What we see in this final play, The Eumenides, is the invention of what remains recognizably our own system of justice: trial by jury, in which, even today, a hung jury results in retrial or freedom. The Oresteia proposes that private daemons can be softened by deeding them over to the realm of the communal—if, at the same time, the community is deeded in turn to the defense of fundamental values. The Furies are promised a decisive place in the fate of every household, and the first portion of every tribute to the gods, in return for entering into the compact of civil adjudication. The trilogy’s resolution addresses more than Orestes’ personal torment: individual impulse, uncountered by a communal desire for good, is disastrous for all.

From The Oresteia come the truth and reconciliation trials of South Africa, the gacaca courts of Rwanda, the opening of the Stasi files of East Germany and of the mass graves of Argentina and Salvador; will come, we know, the opening of the gates and records of Guantánamo Bay. These processes bring the Furies to heel, allow the accumulated history of insurmountable grief and outrage to be spoken fully aloud and acknowledged by the community as a whole. Simple recognition, the admission and dignification of what has been suffered, the inclusion of all participants from every side—the Greeks’ insight was to see that these gestures, in themselves, are aeration and healing.

3. Justice without “Justice”: An Alternative View

When Aeschylus has Athena arrange the participants of The Eumenides story for trial, she instructs Orestes to stand by the Stone of Outrage, the Furies by the Stone of Mercilessness. The bare, high outcrop where this takes place, overlooking Athens, is a topography mirroring the inner sensations of justice. W. B. Yeats wrote, in “Easter, 1916” (his poem mourning and honoring the leaders of a failed attempt to win Irish independence by force of arms): “Too long a sacrifice / Can make a stone of the heart. / O when may it suffice?” By the time we find ourselves weighing the actions of self or other as right or wrong, we already stand in

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2 To be thorough, we must also note Athena’s use of power as well as courteous invitation: she reminds the Furies that she alone, of all the gods, holds the keys to the place where Zeus’ thunderbolt is stored. Yet the thunderbolt need not be interpreted only as literal force-threat—it can also be understood as light, an enlightenment overwhelming the darker and partisan aspects of our nature.
the hardening that rage and outrage elicit. The visceral awareness of justice, it seems, comes only when actual justice has already failed.

There may be a way to forego the realm of stones entirely. As with the transformation of Furies to Kindly Ones, it may be that justice’s rigidities can give way to something more supple and more kind: compassion. Might not the bond and acknowledgment of shared life—the very thing the Furies defend—already suggest the foundation for a coexistence less saturated with suffering? This is the path proposed by Buddhist views of the nonduality of existence, in which selves are not experienced as steeply divided and separate. In this seamless comprehension, harm cannot be inflicted by one on another. To harm anyone is to harm one’s own heart.

Most people have had at least a momentary glimpse of what it is to experience the world as undivided—the narrow sense of self drops away, ego and its need to dominate drop away, proprietariness becomes the subject of laughter, as if left hand were stealing from right hand. The threads of one piece of fabric cannot argue with each other, and what happens to any part happens to the whole. The same description is given by mystics of every tradition: a simple falling into right relationship with all that is. Generosity, patience, truthfulness, morality, equanimity, energy, wisdom, and loving-kindness are not felt as exceptional; they are the fundamental qualities of human nature, present in us from the start. Within such a state of being, how can there be justice, how can there be injustice? Each encounter is intimate, each person is mother, child, “Buddha,” “Christ,” “Allah,” self. “Do unto others as you would have them do unto you” becomes tautology, not advice. Yet the experience must not be understood as some sophomoric or saccharine “oneness.” “Not one, not two,” are the words used to describe it, in Zen.

All spiritual traditions, including Buddhism, possess explicit moral components. Still, justice within classical Buddhism is not so much something imposed from outside as an understanding of cause and effect, operating from within. The Buddhist concept closest to the Western idea of justice is *karma*, in which the actions of each moment, or lifetime, are seen as influencing the circumstances of the next, in a continual opportunity for readjustment. Good follows good; evil is followed by further suffering. Moral sensibility emerges from self-observation and learning rather than fear of judgment by others.

Buddhism does offer as well guidance for virtuous behavior, in what are known as the ten prohibitory precepts—a person taking these precepts vows not to kill, lie, take what is not given, abuse sexuality, dull the senses by intoxication, and so on. A few of the precepts, however, are less familiar: “A disciple of the Buddha does not possess anything, not even the
truth,” one translation reads. This nonpossession points back toward the nondual: part of what isn’t possessable is self itself. Our sense of “self-worth,” “rights,” identity itself—each depends on making the distinction that I am I and you are you. Yet if the skin is felt less as barrier than as point of continuity and connection, no distinction between selves can be found. In this way, nonduality and compassion are inextricably linked—the second arises from the first, and the vow to relieve suffering immediately follows.

For practitioners of such Buddhist paths as Zen and Dzogchen, nondual understanding is foundation ground, recognizable at any moment as where we already stand. In most Buddhist traditions, though, time is acknowledged as part of the karmic process—lifetimes may be needed for compassion to take root, for even the best of intentions to reach mature harvest. The intention, and its continual renewal, is what matters. When Gerard Manley Hopkins wrote, “the just man justices,” he reminded of justice’s perennially elusive nature. Justice is not noun, but adjective, verb—attribute or action. It is either actively ongoing or nonexistent. Folk Buddhism conveys the same comprehension, showing the need for a compassion of continuous reenactment. In the folk tales known as the Jataka stories, the Buddha, during many lifetimes, sacrifices himself for the sake of others. Seeing a hungry tigress with starving cubs, he gives himself to be eaten. Without identification in ego or attachment to a segregate and distinct existence, nothing can be lost. Still, suffering remains perceptible. Even if the fully awakened mind does not feel it as personal injury, an awake person, seeing suffering in others, attempts to end it. This is what Western conceptions of Buddhism as passive before suffering and political injustice miss. Acceptance of momentary conditions as momentary does not mean a failure to engage them.

The Oresteia proposes that the solution to the unredressable lies in collective wisdom and the needs of the community as a whole for peace. Evolution would second this—altruism arises in animals, symbiosis in plants and biological systems, because the good of the whole is the good of the part. The Buddhism of nondual awakening proposes that this can be so fully internalized, in each of us, that every vestige of self-seeking impulse is flooded by a deeper identification. Proposes it possible to say “we” without limit, to mean by “we” nothing less than “all.”

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3 The misconception also disregards Buddhism’s source: a prince who, having learned the existence of poverty, old age, sickness, and death, could not return to his former life of comfort and palace.
When I began assembling these thoughts, I was staying briefly in a seventeenth-century coal-heated cottage in Northumberland. One night—March 26, 2007—I turned on the television. The reception was just clear enough to bring the BBC’s report that Ian Paisley and Gerry Adams had, quite remarkably, sat down at a conference table and agreed that the future of Northern Ireland lay in just that: their ability to sit down at a table and speak, not on behalf of the partisan but for the whole country’s well-being. This seems to me, as must by now be clear, the single through-line of genuine justice.

A few days later I was at a poetry festival in Dublin, and asked the poet Derek Mahon—born in Belfast, now a resident of the Republic of Ireland—what he might think about justice. He answered, “Justice? In Ireland, there’s no justice.” And then, “Justice has always got a bit of sadism in it, doesn’t it, a taste of the urge to punish.” The statement punctures, reminding of the inadequacy of absolutes before the actualities of human histories and lives, reminding that ideals too often endanger. Good poetry—allergic to the manipulations of slogan and propaganda—can bring to expression things inexpressible in any other mode. As we have seen with The Oresteia, it can not only hold the record of justice’s inceptions but also help create them. This is why, even now, cultures in trouble turn to their poets, singers, novelists, artists, filmmakers, and playwrights, to find a way out amid conditions seemingly insoluble. Through those whose only allegiance is actuality’s discovery and its recording, suffering can first be fully seen and acknowledged, then alchemized into a changed comprehension. Art allows a moving forward because it invites the seemingly fixed to yield. It makes of the unbearable something that can be taken in and grieved, that can be healed by making it, quite simply, both hearable and heard.

Good poetry perforates our hard-shelled realities, allowing the seemingly fixed to yield. This is why it is so useful in times of duress. It complicates and unfastens the conceptual mind’s black-and-white words and worlds. It defies the ego’s wish for categorical statement and overly certain knowledge. It dissolves vitrification, at times almost unbearably well. If a poem is good, the solvent of compassion will also be in it, whether in visible foreground or as the subterranean murmur of counterthought beneath the uttered words.

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4 I am thinking here of Akhmatova and Milosz, of Coetzee, Gordimer, and Solzhenitsyn; but in subtler ways, innumerable works of art have changed their cultures: small measures that together work significant effects.
Because I have been thinking about both Ireland and classical Greece, of the many poems I looked at to see which might offer something otherwise unavailable here, I’ve picked a brief work by Michael Longley, another Irish poet who has witnessed the decades of sectarian violence and their grief-price. It describes and reimagines a scene from the Iliad, in which the Greek Achilles returns to the Trojan king, Priam, the dragged and dishonored corpse of Priam’s son. The poem is a sonnet broken into four parts, whose rhymes are so tactful until the final couplet that they barely hold the balancing closures and reassurance it is rhyme’s work to bring.

Ceasefire

I
Put in mind of his own father and moved to tears
Achilles took him by the hand and pushed the old
king Gently away, but Priam curled up at his feet
and Wept with him until their sadness filled the
building.

II
Taking Hector’s corpse into his own hands
Achilles
Made sure it was washed and, for the old king’s
sake, Laid out in uniform, ready for Priam to carry
Wrapped like a present home to Troy at daybreak.

III
When they had eaten together, it pleased them
both To stare at each other’s beauty as lovers
might, Achilles built like a god, Priam good-
looking still And full of conversation, who earlier
had sighed:

IV
“I get down on my knees and do what must be
done
And kiss Achilles’ hand, the killer of my son.”

5 From Collected Poems (London: Jonathan Cape, 2006); used by permission of the author.
Justice is built on admixture: on the optimisms of altruism and awakened compassion mixed with the frictions—often ferocities—of personal and tribal desire for survival and power. Yet what “Ceasefire” (written, Longley has said, on the occasion of an earlier attempt at peace between Catholic and Protestant forces in Northern Ireland, and with his own father strongly in mind) brings into view is not insight into justice, nor anything about justice, really. It presents the pure necessity of actual life, and one possibility for how the unendurable might be endured: by entering it fully. The choice is either madness or softening, either mindless slaughter or replacing the concept of enemy with the knowledge that the father of the person we have killed could have been our own father, that the killed son could have been Achilles as easily as Hector.

The path to Ian Paisley and Gerry Adams sitting together at table, my Irish friends told me, was exhaustion: suffering endured too long. The people, they told me, had simply grown tired of death and hardness. Their leaders could either follow or be left behind.

And the hallmark and signal of this moment? A public act of conversation, of shared speech. An act that finds itself on a spectrum that includes the truth and reconciliation process in South Africa as well as a play written and performed by a group of Turkish and Armenian children; the publication of a diary kept by a woman when the Allied forces entered Berlin, of the poems written in the Japanese American internment camp of Manzanar, of the stories of the “comfort women” of Korea.

The Athenian Furies were put to ground for perhaps fifty years before they rose up again. It may be that no permanent justice can be negotiated among us while we remain unenlightened and human, gripped by the oscillant moods of complacence and partisan passion. It may be that the suffering everywhere around us—from the dispossessed and uncared-for people of New Orleans’s Ninth Ward to those of East Timor—is too immediate to wait for awakened compassion. That what I’ve suggested here as an alternative to the sadisms and fixities of conflictual justice—the cultivation of nondual understanding and kindness—is too rare and hard-come-by to count on, in any foreseeable future, as answer to cruelty, passivity, and strife. It may be that all we can hope for is ordinary law, ordinary justice, and the achievable, moment-by-moment cease-fire of Longley’s poem. And to be held by his words’ embraced knowledge, that all griefs will visit all hearts.

To see humanness when another person stands before us, to see the deep beauty of those we have wronged past any conceivable conception of forgiveness, the deep beauty of those who have wronged us past any
conceivable conception of forgiveness—this is what Michael Longley’s poem proposes. It is the most intimate description of what truth and reconciliation look like, lived fully through, between opposing soldiers and peoples, between neighbor and neighbor. The heart shattered, from stone-adamance to open.

This essay was written for delivery at the New Symposium, an international gathering of writers held on Paros, Greece, in May 2007, sponsored by the University of Iowa’s International Writing Program and the Fulbright Foundation in Greece. At the end of the meeting, each participant was asked to write a brief statement reflecting the after-effects of our larger conversation.

AFTERWORD—

The question of human justice, it seems to me, is the question of avoidable suffering. Some parts of the suffering in a human life or an animal’s life can’t be escaped, and these can’t be protested in terms of justice, only of science. If a child’s cancer, for instance, is caused by toxic waste, we feel morally outraged and turn to the courts, both for financial remedy and to prevent future suffering of the same kind. But if a child’s cancer is “natural,” however much we may feel it unjust, the heart’s quarrel isn’t with anything subject to human-made law.

Basic sanity demands of us that we recognize what is remediable—if not for ourselves, then for others—and what is not. Sanity also demands that we learn how to seek remedy in ways that are effective, rather than ways that will almost inevitably cause further damage. To do this, our allegiance needs to transcend whatever within us is narrow, and turn towards the whole. Partisanship can only serve the partial.

But I feel increasingly that even “remedy” is the wrong word. There can be healing, but no full cure. The broken bone will always ache in the rain. What justice can attempt is to restore function, to restore what wholeness it can, and to remove the thorn of bitterness that causes Auden’s predictive line to reawaken: “Those to whom evil is done will do evil in return.”

Real justice is necessarily invisible: it happens in the time of “before,” not of “after.” It is subtle, supple, and soft of heart. It doesn’t know
slogans. The effect on me of these days of conversation has been, perhaps surprisingly, an increase of grief. I’ve grown less optimistic and more sad. This isn’t, though, a bad thing. When the arrogance of certainty loosens its grip, we loosen ours. Life is fragile, small, perennially vulnerable, and wants to be held softly. The statue of Justice, I think, is blindfolded so we cannot see it is weeping. The scales tremble in its hand, and that is what we call balance.

Lefkes, Paros, Greece, May 12, 2007