

TOPIC: 4

‘For a man, when perfected, is the best of all animals; but, when separated from the law and justice, he is the worst of all.’

‘Law and Justice’: A Philosophical Discussion on Modern Entities

Like a clock’s sticks striking moment by moment, law and justice are not independent from each other and their movements identify their coherence. Signs can be changed slower or faster with a help of a hand, so they may show various numbers as the time passes, but the only valid rule is that they cannot be alienated from each other if the process is considered to work accurately. Defining the law and justice as united brothers, the popular discussion focuses on the issue that what if the man is isolated from ‘law and justice’. For Aristotle’s set of thoughts, man gets worse if he is disconnected from law and justice, though the result is a bit sophisticated.

I. The Constant Concept and Paradigm Shift

Homo sapiens is a rationalized and oppressed animal by the impact of authorities throughout the controversial history of the world, individual’s modern suffering arises from the fact that he is totally imprisoned within the boundaries of the ‘law and justice’ and its upside down façade of ‘perfected’ order defined by the state. Noting this, the apple in front of a man with hat, surrealist painter Rene Magritte’s ‘The Son of Man’ symbolizes the god-set values of sanctified rules of the God of his abstract authority signifying the ultimate goodness consisted of holy law and justice above the man. However, after Renaissance and in our age, the postmodern era that we are living in, God’s power turned it to be the state’s power, thus Magritte drew the man as a typical ordinary man, not a naked one like in the Garden of Eden. In this case, state is not grounded from the religious beliefs, but accepts the chivalry of *de jure*.

Modernization period in Europe indicates an awakening related to the supremacy of the Church, and as the time passes, the other edges of the world are also enlightened that between their deep unconsciousness’s, there is a hegemony war between *status quo* and *avant-garde* approaches in ‘law and justice’. Laws ruling the society in Medieval times are adopted by the priests and spiritual leaders declaring that their justice is perfect as it is sent to world by God, whereas intellectuals of modernity like Voltaire, Jean-Jacques Rousseau (*The Social Contract*) demand to have the better laws to obtain justice from their sides within the hands of nation states. Thus, it can be easily uttered that the idea of *owning law and justice* remains as it has been before as a constant concept, but the *formation of law and justice* shifts because the paradigm is not constant.

II. Quest of ‘Law and Justice’ After Modernity Period

In 20th century, the pioneer of psychoanalysis, Sigmund Freud, puts forth that *superego* limiting actions and behaviors of the individual within the society is mainly formed by the effects of outer environment. The outer environment’s circumstances suppress the *ids* or the *instincts* derived from man’s nature: for instance violence or sex. Along with the state, the branched out body, plays a role in ‘correcting’ or ‘reevaluating’ the internal freedom of man. From the point of view of the state, law

brings justice, and justice brings law. However, law does not bring justice to public, but it serves for the justice of the minority, because justice is encoded by the elite class of the society in all the as Karl Marx says in *Communist Manifesto*, like bourgeoisie class in the capitalistic system. That is to say that superego formed by the dominant values splashed from the state is to control body and mind towards the comfortable destiny of state's owner.

Dystopian writers like Ray Bradbury emphasize a society that is in the administration of totalitarian leaders. In *Fahrenheit 451*, the justice is provided by burning books and thus, destroying thoughts and it is found convenient within the permission of laws. In that nation, for example, the word justice is subjective as it is in all living areas because the authorities write their screenplays to make people play it and they call it justice. Hence, law and justice do not impersonal, but they are rather dependent issues that can be argued in differentiated *episteme* and change in period of time to a invisible extend.

English writer William Shakespeare's *Tragedy of Macbeth* has a famous phrase told by the cursed witches '*Fail is foul, foul is fair.*' This tremendous summary of what is fair and foul underlines the matter that the things considered fair can be reverse. Macbeth, the protagonist, shows a *will to power* (defined by Friederich Nietzsche later on) and tries to have all the authority leaking from his wholehearted ought of providing 'law and justice'. As the downfall of Macbeth is noticed after months of his treason to the former king Duncan, he is entitled with being tyrant. Though Shakespeare does not write any situation concerning on law and justice of King Duncan and the king after Macbeth, he draws attention on Macbeth's harsh 'law and justice'. Macbeth continuously kills people, and no matter what others say, he walks on his way of promoting law and justice. Consequently, law and justice are the components of a will to have absolute strength which can be used against humanity and corrupts itself in a discursive point as it contradicts with its meaning.

Michel Foucault, French philosopher and activist, in his *The Order of Things* and *The Archeology of Knowledge* discusses the discourses used in political and social field for producing a meaning. For example, the mainstream principle by neo-classics is said to be '*one's freedom cannot disturb other's freedom*' on the flag of 'law and justice'. Since 'freedom' or either 'justice' are not certain and can be interpreted in numerous poles with the language, for the most part, law is shaped by the language and language blocks the tenor of 'justice'.

Remarks:

1. Law and justice are owned by the supreme class of the society and have no correlation between its 'perfect' content.
2. Law and justice are used to have power, and thus are not for a reliable future.
3. Law and justice change and they cannot be defined as having universal validity; they lack and will not have objectivity.
4. Justice is within the walls of language (law), and cannot be specified precisely.

III. Deconstruction of Current 'Law and Justice'

An anarchist philosopher Max Stirner says that if people make violence then it is accepted as crime, but if the state makes violence that is called the law. What can be the conclusion of collapse or probable non-existence of current 'law and justice'? Though it can be seen that the existence of 'law and justice' signifies for becoming worse, also the non-existence of current 'law and justice' does not mean anything for being 'humanist' either.

Nihilism is a vital circle that should be mentioned, it is a circle because it turns around the center of rejecting values, however not fighting with the values. Living as a misery and angry man towards the outside makes people isolated individuals seen in Turgenev's *Fathers and Sons*. Bazarov, the nihilist, strives for being an stranger, and he also says that he is against the institutions of the state, including 'law and justice'. He is determined to murmur with his mouth, but he is decided not to do anything for forming 'law and justice'.

Similarly to nihilism, but always more concrete, anarchy can be concerned. Like in *V for Vendetta* and *Fight Club* (Chuck Palahniuk), there can be the rise of autonomous ego confronted with the eternalized 'law and justice' of postmodern organized society. Chaos, to be the first ontological entity in some myths, and anarchy would be in effect if the 'law and justice' are eradicated to zero. *V* and *Taylor Durden* in the novels represent the ones that are out of order and they alienate themselves to the popular 'law and justice'. Their world that they create is not certain, in both of these masterpieces, they are the heroes that create *post law* world, and however, they are unable to create a future. Yes, they struggle against 'law and justice' apart from the nihilism, but the words are finalized where to construct a new world, and their capabilities buttress only to kill, but not to give birth.

Non-existence of 'law and justice' can also be criticized apart from ideological and philosophical themes,. The novel *Blindness* notes a creation of the evaporation of law and justice as a white blindness becomes widespread so that 'law and justice' cannot be monitored or checked within the society. Soon killing, rapes and tortures become 'normal' for being alive and having satisfaction. It can be seen as the deconstruction of 'law and justice', but it is not: this crucial moment is the deconstruction of current 'law and justice', not the deconstruction of 'law and justice' as a model. So that the people in *Blindness* create their own weakened 'law and justice' like in anarchical attitude, are not they?

Remarks:

1. The non-existence of current 'law and justice' makes naturally new 'law and justice', subsequently it reflects an eternal cycle.
2. Claiming for owning the alternatives of formed 'law and justice', such as nihilism and anarchy as the most popular tendencies, have no real solutions for constructing an organized or better 'law and justice' in lieu of current 'law and justice', instead of resulting with natural 'law and justice' in the aforementioned clause.

IV. Aristotle Is Mistaken

Goya's *Saturn Devouring His Son* depicts a Roman story, Saturn as a noble character, and eating his son because he is very much afraid of that their children might overthrow him in some day. 'Law and justice' have the same properties, they are *de facto* arranged by the 'omnipotent' authorities who are acting according to their own senses of justice for their safety and thus current 'law and justice' are eating their very own content, or in other words, themselves. On the other hand, non-existence of current 'law and justice' develops a fresh breath of a new 'law and justice' after the demolition of the essence of previous 'law and justice'. However, absolutely, the outcome is not an agnostic result. Having stated the two aspects, Aristotle is mistaken in his statement suggesting that law and justice is worse if man is separated from law and justice because he does not clearly underline what are they, and what are the probable results of non-existence of 'law and justice' and also though man is considered as a separated entity from 'law and justice', it is only in theoretical base because non-existence of 'law and justice' gives birth to a new one, man can be isolated only from the *current* 'law and justice' not from the *concept* of 'law and justice'. Since there are a wider panorama of the subject rather than a classic definition of 'law and justice' and a very basic conclusion conveyed by Aristotle, *zeitgeist* should always be evaluated.