27. Explanation of Malicious Joy

Malicious joy arises when a man consciously finds himself in evil plight and feels anxiety or remorse or pain. The misfortune that overtakes B. makes him equal to A., and A. is reconciled and no longer envious. If A. is prosperous, he still hoards up in his memory B.‘s misfortune as a capital, so as to throw it in the scale as a counter-weight when he himself suffers adversity. In this case too he feels “malicious joy” (Schadenfreude). The sentiment of equality thus applies its standard to the domain of luck and chance. Malicious joy is the commonest expression of victory and restoration of equality, even in a higher state of civilization. This emotion has only been in existence since the time when man learnt to look upon another as his equal—in other words, since the foundation of society.

28. The Arbitrary Element in the Award of Punishment

To most criminals punishment comes just as illegitimate children come to women. They have done the same thing a hundred times without any bad consequences. Suddenly comes discovery, and with discovery punishment. Yet habit should make the deed for which the criminal is punished appear more excusable, for he has developed a propensity that is hard to resist. Instead of this, the criminal is punished more severely if the suspicion of habitual crime rests on him, and habit is made a valid reason against all extenuation. On the other hand, a model life, wherein crime shows up in more terrible contrast, should make the guilt appear more heavy! But here the custom is to soften the punishment. Everything is measured not from the standpoint of the criminal but from that of society and its losses and dangers. The previous utility of an individual is weighed against his one nefarious action, his previous criminality is added to that recently discovered, and punishment is thus meted out as highly as possible. But if we thus punish or reward a man’s past (for in the former case the diminution of punishment is a reward) we ought to go farther back and punish and reward the cause of his past—I mean parents, teachers, society. In many instances we shall then find the judges somehow or other sharing in the guilt. It is arbitrary to stop at the criminal himself when we punish his past: if we will not grant the absolute excusability of every crime, we should stop at each individual case and probe no farther into the past—in other words, isolate guilt and not connect it with previous actions. Otherwise we sin against logic. The teachers of free will should draw the inevitable conclusion from their doctrine of “free will” and boldly decree: “No action has a past.”

29. Envy and Her Nobler Sister

Where equality is really recognized and permanently established, we see the rise of that propensity that is generally considered immoral, and would scarcely be conceivable in a state
of nature—envy. The envious man is susceptible to every sign of individual superiority to the common herd, and wishes to depress every one once more to the level—or raise himself to the superior plane. Hence arise two different modes of action, which Hesiod designated good and bad Eris. In the same way, in a condition of equality there arises indignation if A. is prosperous above and B. unfortunate beneath their deserts and equality. These latter, however, are emotions of nobler natures. They feel the want of justice and equity in things that are independent of the arbitrary choice of men—or, in other words, they desire the equality recognized by man to be recognized as well by Nature and chance. They are angry that men of equal merits should not have equal fortune.

30. The Envy of the Gods

“The envy of the Gods” arises when a despised person sets himself on an equality with his superior (like Ajax), or is made equal with him by the favor of fortune (like Niobe, the too favored mother). In the social class system this envy demands that no one shall have merits above his station, that his prosperity shall be on a level with his position, and especially that his self-consciousness shall not outgrow the limits of his rank. Often the victorious general, or the pupil who achieves a masterpiece, has experienced “the envy of the gods.”

31. Vanity as an Anti-Social Aftergrowth

As men, for the sake of security, have made themselves equal in order to found communities, but as also this conception is imposed by a sort of constraint and is entirely opposed to the instincts of the individual, so, the more universal security is guaranteed, the more do new offshoots of the old instinct for predominance appear. Such offshoots appear in the setting-up of class distinctions, in the demand for professional dignities and privileges, and, generally speaking, in vanity (manners, dress, speech, and so forth). So soon as danger to the community is apparent, the majority, who were unable to assert their preponderance in a time of universal peace, once more bring about the condition of equality, and for the time being the absurd privileges and vanities disappear. If the community, however, collapses utterly and anarchy reigns supreme, there arises the state of nature: an absolutely ruthless inequality as recounted by Thucydides in the case of Corcyra. Neither a natural justice nor a natural injustice exists.

32. Equity

Equity is a development of justice, and arises among such as do not come into conflict with the communal equality. This more subtle recognition of the principle of equilibrium is applied to cases where nothing is prescribed by law. Equity looks forwards and backwards, its maxim being, “Do unto others as you would that they should do unto you.” Aequum means: “This principle is conformable to our equality; it tones down even our small differences to an appearance of equality, and expects us to be indulgent in cases where we are not compelled to pardon.”

33. Elements of Revenge

The word “revenge” is spoken so quickly that it almost seems as if it could not contain more than one conceptual and emotional root. Hence we are still at pains to find this root. Our economists, in the same way, have never wearied of scenting a similar unity in the word “value,” and of
hunting after the primitive root idea of value. As if all words were not pockets, into which this or that or several things have been stuffed at once! So "revenge" is now one thing, now another, and sometimes more composite. Let us first distinguish that defensive counter-blow, which we strike, almost unconsciously, even at inanimate objects (such as machinery in motion) that have hurt us. The notion is to set a check to the object that has hurt us, by bringing the machine to a stop. Sometimes the force of this counter-blow, in order to attain its object, will have to be strong enough to shatter the machine. If the machine be too strong to be disorganized by one man, the latter will all the same strike the most violent blow he can—as a sort of last attempt. We behave similarly towards persons who hurt us, at the immediate sensation of the hurt. If we like to call this an act of revenge, well and good: but we must remember that here self-preservation alone has set its cog-wheels of reason in motion, and that after all we do not think of the doer of the injury but only of ourselves. We act without any idea of doing injury in return, only with a view to getting away safe and sound. It needs time to pass in thought from oneself to one’s adversary and ask oneself at what point he is most vulnerable. This is done in the second variety of revenge, the preliminary idea of which is to consider the vulnerability and susceptibility of the other. The intention then is to give pain. On the other hand, the idea of securing himself against further injury is in this case so entirely outside the avenger’s horizon, that he almost regularly brings about his own further injury and often foresees it in cold blood. If in the first sort of revenge it was the fear of a second blow that made the counter-blow as strong as possible, in this case there is an almost complete indifference to what one’s adversary will do: the strength of the counter-blow is only determined by what he has already done to us. Then what has he done? What profit is it to us if he is now suffering, after we have suffered through him? This is a case of readjustment, whereas the first act of revenge only serves the purpose of self-preservation. It may be that through our adversary we have lost property, rank, friends, children—these losses are not recovered by revenge, the readjustment only concerns a subsidiary loss which is added to all the other losses. The revenge of readjustment does not preserve one from further injury, it does not make good the injury already suffered—except in one case. If our honor has suffered through our adversary, revenge can restore it. But in any case honor has suffered an injury if intentional harm has been done us, because our adversary proved thereby that he was not afraid of us. By revenge we prove that we are not afraid of him either, and herein lies the settlement, the readjustment. (The intention of showing their complete lack of fear goes so far in some people that the dangers of revenge—loss of health or life or other losses—are in their eyes an indispensable condition of every vengeful act. Hence they practice the duel, although the law also offers them aid in obtaining satisfaction for what they have suffered. They are not satisfied with a safe means of recovering their honor, because this would not prove their fearlessness.)—In the first-named variety of revenge it is just fear that strikes the counter-blow; in the second case it is the absence of fear, which, as has been said, wishes to manifest itself in the counter-blow. Thus nothing appears more different than the motives of the two courses of action which are designated by the one word “revenge.” Yet it often happens that the avenger is not precisely certain as to what really prompted his deed: perhaps he struck the counterblow from fear and the instinct of self-preservation, but in the background, when he has time to reflect upon the standpoint of wounded honor, he imagines that he has avenged himself for the sake of his honor—this motive is in any case more reputable than the other. An essential point is whether he sees his honor injured in the eyes of others (the world) or only in the eyes of his offenders: in the latter case he will prefer secret, in the former open revenge. Accordingly, as he enters strongly or feebly into the soul of the doer and the spectator, his revenge will be more bitter or more tame. If he is entirely lacking in this sort of imagination, he will not think at all of revenge, as the feeling of “honor” is not present in him, and accordingly cannot be wounded. In the same way, he will not think of revenge if he despises the offender and the spectator;
because as objects of his contempt they cannot give him honor, and accordingly cannot rob him of honor. Finally, he will forego revenge in the not uncommon case of his loving the offender. It is true that he then suffers loss of honor in the other’s eyes, and will perhaps become less worthy of having his love returned. But even to renounce all requital of love is a sacrifice that love is ready to make when its only object is to avoid hurting the beloved object: this would mean hurting oneself more than one is hurt by the sacrifice. Accordingly, everyone will avenge himself, unless he be bereft of honor or inspired by contempt or by love for the offender. Even if he turns to the law-courts, he desires revenge as a private individual; but also, as a thoughtful, prudent man of society, he desires the revenge of society upon one who does not respect it. Thus by legal punishment private honor as well as that of society is restored—that is to say, punishment is revenge. Punishment undoubtedly contains the first-mentioned element of revenge, in as far as by its means society helps to preserve itself, and strikes a counter-blows in self-defense. Punishment desires to prevent further injury, to scare other offenders. In this way the two elements of revenge, different as they are, are united in punishment, and this may perhaps tend most of all to maintain the above-mentioned confusion of ideas, thanks to which the individual avenger generally does not know what he really wants.