

Second essay: 'Guilt', 'bad conscience' and related matters

I

To breed an animal with the prerogative to *promise* – is that not precisely the paradoxical task which nature has set herself with regard to humankind? is it not the real problem *of* humankind? . . . The fact that this problem has been solved to a large degree must seem all the more surprising to the person who can fully appreciate the opposing force, *forgetfulness*. Forgetfulness is not just a *vis inertiae*, as superficial people believe, but is rather an active ability to suppress, positive in the strongest sense of the word, to which we owe the fact that what we simply live through, experience, take in, no more enters our consciousness during digestion (one could call it spiritual ingestion) than does the thousand-fold process which takes place with our physical consumption of food, our so-called ingestion. To shut the doors and windows of consciousness for a while; not to be bothered by the noise and battle with which our underworld of serviceable organs work with and against each other; a little peace, a little *tabula rasa* of consciousness to make room for something new, above all for the nobler functions and functionaries, for ruling, predicting, pre-determining (our organism runs along oligarchic lines, you see) – that, as I said, is the benefit of active forgetfulness, like a doorkeeper or guardian of mental order, rest and etiquette: from which we can immediately see how there could be no happiness, cheerfulness, hope, pride, *immediacy*, without forgetfulness. The person in whom this apparatus of suppression is damaged, so that it stops working, can be compared (and not just compared –) to a dyspeptic; he cannot 'cope' with anything . . . And precisely

this necessarily forgetful animal, in whom forgetting is a strength, representing a form of *robust* health, has bred for himself a counter-device, memory, with the help of which forgetfulness can be suspended in certain cases, – namely in those cases where a promise is to be made: consequently, it is by no means merely a passive inability to be rid of an impression once it has made its impact, nor is it just indigestion caused by giving your word on some occasion and finding you cannot cope, instead it is an active *desire* not to let go, a desire to keep on desiring what has been, on some occasion, desired, really it is the *will's memory*: so that a world of strange new things, circumstances and even acts of will may be placed quite safely in between the original 'I will', 'I shall do' and the actual discharge of the will, its *act*, without breaking this long chain of the will. But what a lot of preconditions there are for this! In order to have that degree of control over the future, man must first have learnt to distinguish between what happens by accident and what by design, to think causally, to view the future as the present and anticipate it, to grasp with certainty what is end and what is means, in all, to be able to calculate, compute – and before he can do this, man himself will really have to become *reliable, regular, necessary*, even in his own self-image, so that he, as someone making a promise is, is answerable for his own *future*!

2

That is precisely what constitutes the long history of the origins of *responsibility*. That particular task of breeding an animal with the prerogative to promise includes, as we have already understood, as precondition and preparation, the more immediate task of first *making* man to a certain degree necessary, uniform, a peer amongst peers, orderly and consequently predictable. The immense amount of labour involved in what I have called the 'morality of custom' [see *Daybreak*, I, 9; 14; 16]⁴⁵, the actual labour of man on himself during the longest epoch of the human race, his whole *prehistoric* labour, is explained and justified on a grand scale, in spite of the hardness, tyranny, stupidity and idiocy it also contained, by this fact: with the help of the morality of custom and the social straitjacket, man was *made* truly predictable. Let us place ourselves, on the other hand, at the end of this immense process where the tree actually bears fruit, where society and its morality of custom finally reveal what they were simply *the*

⁴⁵ See below, supplementary material, pp. 133–7.

means to: we then find the *sovereign individual* as the ripest fruit on its tree, like only to itself, having freed itself from the morality of custom, an autonomous, supra-ethical individual (because ‘autonomous’ and ‘ethical’ are mutually exclusive), in short, we find a man with his own, independent, enduring will, whose *prerogative it is to promise* – and in him a proud consciousness quivering in every muscle of *what* he has finally achieved and incorporated, an actual awareness of power and freedom, a feeling that man in general has reached completion. This man who is now free, who actually *has* the *prerogative* to promise, this master of the *free* will, this sovereign – how could he remain ignorant of his superiority over everybody who does not have the prerogative to promise or answer to himself, how much trust, fear and respect he arouses – he ‘*merits*’ all three – and how could he, with his self-mastery, not realise that he has necessarily been given mastery over circumstances, over nature and over all creatures with a less enduring and reliable will? The ‘free’ man, the possessor of an enduring, unbreakable will, thus has his own *standard of value*: in the possession of such a will: viewing others from his own standpoint, he respects or despises; and just as he will necessarily respect his peers, the strong and the reliable (those with the prerogative to promise), – that is everyone who promises like a sovereign, ponderously, seldom, slowly, and is sparing with his trust, who *confers an honour* when he places his trust, who gives his word as something that can be relied on, because he is strong enough to remain upright in the face of mishap or even ‘in the face of fate’ –: so he will necessarily be ready to kick the febrile whippets who promise without that prerogative, and will save the rod for the liar who breaks his word in the very moment it passes his lips. The proud knowledge of the extraordinary privilege of *responsibility*, the consciousness of this rare freedom and power over himself and his destiny, has penetrated him to his lowest depths and become an instinct, his dominant instinct: – what will he call his dominant instinct, assuming that he needs a word for it? No doubt about the answer: this sovereign human being calls it his *conscience* . . .

3

His conscience? . . . We can presume, in advance, that the concept ‘conscience’, which we meet here in its highest, almost disconcerting form, already has a long history and metamorphosis behind it. To be answerable to oneself, and proudly, too, and therefore *to have the prerogative to say ‘yes’* to oneself – is, as I said, a ripe fruit, but also a *late* fruit: –

how long must this fruit have hung, bitter and sour, on the tree! And for even longer there was nothing to see of this fruit, – nobody could have promised it would be there, although it is certain that everything about the tree was ready and growing towards it! – ‘How do you give a memory to the animal, man? How do you impress something upon this partly dull, partly idiotic, inattentive mind, this personification of forgetfulness, so that it will stick?’ . . . This age-old question was not resolved with gentle solutions and methods, as can be imagined; perhaps there is nothing more terrible and strange in man’s prehistory than his *technique of mnemonics*. ‘A thing must be burnt in so that it stays in the memory: only something that continues *to hurt* stays in the memory’ – that is a proposition from the oldest (and unfortunately the longest-lived) psychology on earth. You almost want to add that wherever on earth you still find ceremonial, solemnity, mystery, gloomy shades in the lives of men and peoples, something of the dread with which everyone, everywhere, used to make promises, give pledges and commendation, is *still working*: the past, the most prolonged, deepest, hardest past, breathes on us and rises up in us when we become ‘solemn’. When man decided he had to make a memory for himself, it never happened without blood, torments and sacrifices: the most horrifying sacrifices and forfeits (the sacrifice of the first-born belongs here), the most disgusting mutilations (for example, castration), the cruellest rituals of all religious cults (and all religions are, at their most fundamental, systems of cruelty) – all this has its origin in that particular instinct which discovered that pain was the most powerful aid to mnemonics. In a certain sense, the whole of asceticism belongs here: a few ideas have to be made ineradicable, ubiquitous, unforgettable, ‘fixed’, in order to hypnotize the whole nervous and intellectual system through these ‘fixed ideas’ – and ascetic procedures and lifestyles are a method of freeing those ideas from competition with all other ideas, of making them ‘unforgettable’. The worse man’s memory has been, the more dreadful his customs have appeared; in particular, the harshness of the penal law gives a measure of how much trouble it had in conquering forgetfulness, and *preserving* a few primitive requirements of social life in the minds of these slaves of the mood and desire of the moment. We Germans certainly do not regard ourselves as a particularly cruel or hard-hearted people, still less as particularly irresponsible and happy-go-lucky; but you only have to look at our old penal code in order to see how difficult it was on this earth to breed a ‘nation of thinkers’ (by which I mean: *the* nation in Europe that still contains the maximum of reliability, solemnity,

tastelessness and sobriety, qualities which give it the right to breed all sorts of European mandarin). These Germans made a memory for themselves with dreadful methods, in order to master their basic plebeian instincts and the brutal crudeness of the same: think of old German punishments such as stoning (– even the legend drops the millstone on the guilty person’s head), breaking on the wheel (a unique invention and speciality of German genius in the field of punishment!), impaling, ripping apart and trampling to death by horses (‘quartering’), boiling of the criminal in oil or wine (still in the fourteenth and fifteenth centuries), the popular flaying (‘cutting strips’), cutting out flesh from the breast; and, of course, coating the wrong-doer with honey and leaving him to the flies in the scorching sun. With the aid of such images and procedures, man was eventually able to retain five or six ‘I-don’t-want-to’s’ in his memory, in connection with which a *promise* had been given, in order to enjoy the advantages of society – and there you are! With the aid of this sort of memory, people finally came to ‘reason’! – Ah, reason, solemnity, mastering of emotions, this really dismal thing called reflection, all these privileges and splendours man has: what a price had to be paid for them! how much blood and horror lies at the basis of all ‘good things’! . . .

4

How, then, did that other ‘dismal thing’, the consciousness of guilt, the whole ‘bad conscience’, come into the world? – And with this we return to our genealogists of morality. I’ll say it again – or maybe I haven’t said it yet? – they are no good. No more than five spans of their own, merely ‘modern’ experience; no knowledge and no will to know the past; still less an instinct for history, a ‘second sight’ so necessary at this point – and yet they go in for the history of morality: of course, this must logically end in results that have a more than brittle relationship to the truth. Have these genealogists of morality up to now ever remotely dreamt that, for example, the main moral concept ‘*Schuld*’ (‘guilt’) descends from the very material concept of ‘*Schulden*’ (‘debts’)? Or that punishment, as *retribution*, evolved quite independently of any assumption about freedom or lack of freedom of the will? – and this to the point where a *high* degree of humanization had first to be achieved, so that the animal ‘man’ could begin to differentiate between those much more primitive nuances ‘intentional’, ‘negligent’, ‘accidental’, ‘of sound mind’ and their opposites, and take them into account when dealing out

punishment. That inescapable thought, which is now so cheap and apparently natural, and which has had to serve as an explanation of how the sense of justice came about at all on earth, ‘the criminal deserves to be punished *because* he could have acted otherwise’, is actually an extremely late and refined form of human judgment and inference; whoever thinks it dates back to the beginning is laying his coarse hands on the psychology of primitive man in the wrong way. Throughout most of human history, punishment has *not* been meted out *because* the miscreant was held responsible for his act, therefore it was *not* assumed that the guilty party alone should be punished: – but rather, as parents still punish their children, it was out of anger over some wrong that had been suffered, directed at the perpetrator, – but this anger was held in check and modified by the idea that every injury has its *equivalent* which can be paid in compensation, if only through the *pain* of the person who injures. And where did this primeval, deeply-rooted and perhaps now ineradicable idea gain its power, this idea of an equivalence between injury and pain? I have already let it out: in the contractual relationship between *creditor* and *debtor*, which is as old as the very conception of a ‘legal subject’ and itself refers back to the basic forms of buying, selling, bartering, trade and traffic.

5

To be sure, thinking about these contractual relationships, as can be expected from what has gone before, arouses all kinds of suspicion and hostility towards the primitive men who created them or permitted them. Precisely here, *promises are made*; precisely here, the person making the promise has to have a memory *made* for him: precisely here, we may suppose, is a repository of hard, cruel, painful things. The debtor, in order to inspire confidence that the promise of repayment will be honoured, in order to give a guarantee of the solemnity and sanctity of his promise, and in order to etch the duty and obligation of repayment into his conscience, pawns something to the creditor by means of the contract in case he does not pay, something that he still ‘possesses’ and controls, for example, his body, or his wife, or his freedom, or his life (or, in certain religious circumstances, even his after-life, the salvation of his soul, finally, even his peace in the grave: as in Egypt, where the corpse of a debtor found no peace from the creditor even in the grave – and this peace meant a lot precisely to the Egyptians). But in particular, the creditor could inflict all

kinds of dishonour and torture on the body of the debtor, for example, cutting as much flesh off as seemed appropriate for the debt: – from this standpoint there were everywhere, early on, estimates which went into horrifyingly minute and fastidious detail, *legally* drawn up estimates for individual limbs and parts of the body. I regard it as definite progress and proof of a freer, more open-handed calculation, of a *more Roman* pricing of justice, when Rome's code of the Twelve Tables decreed that it did not matter how much or how little a creditor cut off in such a circumstance, '*si plus minusve secuerunt, ne fraude esto*'.⁴⁶ Let's be quite clear about the logic of this whole matter of compensation: it is strange enough. The equivalence is provided by the fact that instead of an advantage directly making up for the wrong (so, instead of compensation in money, land or possessions of any kind), a sort of *pleasure* is given to the creditor as repayment and compensation, – the pleasure of having the right to exercise power over the powerless without a thought, the pleasure '*de faire le mal pour le plaisir de le faire*',⁴⁷ the enjoyment of violating: an enjoyment that is prized all the higher, the lower and baser the position of the creditor in the social scale, and which can easily seem a delicious titbit to him, even a foretaste of higher rank. Through punishment of the debtor, the creditor takes part in the *rights of the masters*: at last he, too, shares the elevated feeling of being in a position to despise and maltreat someone as an 'inferior' – or at least, when the actual power of punishment, of exacting punishment, is already transferred to the 'authorities', of *seeing* the debtor despised and maltreated. So, then, compensation is made up of a warrant for and entitlement to cruelty. –

6

In *this* sphere of legal obligations, then, the moral conceptual world of 'debt', 'conscience', 'duty', 'sacred duty', has its breeding ground – all began with a thorough and prolonged bloodletting, like the beginning of all great things on earth. And may we not add that this world has really never quite lost a certain odour of blood and torture? (not even with old Kant: the categorical imperative smells of cruelty . . .). In the same way, it was here that the uncanny and perhaps inextricable link-up between the

⁴⁶ 'If they have cut off more or less, let that not be considered a crime.' This is from the Third Table, section 6. Modern editions read a slightly different text here with 'se' (= sine) for 'ne': 'If they have cut off more or less, let it be honestly done.'

⁴⁷ P. Mérimée, *Lettres à une inconnue* (Paris, 1874), I. 8: 'To do evil for the pleasure of doing it'.

ideas of ‘debt and suffering’ was first crocheted together. I ask again: to what extent can suffering be a compensation for ‘debts’? To the degree that *to make* someone suffer is pleasure in its highest form, and to the degree that the injured party received an extraordinary counter-pleasure in exchange for the injury and distress caused by the injury: to *make* someone suffer, – a true *feast*, something that, as I mentioned, rose in price the more it contrasted with the rank and social position of the creditor. I say all this in speculation: because such subterranean things are difficult to fathom out, besides being embarrassing; and anyone who clumsily tries to interject the concept ‘revenge’ has merely obscured and darkened his own insight, rather than clarified it (– revenge itself just leads us back to the same problem: ‘how can it be gratifying to make someone suffer?’). It seems to me that the delicacy and even more the tartuffery of tame house-pets (meaning modern man, meaning us) revolts against a truly forceful realization of the degree to which *cruelty* is part of the festive joy of the ancients and, indeed, is an ingredient in nearly every pleasure they have; on the other hand, how naïve and innocent their need for cruelty appears, and how fundamental is that ‘disinterested malice’ (or, to use Spinoza’s words, the *sympathia malevolens*) they assume is a *normal* human attribute –: making it something to which conscience says a hearty ‘yes’! A more piercing eye would perhaps be able to detect, even now, plenty of these most primitive and basic festive joys of man; in *Beyond Good and Evil*, VII, section 229⁴⁸ (earlier in *Daybreak*, I, sections 18, 77, 113)⁴⁹ I pointed a wary finger at the ever-growing intellectualization and ‘deification’ of cruelty, which runs through the whole history of higher culture (and indeed, constitutes it in an important sense). At all events, not so long ago it was unthinkable to hold a royal wedding or full-scale festival for the people without executions, tortures or perhaps an *auto-da-fé*, similarly, no noble household was without creatures on whom people could discharge their malice and cruel taunts with impunity (– remember Don Quixote, for example, at the court of the Duchess:⁵⁰ today we read the whole of Don Quixote with a bitter taste in the mouth, it is almost an ordeal, which would make us seem very strange and incomprehensible to the author and his contemporaries, – they read it with a clear conscience as the funniest of books, it made them nearly laugh themselves to death). To see suffering does you good, to make suffer, better still – that

⁴⁸ See below, Supplementary material, pp. 153–4.

⁴⁹ See below, Supplementary material, pp. 137–9, pp. 140–1, pp. 143–4.

⁵⁰ *Don Quixote*, Book II, chs 31–7.

is a hard proposition, but an ancient, powerful, human-all-too-human proposition to which, by the way, even the apes might subscribe: as people say, in thinking up bizarre cruelties they anticipate and, as it were, act out a ‘demonstration’ of what man will do. No cruelty, no feast: that is what the oldest and longest period in human history teaches us – and punishment, too, has such very strong *festive* aspects! –

7

– By the way, these ideas certainly don’t make me wish to help provide our pessimists with new grist for their discordant and creaking mills of disgust with life; on the contrary, I expressly want to place on record that at the time when mankind felt no shame towards its cruelty, life on earth was more cheerful than it is today, with its pessimists. The heavens darkened over man in direct proportion to the increase in his feeling shame *at being man*. The tired, pessimistic outlook, mistrust of life’s riddle, the icy ‘no’ of nausea at life – these are not signs of the *wickedest* epoch of the human race: on the contrary, they come to light as the bog-plants they are only in their natural habitat, the bog, – I mean the sickly mollycoddling and sermonizing, by means of which the animal ‘man’ is finally taught to be ashamed of all his instincts. On the way to becoming an ‘angel’ (not to use a stronger word here), man has upset his stomach and developed a furry tongue so that he finds not only that the joy and innocence of animals is disgusting, but that life itself is distasteful: – so that every now and again, he is so repelled by himself that he holds his nose and disapprovingly recites a catalogue of his offensive features, with Pope Innocent the Third (‘conception in filth, loathsome method of feeding in the womb, sinfulness of the raw material of man, terrible stench, secretion of saliva, urine and excrement’).⁵¹ Now, when suffering is always the first of the arguments marshalled *against* life, as its most questionable feature, it is salutary to remember the times when people made the opposite assessment, because they could not do without *making* people suffer and saw first-rate magic in it, a veritable seductive lure *to* life. Perhaps

⁵¹ This is not a quotation, but rather Nietzsche’s own summary of the topics discussed in the first few sections of *De miseria humanae conditionis* (also known as *De contemptu mundi* and by various other titles). This short treatise, written in 1195 by Cardinal Lotario dei Segni (who in 1198 acceded to the Papacy as Innocent III) was extremely popular in the late Middle Ages, sizable chunks of it turning up, for instance, in *The Canterbury Tales* (particularly in the Man of Law’s ‘Prologue’ and ‘Tale’).

pain – I say this to comfort the squeamish – did not hurt as much then as it does now; at least, a doctor would be justified in assuming this, if he had treated a Negro (taken as a representative for primeval man) for serious internal inflammations which would drive the European with the stoutest constitution to distraction; – they do *not* do that to Negroes. (The curve of human capacity for pain actually does seem to sink dramatically and almost precipitously beyond the first ten thousand or ten million of the cultural élite; and for myself, I do not doubt that in comparison with one night of pain endured by a single, hysterical blue stocking, the total suffering of all the animals who have been interrogated by the knife in scientific research is as nothing.) Perhaps I can even be allowed to admit the possibility that pleasure in cruelty does not really need to have died out: perhaps, just as pain today hurts more, it needed, in this connection, some kind of sublimation and subtilization, it had to be transformed into the imaginative and spiritual, and adorned with such inoffensive names that they do not arouse the suspicion of even the most delicate hypocritical conscience ('tragic pity' is one such name, another is '*les nostalgies de la croix*'). What actually arouses indignation over suffering is not the suffering itself, but the senselessness of suffering: but neither for the Christian, who saw in suffering a whole, hidden machinery of salvation, nor for naïve man in ancient times, who saw all suffering in relation to spectators or to instigators of suffering, was there any such *senseless* suffering. In order to rid the world of concealed, undiscovered, unseen suffering and deny it in all honesty, people were then practically obliged to invent gods and intermediate beings at every level, in short, something that also roamed round in obscurity, which could see in the dark and which would not miss out on an interesting spectacle of pain so easily. With the aid of such inventions, life then played the trick it has always known how to play, of justifying itself, justifying its 'evil'; nowadays it might need rather different inventions to help it (for example, life as a riddle, life as a problem of knowledge). 'All evil is justified if a god takes pleasure in it': so ran the primitive logic of feeling – and was this logic really restricted to primitive times? The gods viewed as the friends of *cruel* spectacles – how deeply this primeval concept still penetrates into our European civilization! Maybe we should consult Calvin and Luther on the matter. At all events, the *Greeks* could certainly think of offering their gods no more acceptable a side-dish to their happiness than the joys of cruelty. So how do you think Homer made his gods look down on the fortunes of men? What final, fundamental meaning did the Trojan War

and similar tragic atrocities have? We can be in no doubt: they were intended to be *festivals* for the gods: and, to the extent that the poet has a more 'god-like' nature in these matters, probably festivals for the poets, too . . . It was no different when later Greek moral philosophers thought that the eyes of the gods still looked down on moral struggles, on the heroism and self-inflicted torture of the virtuous: the 'Heracles of duty' was on stage and knew it; unwitnessed virtue was something inconceivable for this nation of actors. Might it not be the case that that extremely foolhardy and fateful philosophical invention, first devised for Europe, of the 'free will', of man's absolute freedom [*Spontaneität*] to do good or evil, was chiefly thought up to justify the idea that the interest of the gods in man, in man's virtue, *could never be exhausted*? On the stage of this earth there would never be any lack of real novelty, real unheard-of suspense, intrigues, catastrophes: a world planned on completely deterministic lines would have been predictable and therefore soon boring for the gods, – sufficient reason for these *friends of the gods*, the philosophers, not to impute a deterministic world of that sort to their gods! Everybody in antiquity is full of tender consideration for 'the spectator', people in antiquity form an essentially public, essentially visible world, incapable of conceiving of happiness without spectacles and feasts. – And, as already stated, severe *punishment*, too, has very strong festive features! . . .

8

The feeling of guilt, of personal obligation, to pursue our train of inquiry again, originated, as we saw, in the oldest and most primitive personal relationship there is, in the relationship of buyer and seller, creditor and debtor: here person met person for the first time, and *measured himself* person against person. No form of civilization has been discovered which is so low that it did not display something of this relationship. Fixing prices, setting values, working out equivalents, exchanging – this preoccupied man's first thoughts to such a degree that in a certain sense it *constitutes* thought: the most primitive kind of cunning was bred here, as was also, presumably, the first appearance of human pride, man's sense of superiority over other animals. Perhaps our word 'man' (*manas*) expresses something of *this* first sensation of self-confidence: man designated himself as the being who measures values, who values and measures, as the 'calculating animal as such'. Buying and selling, with their psychological trappings, are older even than the beginnings of any social

form of organization or association: it is much more the case that the germinating sensation of barter, contract, debt, right, duty, compensation was simply *transferred* from the most rudimentary form of the legal rights of persons to the most crude and elementary social units (in their relations with similar units), together with the habit of comparing power with power, of measuring, of calculating. Now the eye was focused in this direction in any case: and with the ponderous consistency characteristic of the ancients' way of thinking, which, though difficult to get started, never deviated once it was moving, man soon arrived at the great generalization: 'Every thing has its price: *everything* can be compensated for' – the oldest, most naïve canon of morals relating to *justice*, the beginning of all 'good naturedness', 'equity', all 'good will', all 'objectivity' on earth. Justice at this first level is the good will, between those who are roughly equal, to come to terms with each other, to 'come to an understanding' again by means of a settlement – and, in connection with those who are less powerful, to *force* them to reach a settlement amongst themselves. –

9

Still measuring with the standard of prehistoric times (a prehistory which, by the way, exists at all times or could possibly re-occur): the community has the same basic relationship to its members as the creditor to the debtor. You live in a community, you enjoy the benefits of a community (oh, what benefits! sometimes we underestimate them today), you live a sheltered, protected life in peace and trust, without any worry of suffering certain kinds of harm and hostility to which the man *outside*, the 'man without peace', is exposed – a German understands what 'misery', *êlend*,⁵² originally means –, you make pledges and take on obligations to the community with just that harm and hostility in mind. What happens *if you do not*? The community, the cheated creditor, will make you pay up as best it can, you can be sure of that. The immediate damage done by the offender is what we are talking about least: quite apart from this, the law-breaker is a 'breaker', somebody who has broken his contract and his word *to the whole*, in connection with all the valued features and amenities of communal life that he has shared up till now. The lawbreaker is a debtor who not only fails to repay the benefits and advances granted to him, but also actually assaults the creditor: so, from now on, as is fair, he is not only

⁵² literally 'other country' i.e. banishment, exile.

deprived of all these valued benefits, – he is now also reminded *how important these benefits are*. The anger of the injured creditor, the community, makes him return to the savage and outlawed state from which he was sheltered hitherto: he is cast out – and now any kind of hostile act can be perpetrated on him. ‘Punishment’ at this level of civilization is simply a copy, a *mimus*, of normal behaviour towards a hated, disarmed enemy who has been defeated, and who has not only forfeited all rights and safeguards, but all mercy as well; in fact, the rules of war and the victory celebration of *vae victis*!⁵³ in all their mercilessness and cruelty: – which explains the fact that war itself (including the warlike cult of the sacrificial victim) has given us all *forms* in which punishment manifests itself in history.

IO

As a community grows in power, it ceases to take the offence of the individual quite so seriously, because these do not seem to be as dangerous and destabilizing for the survival of the whole as they did earlier: the wrongdoer is no longer ‘deprived of peace’ and cast out, nor can the general public vent their anger on him with the same lack of constraint, – instead the wrongdoer is carefully shielded by the community from this anger, especially from that of the immediate injured party, and given protection. A compromise with the anger of those immediately affected by the wrongdoing; and therefore an attempt to localize the matter and head off further or more widespread participation and unrest; attempts to work out equivalents and settle the matter (the *compositio*); above all, the will, manifesting itself ever more distinctly, to treat every offence as being something that *can be paid off*, so that, at least to a certain degree, the wrongdoer is *isolated* from his deed – these are the characteristics imprinted more and more clearly into penal law in its further development. As the power and self-confidence of a community grows, its penal law becomes more lenient; if the former is weakened or endangered, harsher forms of the latter will re-emerge. The ‘creditor’ always becomes more humane as his wealth increases; finally, the *amount* of his wealth determines how much injury he can sustain without suffering from it. It is not impossible to imagine society *so conscious of its power* that it could allow itself the noblest luxury available to it, – that of letting its

⁵³ ‘Woe to the vanquished’ (Livy v. 48).

malefactors go *unpunished*. ‘What do I care about my parasites’, it could say, ‘let them live and flourish: I am strong enough for all that!’ . . . Justice, which began by saying ‘Everything can be paid off, everything must be paid off’, ends by turning a blind eye and letting off those unable to pay, – it ends, like every good thing on earth, by *sublimating itself*. The self-sublimation of justice: we know what a nice name it gives itself – *mercy*; it remains, of course, the prerogative of the most powerful man, better still, his way of being beyond the law.

II

– Now a derogatory mention of recent attempts to seek the origin of justice elsewhere, – namely in *ressentiment*. A word in the ear of the psychologists, assuming they are inclined to study *ressentiment* close up for once: this plant thrives best amongst anarchists and anti-Semites today, so it flowers like it always has done, in secret, like a violet but with a different scent. And just as like always gives rise to like, it will come as no surprise to find attempts coming once more from these circles, as so often before – see section 14 [Essay I] above, – to sanctify *revenge* with the term *justice* – as though justice were fundamentally simply a further development of the feeling of having been wronged – and belatedly to legitimize with revenge emotional *reactions* in general, one and all. The latter is something with which I least take issue: with regard to the whole biological problem (where the value of these emotions has been underestimated up till now), I even view it as *a merit*. All I want to point out is the fact that this new nuance of scientific balance (which favours hatred, envy, resentment, suspicion, *rancune* and revenge) stems from the spirit of *ressentiment* itself. This ‘scientific fairness’ immediately halts and takes on aspects of a deadly animosity and prejudice the minute it has to deal with a different set of emotions, which, to my mind, are of much greater biological value than those of reaction and therefore truly deserve to be *scientifically* valued, highly valued: namely the actual *active* emotions such as lust for mastery, greed and the like. (E. Dühring, *The Value of Life. A Course in Philosophy*; basically, all of it.) So much for my general objections to this tendency; but concerning Dühring’s specific proposition that the seat of justice is found in the territory of reactive sentiment, for the sake of accuracy we must unceremoniously replace this with another proposition: the *last* territory to be conquered by the spirit of justice is that of reactive sentiment! If it actually happens that the just man remains

just even towards someone who has wronged him (and not just cold, moderate, remote and indifferent: to be just is always a *positive* attitude), if the just and *judging* eye, gazing with a lofty, clear objectivity both penetrating and merciful, is not dimmed even in the face of personal injury, of scorn and suspicion, well, that is a piece of perfection, the highest form of mastery to be had on earth, – and even something that we would be wise not to expect and should certainly find difficult to *believe*. Certainly, on average, even a small dose of aggression, malice or insinuation is enough to make the most upright man see red and drive moderation *out of* his sight. The active, aggressive, over-reaching man is still a hundred paces nearer to justice than the man who reacts; he simply does not need to place a false and prejudiced interpretation on the object of his attention, like the man who reacts does, has to do. In fact, this explains why the aggressive person, as the stronger, more courageous, nobler man, has always had a *clearer* eye, a *better* conscience on his side: on the other hand it is easy to guess who has the invention of ‘bad conscience’ on his conscience, – the man of *ressentiment*! Finally, just cast your eye around in history: in what sphere, up till now, has the whole treatment of justice, and the actual need for justice, resided? With men who react, perhaps? Not in the least: but with the active, the strong, the spontaneous and the aggressive. Historically speaking, justice on earth represents – I say this to the annoyance of the above-mentioned agitator (who himself once confessed: ‘The doctrine of revenge has woven its way though all my work and activities as the red thread of justice’)⁵⁴ – the battle, then, *against* reactive sentiment, the war waged against the same on the part of active and aggressive forces, which have partly expended their strength in trying to put a stop to the spread of reactive pathos, to keep it in check and within bounds, and to force a compromise with it. Everywhere that justice is practised and maintained, the stronger power can be seen looking for means of putting an end to the senseless ravages of *ressentiment* amongst those inferior to it (whether groups or individuals), partly by lifting the object of *ressentiment* out of the hands of revenge, partly by substituting, for revenge, a struggle against the enemies of peace and order, partly by working out compensation, suggesting, sometimes enforcing it, and partly by promoting certain equivalences for wrongs into a norm which *ressentiment*, from now on, has to take into account. The most decisive thing, however, that the higher authorities can invent and enforce against

⁵⁴ E. Dühring, *Sache, Leben, und Feinde* (Karlsruhe, Leipzig, 1882), p. 293.

the even stronger power of hostile and spiteful feelings – and they do it as soon as they are strong enough – is the setting up of a *legal system*, the imperative declaration of what counts as permissible in their eyes, as just, and what counts as forbidden, unjust: once the legal code is in place, by treating offence and arbitrary actions against the individual or groups as a crime, as violation of the law, as insurrection against the higher authorities themselves, they distract attention from the damage done by such violations, and ultimately achieve the opposite of what revenge sets out to do, which just sees and regards as valid the injured party's point of view –: from then on the eye is trained for an evermore *impersonal* interpretation of the action, even the eye of the injured party (although, as stated, this happens last). – Therefore 'just' and 'unjust' only start from the moment when a legal system is set up (and *not*, as Dühring says, from the moment when the injury is done.) To talk of 'just' and 'unjust' *as such* is meaningless, an act of injury, violence, exploitation or destruction cannot be 'unjust' *as such*, because life functions *essentially* in an injurious, violent, exploitative and destructive manner, or at least these are its fundamental processes and it cannot be thought of without these characteristics. One has to admit to oneself something even more unpalatable: that viewed from the highest biological standpoint, states of legality can never be anything but *exceptional states*, as partial restrictions of the true will to life, which seeks power and to whose overall purpose they subordinate themselves as individual measures, that is to say, as a means of creating greater units of power. A system of law conceived as sovereign and general, not as a means for use in the fight between units of power but as a means *against* fighting in general, rather like Dühring's communistic slogan that every will should regard every other will as its equal, this would be a principle *hostile to life*, an attempt to assassinate the future of man, a sign of fatigue and a secret path to nothingness. –

12

Now another word on the origin and purpose of punishment – two problems which are separate, or ought to be: unfortunately people usually throw them together. How have the moral genealogists reacted so far in this matter? Naively, as is their wont –: they highlight some 'purpose' in punishment, for example, revenge or deterrence, then innocently place the purpose at the start, as *causa fiendi* of punishment, and – have finished. But 'purpose in law' is the last thing we should apply to the history of the