

**GUILT AND THE CONSCIENCE
IN NIETZSCHE, FREUD AND KAFKA**

Doctoral Dissertation

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ABSTRACT

This thesis attempts to examine and clarify the ideas of conscience and guilt through an examination of the texts of Nietzsche, Freud and Kafka, and to arrive at some conclusions about the truth of the views of Freud and Nietzsche regarding guilt and conscience. I attempt to show that there are significant overlaps in the ways in which Nietzsche (in the second essay of *On the Genealogy of Morals*), Freud and Kafka (in certain texts) understand the problem of the conscience, and I argue that Freud's and Nietzsche's attempts to answer the question of the nature and origin of guilt do not succeed. For both of them, guilt – in the form of the bad conscience in Nietzsche, or in the form of the ego's experience of the superego in Freud – arises from the redirection of aggressive instincts or instincts of cruelty away from the normal targets – others – and towards oneself, and I try to demonstrate that this view is beset by serious problems. Although I discuss the specific problems with each of their views in detail, the most important general reason why their views of guilt miss the mark is, I argue, that neither adequately distinguishes between guilt and the conscience (including the bad conscience), and so they run together phenomena that in fact call for different explanations. Nietzsche errs in understanding guilt on the basis of debt, and Freud in his theory of the superego does not take sufficient cognizance of an insight into the nature of guilt that he himself provides in *Civilization and its Discontents* (namely that guilt expresses itself as a need for punishment). Both, however, misunderstand guilt in understanding it as fear, and Nietzsche's interpretation of Christianity in line with this conception of guilt fails to adequately capture the character of Christianity, and its psychological power.

INTRODUCTION:

‘The Most Important Problem in the Development of Civilization’

This thesis deals with an ensemble of ideas, concerning conscience and guilt, loosely shared by Nietzsche, Kafka, and Freud. I wish to arrive at some conclusions about the truth of these ideas, to illuminate the relevant texts to some extent, and to clarify the concepts of conscience and guilt.

These aims overlap in the execution, but it is useful for the moment to clarify them severally.

The first aim is exegetical. The thesis contains, I believe, original readings of Nietzsche, Freud and Kafka, and of the relations between them, that, I hope, help to illuminate their thought.

Secondly, it attempts to contribute to an understanding of the concepts of guilt and conscience (and the superego). As such it is a contribution to a growing philosophical literature on the emotions, and on the ‘moral emotions’; but it is more broadly a contribution to moral philosophy since the notions of guilt and conscience form an important part of our moral self-understanding.

Thirdly, it is a contribution to the history of ideas, in so far as it attempts to understand these notions, especially guilt, historically. (A pivotal chapter concerns the ancient Greek conceptuality of guilt.)

Fourthly, it is a contribution to a certain question of political or social philosophy since, in a manner I will explain shortly, it deals with guilt and the conscience as political phenomena.

* * *

Deleuze and Guattari write:

[The] fundamental problem of political philosophy is still precisely the one that Spinoza saw so clearly, and that Wilhelm Reich rediscovered: “Why do men fight *for* their servitude as stubbornly as though it were their salvation?” How can people possibly reach the point of shouting: “More taxes! Less bread!”? As Reich remarks, the astonishing thing is not that some people steal or that others occasionally go out on strike, but rather that all those who are starving do not steal as a regular practice, and all those who are exploited are not continually out on strike: after centuries of exploitation, why do people still tolerate being humiliated and enslaved, to such a point, indeed, that they *actually want* humiliation and slavery not only for others but for themselves? [...] [No], the masses were not innocent dupes; at a certain point, under a certain set of conditions, they *wanted* fascism, and it is this perversion of the desires of the masses that needs to be accounted for (2004:31).

And Foucault writes:

It would be wrong to say that the soul is an illusion, or an ideological effect. On the contrary, it exists, it has a reality, it is produced permanently around, on, within the body by the functioning of a power that is exercised on those punished [...]. [...] The man described for

us, whom we are invited to free, is already in himself the effect of a subjection much more profound than himself. A 'soul' inhabits him and brings him to existence, which is itself a factor in the mastery that power exercises over the body (1979:29-30).

Nietzsche, Freud and Kafka can be seen as providing in effect a theory of this subjected soul that opposes its own interests, and it is in this sense that the thesis has a certain resonance with political philosophy.

The Freudian answer, very crudely, is that people obey prohibitions propounded by authorities of one kind or another because they "internalize" these prohibitions. There comes about in them an internal representative or agent of an external authority such that the 'external' authority no longer has to expend large amounts of energy in policing them; they police and accuse themselves. (Deleuze and Guattari therefore do not do justice to Freud when they acknowledge Reich but not Freud or Reich's relation to Freud.¹)

Jean Starobinski captures rather well what is at issue when, in *The Living Eye*, he writes in a very Freudian vein:

When the mechanisms of projection lead Rousseau to invent hostility in other people, he mistakes their attitude because he fails to recognize the wholly internal nature of his feelings of guilt. Yet if we ask where those feelings come from, we must number society and its values among their causes. Is projection therefore correct in its indictment of others? No. It is a misplaced response, a deviant reaction, that will not admit how early the pain began and that strikes out blindly at the enemy. There is error not only as to the person but also as to the time: present hostility is blamed for a conflict whose origins lie much deeper in the past. In reality, the psychology of guilt implies a system of collective values in terms of which Evil is defined and punished. Guilt anxieties never arise except in the presence of an authority and a law that anticipate and punish the infraction. In order to feel guilty, one must have encountered in the outside world an accusation or threat in which the commission of a crime was presumed. Even before I am accused of anything, I become obsessed with the possibility of guilt from the moment I glimpse on my horizon an accusatory power that compels me to see myself from its point of view and to declare myself *wicked*: 'Knowledge of sin comes from the law.' It is as if feelings of guilt were a means used by authority to anticipate or forestall possible recalcitrants by *preoccupying* them, by conquering them from within (1989:17-18).

If this Freudian view or something like it were true, we would have an interesting answer to an important question.

Now the Freudian answer as sketched above is a very crude form of the theory of the formation of the superego. But as such, it is a theory of something like the conscience, and I shall attempt to show that Nietzsche and Kafka also endorse a theory of internalization in the looser sense (relative to the Freudian usage) of the adoption by the subject of externally imposed curbs and prohibitions.

There are of course differences too, and the exegetical task of the thesis includes making those clear.²

This ensemble of ideas that floats between them is therefore a certain interestingly differentiated theory (in a sense of ‘theory’ that is more or less loose depending on whether it is Nietzsche, Freud or Kafka that we are talking about) of the formation of subjectivity in the face of a structure of power or prohibition of one kind or another (“mommy-daddy,” the state, God, civilization in general, law), and because this ensemble subsists between them, it is not helpful to think of this as a thesis on Nietzsche or Freud, say. It is a thesis on this ensemble of ideas as prevailing in a micro-tradition composed by these three figures, and it is of interest because of the possible light that it can throw on the political question of subjection, and on the question of the nature of guilt and conscience which is the central question of the thesis.³

The set of ideas that Nietzsche, Kafka and Freud share, in the relevant texts, about the origin of the conscience, is as follows. The genesis of the conscience (*a*) occurs *at the interface* between individuals and certain larger societal or organisational structures, and sometimes more than one (e.g., the family, but therefore also society in the large); (*b*) is a *process*, that (*c*) has the form of an *internalization*, or, at the very least, of a *change in the subjectivity* of the individual in line with these larger structures (so that there occurs, ultimately, a transformation of the original individual into something significantly different). (*d*) It concerns one form or another (morality, law, norms of civilization) of *curbs* proceeding from some or other organisation larger than the individual (perhaps the smallest of which is the family, or the parent). This process is understood as (*e*) a transition from some *pre-human* (or not fully and properly human) condition – animality or savagery or childhood – to a fully-fledged humanity, (*f*) involves *pain or aggression*, including in the form of confinement, and (*g*) depends crucially not only on the aggression or pain inflicted by the ‘larger structure’ but on *the capacity for or joy in or tendency to aggression* (which defines the animality or savagery or pre- or proto-humanity) *of the individual* that is transformed. In these overlapping pictures, then, the original individual is animal or wild or savage, immoral or amoral, asocial, free or desirous of freedom, and somehow maladapted to these larger structures. But in any event, (*h*) these curbs (law, morality, norms) are not taken for granted by Nietzsche, Kafka or Freud, as a *natural endowment* of the human animal, and so what is required for these to take hold on the individual (in the form of the conscience or superego) is (*i*) the violent or aggressive *intervention of an external agency* (“blonde beasts” in Nietzsche, parents in Freud). The result is ultimately that the individual is transformed and (*j*) *split* into a double ‘nature’, since its older and original nature is not entirely extinguished (to a greater or lesser extent in Nietzsche, Freud or Kafka) and continues to assert itself in one form or another. In all of these thinkers the present form of humanity is therefore not taken for granted but is arrived at in one kind of historical development or another.

Undoubtedly, there are significant differences between Nietzsche, Kafka, and Freud – otherwise the exercise I am proposing would be considerably less interesting. These will be investigated in some detail, but, for the sake of orienting the reader, some of the most significant that might be mentioned are that: in Kafka and Freud, there is a certain emphasis on love, in addition to aggressivity, in the relationship between the individual and its authorities, while in Nietzsche there

is almost no affective relation between those who will be transformed and those who bring about their transformation. There are also differences in the degree of reversibility of the process that these thinkers allow (Freud allowing a great likelihood of 'regression' to an earlier stage, and Kafka allowing almost none), and there are differences in whether the process is understood as phylogenetic or ontogenetic, or both.

I emphasise that I shall not be concerned to trace the precise borrowings and debts. It is well known that Freud is indebted to Nietzsche⁴, for example, but the question of the originality or otherwise of Freud's ideas is for me of little philosophical interest. (However, I believe it will become clear that Freud is indeed original in this domain, even if there are considerable overlaps between his thought and Nietzsche's.) What interests me is *that* there is considerable overlap, and *that* this ensemble of ideas has the purchase it does on the minds of these three figures, and above all I am concerned with the soundness of these ideas and with what they can teach us about guilt and the conscience.

In pursuing these questions I will not be much concerned, at least in the first instance, to differentiate law or other such structures from morality or moral prohibitions. I do not deny that there are differences between them, but Nietzsche, Freud and Kafka do not take it for granted that there is a clear distinction here. What is important for them is that ultimately commands propounded by an external authority are assumed by an individual that is *not* innately a moral or law-abiding citizen. From their point of view, therefore, the distinctions (law or prohibitions or morality, and so forth) are secondary, and I wish at least at first to examine these writers on their terms.

* * *

It is necessary to make the conceptual terrain somewhat clear at the outset, but of course what I say here is not to be taken as my final word about it since the job of the thesis is to gain some clarity about these concepts.

I obviously defer to Freud on the relation between the superego and the conscience. Freud writes in *Civilization and its Discontents*:

The super-ego is an agency which has been inferred by us, and conscience is a function which we ascribe, among other functions, to that agency. This function consists in keeping a watch over the actions and intentions of the ego and judging them, in exercising a censorship. The sense of guilt, the harshness of the super-ego, is thus the same thing as the severity of the conscience. It is the perception which the ego has of being watched over in this way, the assessment of the tension between its own strivings and the demands of the super-ego. [...] We ought not to speak of a conscience until a super-ego is demonstrably present (PFL 12, 329-330).

There is only a conscience once a super-ego is present, even though “we must admit” that “a sense of guilt ... is in existence before the super-ego, and therefore before conscience, too” (330). This is explained by the fact that

[at] that time [that is, before the existence of the super-ego] it [i.e., a sense of guilt] is the immediate expression of fear of the external authority, a recognition of the tension between the ego and that authority. It is the direct derivative of the conflict between the need for the authority’s love and the urge towards instinctual satisfaction, whose inhibition produces the inclination to aggression. The superimposition of these two strata of the sense of guilt – one coming from fear of the *external* authority, the other from fear of the *internal* authority – has hampered our insight into the position of conscience in a number of ways (330).

If, that is, there is an external authority, and as yet no super-ego, we can feel guilt. But once the super-ego, the *internal* authority, is in place, guilt now has a new source or condition, and only in this new arrangement is it possible to speak of conscience, and of a guilt that is due to the conscience.

Freud perhaps too readily assimilates remorse to guilt, when he says in this vicinity that remorse “is a general term for the ego’s reaction in a case of sense of guilt,” but I defer a discussion of this – and a more closely argued conception of guilt – to the body of the thesis.

Conscience seems to emphasise the inwardness and secrecy of the knowledge (as opposed to a consciousness of or knowing that which is public knowledge): the SOED gives as the first definition “one’s inmost thought, one’s mind or heart” and as the second “(An) inward knowledge or consciousness; (an) internal conviction; mental recognition or acknowledgement.” (The general importance of this matter of secrecy will be seen later on, in Chapters Four and Seven.) For this reason it becomes possible to talk of “freedom of conscience” in the sense of freedom of belief, that is, the freedom to believe what creed, or morality, one determines is fitting (rather than having it imposed on one by others).

But the conscience is also that which prods one towards the good, or prevents one from affirming the bad. Thus E. Roosevelt speaks, according to the SOED, of “Working conditions which no one with any social conscience would tolerate today.” It is not that the people who would object to these conditions are those that are responsible for them: it is just that if one has a conscience, any whatsoever and not one as yet qualified by ‘good’ or ‘bad’, one would object. This is the sense of the word as “A moral sense of right or wrong; a sense of responsibility felt for private or public actions, motives, etc.; the faculty or principle that leads to the approval of right thought or action and condemnation of wrong” (SOED). Thus one speaks of a person, or man, or woman, *of conscience*. That is how Nietzsche uses the word here:

But there is no doubt that a ‘thou shalt’ still speaks to us too, that we too still obey a stern law set over us and this is the last moral law which can make itself audible even to us, which even we know how to *live*, in this if in anything we too are still *men of conscience*: namely,

in that we do not want to return to that which we consider outlived and decayed, to anything ‘unworthy of belief’, be it called God, virtue, truth, justice, charity (*D* 4).

The notion of the conscience has a long and rich history that I will by no means do justice to in this thesis. It has been suggested to me that Socrates’ *daimon* may be seen as a kind of precursor of the notion that I am investigating. (I will not make anything more of the suggestion, but I will return to the question of the Greek conceptuality of guilt.⁵)

One of the most philosophically important elements of this history of the conscience is the notion of the moral sense, which is an important byway, if merely a byway, in the attempt to understand morality. Bentham writes: “One man [Lord Shaftesbury, Hutcheson, Hume, &c.] says, he has a thing made on purpose to tell him what is right and what is wrong; and that it is called ‘moral sense’” (1962:8). But that thing is just what we could call the conscience, and to the extent that today we frequently make reference, often when all other arguments fail, to the conscience or the voice of conscience, we have not moved all that far away, in practice at least, from the notion of the moral sense. One also sometimes speaks of a *moral compass* (infallible, or broken). It is not my intention in this thesis to say anything directly about moral sense theory. I mention it merely to point out the relation between it and the theorisations of conscience that I shall be exploring.

Such faculties may be appealing since the various moral calculi (utilitarianism, the test of the categorical imperative, etc.) sometimes do not work, and then one might refer to an inbuilt sense (not necessarily innate since it might have been produced socially), or intuition of what is right and wrong. Difficult though such a sense or repository of intuitions (as it occurs in contemporary notions like moral compasses) may seem to be to explain, and even if people refer to them precisely to *avoid* any further questions about what might justify such particular moral beliefs, they seem to require some explanation, and the views of Freud and Nietzsche certainly count as candidates for an explanation, and something important about our moral lives would be illuminated if we came to know how or when this emotional capacity takes hold on us, assuming we do not simply say that human beings can feel guilty from the day they are born.

There are other philosophically significant references to the notion of the conscience. Mill provides as good a definition of the thing as possible, in the chapter of *Utilitarianism* on “The Ultimate Sanction of the Principle of Utility”⁶:

The internal sanction of duty, whatever our standard of duty may be, is one and the same – a feeling in our own mind; a pain, more or less intense, attendant on violation of duty, which in properly cultivated moral natures rises, in the more serious cases, into shrinking from it as an impossibility. This feeling, when disinterested, and connecting itself with the pure idea of duty, and not with some particular form of it, or with any of the merely accessory circumstances, is the essence of Conscience; though in that complex phenomenon as it actually exists, the simple fact is in general all encrusted over with collateral associations, derived from sympathy, from love, and still more from fear; from all the forms of religious feeling; from the recollections of childhood and of all our past life; from self-esteem, desire of the esteem of others, and occasionally even self-abasement. [...] Its binding force,

however, consists in the existence of a mass of feeling which must be broken through in order to do what violates our standard of right, and which, if we do nevertheless violate that standard, will probably have to be encountered afterwards in the form of remorse. Whatever theory we have of the nature or origin of conscience, this is what essentially constitutes it (1962:281).

Given Mill's distinction between external and internal sanctions, where *sanction* means *that which furnishes to some principle (or to some set of them) a binding force or a "binding efficacy"* (281), Mill writes: "The ultimate sanction [...] of all morality (external motives apart) being a subjective feeling in our own minds, I see nothing embarrassing to those whose standard is utility, in the question, what is the sanction of that particular standard? We may answer, the same as of all other moral standards – the conscientious feelings of mankind" (281).

From a more contemporary perspective, however, the questions that I will be raising have another interest. Until recently – until Freud and certainly until Nietzsche – one would not often have spoken about norms (or whatever) being or becoming "internalized." This is a manner of speaking that is now quite widespread and it is most probably the influence of Freud that we have to thank or blame for it. Thus Anthony O'Hear can write:

A genuine offender against either a legal or a moral code may not have internalized any respect for the code and so be unrepentant," and "Moral guilt here has the same structure as legal guilt, the main difference being that the intimate relationship between the authority and the subject, according to which the authority knows everything about the subject and his intentions, means that what counts is the judgment delivered *in foro interno*. When the authority and his judgments are internalized in this way, it is natural that guilt feelings should have taken the centre of the stage to the extent that people have come to think of guilt itself as an emotion (O'Hear 1976:73).

And Jon Elster writes "On this account [a previous account of his], the internalized emotions do not appear to be a necessary part of a system of social norms. Although they may reinforce the external sanctions provided by others, they are not indispensable for the operation of norms. I now believe that this account was mistaken, or at least misleading" (1996:1389).⁷ Certainly, not all usages conform exactly to the concept we find in Freud, but many do, and even Bourdieu, whose concept of *habitus* is not particularly Freudian – although it arguably overlaps the superego in function – says that "the dispositions of agents, their *habitus*, that is, the mental structures through which they apprehend the social world, are essentially the product of the internalization of the structures of that world" (Bourdieu 1989:18).⁸ Part of the point of this thesis is, then, to return to the wellsprings of the notion of internalization in Freud and Nietzsche to try to determine to what extent it deserves the credence it receives, at least in practice.

The notion of the conscience therefore has in one way or another a continuing importance as a way in which people in fact talk about moral choices, and it is worthwhile at least to attempt to think through what it might mean to give an account of the thing and of its genesis. Nietzsche, Kafka,

and Freud provide, I believe, an exemplary attempt to do so, and show us what the conditions and limits of such an account might be.

Ultimately, however, the question is a way of approaching a very basic question about who we are. How does it come about that there is an animal that can oppose itself, that can, as Nietzsche puts it, take sides against itself? It is therefore also an oblique way of approaching the question of the origin of morality (and in Freud at least the question of the conscience is the primary way in which the problem of morality is tackled).

A closely related matter is the distinction between humanity and animality (a progressively less important distinction, at least in philosophical texts) and the distinction in moral contexts between human as good or rational, and animal as irrational and as representative of the impulses morality attempts to suppress. The classic and perhaps most important Western example here is Kant who in the *Groundwork* distinguishes between the rational and animal aspects of our nature. (Although ‘animal’ is for Kant arguably merely a label, the choice is significant.) The human being, or at least the moral agent, is split between an aspect that is drawn towards the moral and an aspect that is drawn towards the base (the lower, the mud, the gutter).⁹ The relation of human and animal is especially important in the chapter on Kafka’s “A Report to an Academy”; and Nietzsche describes the humans who undergo confinement in the second essay of *On the Genealogy of Morals* (henceforth ‘*Genealogy*’) as being very much like pre-social animals. I merely mark this connection between the interest of this thesis and this question of animal and human, however. It will not be a central concern of the thesis.

* * *

Nietzsche, Freud and Kafka take as questionable what many of us take for granted, our capacity to be something other than we are – to be, in short, civilized, that is, obedient to a set of norms, moral rules and laws that we have no spontaneous inclination to obey and whose obedience, on the contrary, requires a great deal of effort to sustain. This is why Freud says in *Civilization and its Discontents* that his intention is “to represent the sense of guilt as the most important problem in the development of civilization and to show that the price we pay for our advance in civilization is a loss of happiness through the heightening of the sense of guilt” (PFL 12, 327).

The sense of guilt now appears to concentrate in it the very question of civilization as such. Freud’s answer goes by way of the theory of the superego, internalization, the killing of the father in the primal horde, emotional ambivalence, and the Oedipus complex and its dissolution. In Nietzsche it is answered through the *Einverseelung*, the theory of confinement in a state, in virtue of which our instincts turn against ourselves, and subsequently through the exacerbation of the feeling of guilt in and through religious concepts and practices. Although Kafka does not provide something that can properly be called a theory, the question, I shall try to show, very much occupies certain of his texts: “Before the Law,” “Jackals and Arabs,” and “A Report to an Academy” (to name for now only those where it is, in my view, most evident).

Ultimately I will argue that Freud's and Nietzsche's attempt to answer the question of conscience and guilt does not succeed. One very important reason is that it is difficult to give a coherent elaboration of the idea that our instincts turn against us. Freud takes the attempt to elaborate such a conception (which remains crude in Nietzsche) very far indeed, and I trace this often convoluted attempt through the various texts in which he attempts to do so. Related to this is the difficulty of developing an account of internalization, whether in Freud's version of internalizing an external authority, or in Nietzsche's version of "burning in" the prohibitions of an authoritarian structure. Another very important reason is that they do not adequately distinguish between guilt on the one hand, and conscience on the other. Even if there were some plausibility in the view that *conscience* arises in the way they say, *guilt*, I will try to show, is a different matter. Here Freud does not take seriously enough an insight into the nature of guilt that he himself provides (one that becomes essential to my conception of guilt in the fourth chapter of this thesis). Nietzsche too I will argue misconstrues the nature of guilt when he understands it on the basis of debt and fear.

In very broad outline the chapters are as follows.

Chapter One is a reading of Kafka's "Before the Law." This is not directly a discussion of guilt and conscience, but it attempts to sketch out the general space of that discussion. The argument begun here about Kafka is that, at least in certain early texts, he is deeply concerned with the question of law or prohibition and transgression, and is concerned with at least bringing to light the strangeness of our relation to a law to whose call for obedience we so spontaneously respond, without even thinking it strange that we do so respond. As an attempt to alert us to this strangeness "Before the Law" is at the same time an attempt to bring the questionableness of this everyday fact to our attention. This chapter is therefore to be understood not only as a reading of Kafka but as an introductory attempt to explain the question of the relation of the subject to law (or to structures of prohibition in general), and the question of the subject at odds with itself.

Chapter Two contains a discussion of Kafka's "A Report to an Academy" in relation to the second essay of Nietzsche's *Genealogy*. If Chapter One posed the question, this is the beginning of an attempt to answer it. The chapter is concerned to show that Kafka's story may be productively read in the light of certain passages of the *Genealogy*. I argue that these texts are concerned with understanding humanity as an animality that, as Nietzsche puts it, takes sides against itself. If their general conception of the genesis of this taking sides (which Nietzsche thinks is essential to the development of the conscience) shows a remarkable overlap, however, there are significant differences in their conception of the precise mechanisms through which it occurs, and some of these differences become more philosophically important in later chapters.

Chapter Three concerns Freud's theory of the superego, and the relation between Nietzsche and Freud. (A less schematic discussion of Nietzsche occurs only later in chapters Five, Six and Seven. Nietzsche's treatment is more difficult to handle, because it is not trying very hard to be a fully fledged theory, and Chapters Three and Four prepare the ground for an adequate discussion of the *Genealogy*.) This chapter is an attempt to chart and interrogate Freud's theorization of the superego through the ideas of the Oedipus complex, internalization, aggression, emotional ambivalence, and so forth, above all (but not exclusively) in: *Totem and Taboo*, *The Ego and the*

Id, Civilization and its Discontents, and the *New Introductory Lectures on Psychoanalysis*. I argue that Freud's manner of posing and attempting to answer the question of the conscience/superego is riddled with internal tensions deriving from the imperative of explaining how an aggressive authority can come to be internalized. Freud's attempt to think through as thoroughly as possible the Nietzschean schema of an aggression that turns against us, and the problems he encounters in doing so, help us clarify the problem of the conscience by making apparent, in the convolutions of the history of his treatment of it, the desiderata as well as the difficulties of this approach broadly shared by him and Nietzsche.

Chapter Four examines guilt through the question of the absence or otherwise of a conception of guilt (subjective guilt – guilty *feeling*, and not: *being culpable*) among the ancient Greeks. Bernard Williams reports that it is widely believed that the Greeks had no such conception, and he offers the hypothesis that the notion of *aidôs*, usually translated as shame, included what we call guilt. In the course of clarifying the idea of guilt, I take issue with this suggestion, and argue that, in order to track down references to guilt in the Greek texts, it is essential to have in mind the correct conception of guilt. Freud gives this to us, I claim, though he himself overlooks his insight. Guilt, he says, is expressed as a need for punishment. If we adopt this conception, 1. we perceive a common mistake that is made about guilt, even by Freud himself, namely that it is based on fear (of the aggression of the superego); 2. it can be shown that there *are* places in which the Greeks refer to guilt (rather than shame), and that, though they may well not have a fully fledged concept of guilt as we know it, there is (in Sophocles, Aeschylus and Homer) a consistent metaphoric of guilt that is echoed in our own metaphors of guilt and conscience; and 3. we can explain why guilt has a much smaller role to play in the culture of the ancient Greeks than it does for us, on the basis of significant differences between their cosmology and that of the (mainstream of the) modern West. This cosmology is not merely one that may be negatively characterised as pre-Christian (a characterisation which tells us very little), but can more positively be understood as a cosmology of fate (*Moirai*) and automatic punishment for misdeeds. I believe that this chapter helps us to better understand how guilty feeling is articulated with larger social structures (including punishment), and ultimately even with our conceptions of the cosmos itself.

In *Chapters Five, Six and Seven*, I focus on Nietzsche's *Genealogy* itself, and its account in the second essay of "guilt, bad conscience and the like." Nietzsche understands guilt and the bad conscience on the basis of the turning backward (against oneself) of cruel and aggressive instincts in what he calls a "crude" piece of "animal psychology" (*Tierpsychologie*), but then describes the further development of this turning against oneself in religious conditions. The genealogy at stake here concerns the history in which an unmoralized *Schuld*, in the sense of debt, develops into the moralized *Schuld* of guilt. These three chapters make an attempt to clarify the relation between the various strands of Nietzsche's account – not only guilt, bad conscience, debt, the *Tierpsychologie*, the subsequent forms of subjection to custom, ancestors, and to the god of Christianity – but also the figure of the sovereign individual that is an integral part of Nietzsche's account, the idea that we have a need for cruelty which we will exercise on ourselves if we cannot vent it on others, the function of ideals like beauty and virtue, and the notion of the morality of custom (or mores) ("the social straitjacket"). But these chapters also attempt to determine the limits of the story that Nietzsche tells. I will argue against Nietzsche that it is a mistake to attempt to understand guilt on

the basis of debt, that there is a need for a distinction between guilt and the bad conscience, and that an account of the bad conscience (or the conscience) has to be distinct from an account of guilty feeling. The upshot of this distinction between guilt and (the bad) conscience – which builds on Chapter Four – is that whereas the latter may be explained in terms of the negative reactions of others (accusations of wrongdoing or harsh reminders of unpaid debts, loss of love, shaming and dishonoring, threats of punishment, etc.), guilt cannot and should not be. One of the important philosophical consequences is that – to continue the argument against internalization in Freudian theory – there is no need for any (Nietzschean) “inpsychation” (*Einverseelung*). A bad conscience can be understood with reference to the ubiquitous but subtle *external pressures* of others and of social institutions, pressures that are subtle enough that we *take them for* internal and confuse them with the feeling of guilt. Clarifying the relation between guilt and conscience allows us to see more clearly than I believe Nietzsche does the distinctive – and essential – way in which Christianity is related to guilt. (If the reader at this stage wants more detailed synopses of these three chapters they can be found in the ‘Introduction’ section of Chapter Five, in the ‘Conclusion’ section of Chapter Six, and in the ‘Conclusion’ section of Chapter Seven.)

CHAPTER ONE
That Whip the Will:
On Kafka's 'Before the Law'

The bone of his own forehead obstructs his way;
 he knocks himself bloody against his own forehead.
 – *The Diaries of Franz Kafka*

One stands over oneself with a whip;
 one flays oneself at the slightest opposition.
 – **Kafka, "A Report to an Academy"**

We are permitted to crack that whip, the will,
 over us with our own hand.
 – *The Diaries of Franz Kafka*

Introduction

What follows is a reading of Kafka's little story entitled "Before the Law." I argue that Kafka problematises certain assumptions concerning the place of the law. He dramatises the matter as a visit of "a man from the country" to "the law," that is, a building, where the law is thought to reside. The man appears never to gain the access he seeks, if one unquestioningly adopts the man's major presupposition that the law is there, in the building, and in general, outside. A closer reading shows, however, that the law is in many more places than on the other side of the building's threshold: it is indeed in the building, in some sense, but it is there on this side of the threshold, in the figure of the doorkeeper who denies the man access, and it is there in the man himself, in something like his conscience. Our attention is thus drawn to the dispersion of the law in many sites and agents and, ultimately, to the difficult and old question of the origin and source of law. Kafka's piece illuminates our relation to the law not in that it answers any questions but because it allows us to see that much that concerns the law and our relation to it is worthy of question, and even astonishment, by inviting us to consider what freedom, autonomy and the will are beyond or within or under the law; to raise questions about the relation between transgression and the law (about the desire for transgression and the need for law as such), and therefore in general about what it might mean to be subject to a law or law in general. As such, this chapter is an oblique entry into the specific problem with which the rest of the thesis will be concerned (the examination of the problem of internalization) through an elaboration of *the kinds of questions* that, in my view, would have provoked Freud and Nietzsche to offer the kinds of theories that they did. Without this, it is perhaps difficult to understand why the theories of Nietzsche and Freud would make a contribution at all, since, if one takes our relation to law for granted, it will be difficult to see the problem to which Nietzsche and Freud attempt to respond.

The Prohibition, the Invitation

The House of Commons, as [Ryle] remarks, is one of the constituents of which the British Constitution is composed, but when you have visited both Houses of Parliament, the Law Courts, Downing Street and Buckingham Palace there does not remain another place for you to visit which is the British Constitution.

– **Bertrand Russell, “What is Mind?”**

The tale told in “Before the Law” concerns a man from the country, to the extent that it is his destiny that concerns us as readers of this text. But it is to a doorkeeper that we are first introduced. “Before the law,” writes Kafka, “stands a doorkeeper” (3). We do not come with the man from the country to find, perhaps to our surprise, that a doorkeeper stands before the law. Before the story begins, and we are introduced to the requests, confusions, movements, amazements and tragedies of the man from the country, the doorkeeper is there before the law, and it is to this doorkeeper and not the law that the man is said to come. The man from the country does not know until he comes that there stands a doorkeeper before the law, and these words are therefore not the transcription of his thoughts. They seem to derive instead from the narrator’s omniscience and dispose us to think that the building before which the doorkeeper stands *is* the law, since he is a doorkeeper, and he stands before a door, and he is said to stand, in standing there, before the law. That view having been adopted, and given that the desire of the man from the country is to gain access to the law, it becomes a matter of gaining access to a building.

If this is a kind of ploy, some are taken in by it, but some are not. There are some who would think that the building, the architectural fact, is superfluous. These are those who would read the story as concerning entry into some manner of mystical or divine realm.¹⁰ It is also possible to read the story as a story about bureaucracy, and to think that the building really is a building, and a building of the law, just one that is very difficult to get into or make one’s way through because one must encounter a seeming infinity of infinitely stubborn apparatchiks, like the doorkeeper, who prevent or hinder one’s access at every step of the way.¹¹

I think the building may be taken literally, as a simple concrete building. It is moreover a building of the law (though we do not yet know what the law is). But I will not offer a reading that depends on the idea of a monstrous and sadistic bureaucracy of law. Instead, I argue that the architecture is only partially the ‘place’ of the law, and that it tends to slip places, and certainly to slip sometimes across the threshold towards the man who seeks it. Depending on what point of slippage the text occupies at any given point, the man from the country has or does not have access to it. In any event, the reading I propose to give is not of the failure of a man to attain his desire to encounter the law. The man may already have, or be capable of having, what he thinks he seeks in vain.

The opening line predisposes us to think that the law is a building, then: one can be in or out of the law, on this side or on the far side of its threshold. But the law, we know, is by no means a building. At best, officers of the law and even outlaws may be found in a building, but not the law

itself. Indeed, the building is removed from the law by at least two steps. An encounter with the building itself would not satisfy, and if the man from the country entered the building to find there someone who could speak for or speak to the law in one way or another, he would not necessarily be satisfied even then (to the extent that we can guess, given the obscurity of the man's desire). But the doorkeeper is indeed one who works for the law, and in his proximity the man from the country would therefore appear to be closer to the law than he would be if he were simply on the far side of the threshold, unless he were also to meet on that side some kind of figure (person, symbol, etc.) of the law. The question of the place of law is therefore quickly raised despite the equanimity of the first sentence, according to which the doorkeeper stands outside the law while he stands before the door he keeps and before this door's building.

When the man arrives at the doorkeeper, an exchange takes place in which the man requests access to the law and the doorkeeper refuses access, allowing the possibility that he may be let in later. After this exchange the doorkeeper moves aside, and the man from the country, curious, bends, to look into this forbidden space. The story never sees the man cross the threshold and enter the building; he grows old and dies before the door. On this basis, presumably, many readers think that the man from the country is thwarted or frustrated. This is however not the case, I shall argue. He has his wish, to the extent that that wish is possible at all, but he never has the satisfaction of this attainment of his wish, since he always believes that the attainment of his wish is yet to come.

As soon as we meet the doorkeeper we should already be confused about the place of the law. The man from the country never doubts that the law is inside the building. One wonders whether his certainty may be attributed to his origins. He is from the country, and has the hick's ignorance of the ways of the city, where the law (it must have seemed to him) must be. He has travelled far, from the country to the city, and is to be pitied, but it also seems as though some laughter is meant to accompany the law-seeking hick who both never doubts that the law may only be found in the interior of this building, and never sees that he is face to face with one who works for nothing else than the law. If the law is inside, on the far side of the threshold, it is also on this side, the side on which both the man from the country and the doorkeeper seem to be outside of and deprived of the law. The doorkeeper is already the law that the man from the country seeks to gain access to by bypassing the doorkeeper. When the man from the country requests entry to the law, the doorkeeper says that he cannot grant this request now. Not only is he in the employ of the law, then, as a janitor might be who may be said to have no essential relation to the law, the doorkeeper *lays down the law*. And when the law is laid down for him, the man from the country is even closer to the law than when he was merely face to face with the as yet unspeaking doorkeeper.

The man from the country however takes no cognisance of the fact that his demand has been met as soon as made, and resuming the quest to satisfy his already satisfied desire, asks whether he may be let in later. The doorkeeper says: "It is possible [...] but not at the moment" ("*Es ist möglich, sagt der Türhüter, 'jetzt aber nicht.'*") (3, 267). This sentence maintains the peculiarity of the man's position. It gives some ("It is possible..."), and it takes some ("... but not at the moment."). "It is possible," for you were let in as soon as I refused you entry; "but not at the moment," for although you got your wish, that is worthless to you if you do not recognise it. But "at the moment" is also the point at which the moment of refusing/granting access (the moment at

which the law becomes present by barring entry) has passed. It therefore means also: “Not at this moment,” now that the moment in which I refused/granted you access has passed. But even now when the doorkeeper is saying “not at the moment,” the man from the country, in being refused the second time, obtains, a second time, an encounter with the law.

This process might go on forever, the man never realising that this is in effect an encounter with the law. It is by means of this structure of an eternal recapitulation that Kafka elsewhere describes our relation to Paradise: “The Expulsion from Paradise is eternal in its principal aspect: this makes it irrevocable, and our living in this world inevitable, but the eternal nature of the process has the effect that not only could we remain forever in Paradise, but that we are currently there, whether we know it or not” (2006:65).

It should be noted that even if the man had been granted access to the law in the way that he seeks, the law would have granted him access before he had obtained access to the law. Not only would the man from the country be “before the law”, the law itself would have to be before the law. This is logically *necessary* (while also somewhat aporetic): if the law were not in advance of itself, then no access to law could be granted unless that access were granted by something other than the law. If the doorkeeper had said, “Yes by all means go in,” the strange situation of the man from the country would then have gone unnoticed even more easily, but this other possibility shows that the essentially paradoxical situation of the law is not determined by the fact that access is granted in the doorkeeper’s *refusal*. It is just that, *as it happens*, his access to the law is by means of the law’s refusal of him rather than by its granting admittance. (This situation of course only arises if one sees the law as set apart, as other; and if one considers this story a tragedy, this conception of the law is his *hamartia*.)

So the man stands prohibited, in this very peculiar way.¹² One might object that if he is *effectively* granted access, the doorkeeper does not do so explicitly; indeed he *says* precisely that he is not granted entry, even though this prohibition may not stand forever. This is true, but the story goes on.

When the man from the country peers in, the doorkeeper is amused, and says: “*Wenn es dich so lockt versuche es doch, trotz meines Verbotes hineinzugehn*” (267). “If you are so drawn to it, just try to go in despite my veto” (3). This is a spectacular statement, and moreover spectacular because it draws so little attention to itself. The priest in *The Trial*, in his commentary on the story he tells K. which is identical to “Before the Law”¹³, draws attention to this passage when he attempts to make the case that the doorkeeper is a friendly character: he says that the doorkeeper is jesting (1988:164). It is easily dismissed in this way as not worthy of much consideration, and it is in any case a not unusual type of discourse. But it is no less spectacular for that. I have put out my prohibition, it says, *and it stands*, but since your desire insists on pushing you towards it (and is it not at the force of the man’s desire that the doorkeeper laughs?) try to go in, despite my veto. I forbid you, but by all means enter – since you wish, and if you dare. Where, once again, is the law? If it has a certain incarnation in the doorkeeper, where and who is the doorkeeper? If he prohibits and also encourages the flouting of his prohibition, where is the law in him, and where is he in the law?

It will later seem to the man from the country that the doorkeeper is his only obstacle. It will also turn out, to anticipate my argument a little, that the man from the country does not merely stand outside the law as he seems to. Likewise, the doorkeeper is not merely within the law and coincident with it. The first evidence of this is that he stands on this side of the door with the man he appears to frustrate repeatedly. Another evidence appears in the form of the bribes. That he accepts the bribes at all suggests some unlawfulness (although the matter of the bribes is a very complex one which I shall take up later). But even now this non-coincidence of the doorkeeper and the law is evident. I have presented the three refusals-concessions as though the prohibition were the doorkeeper's. This is borne out by the text: at the third refusal-concession in which the doorkeeper refers to his earlier speech-acts in order to invite their flouting, his reference is to "my veto" (3), "*meines Verbotes*" (267). Without this description it is not clear that the earlier utterances are either prohibitions or *his* prohibitions. In the very first refusal, he does not quite prohibit. The text reads: "*Aber der Türhüter sagt, daß er ihm jetzt den Eintritt nicht gewähren könne*" (267). The doorkeeper says that he cannot give him access now. This is not quite a "you may not enter" or an "I forbid you entry." It is rather an "I am unable to, not empowered to, not in a position to grant this access." You cannot enter, he says, because of an incapacity on my part; you can not because I can not. As interesting as it is on its own, this points to the doorkeeper's relation to the law. If he is himself in one sense the law (the one who lays down the law) and if he is therefore not simply wrong when he refers to it as *his* prohibition, he is also subject to the law, its messenger or proxy, and he seems to hand down, rather than formulate the prohibition. As proxy, he is subject to the law while he lays down the law. He is and is not the law, and his relation to the prohibition is likewise double: he appears to have and take seriously the duty to pronounce it and have the prohibition be known by the man from the country, and to that extent it is his; but he seems either not to have, or to ignore, the duty to enforce it or prosecute a defiance of it, as if all that he is under orders to do is enunciate it. (This also confirms what is assumed anyway, that the doorkeeper is the law but is not the law as such and as a whole. Unlike the law, he has no interest in whether the man actually enters or not.)

The second refusal/accession is both not quite the same as the other two and not a prohibition of the "you may not" or "I forbid you" form. It is unlike the third meta-prohibitive description which certifies the first two as prohibitions though they depart in certain ways from ideal prohibitions. The second reads like a metaphysical statement: "It is possible, but not at the moment." "*Es ist möglich, aber jetzt nicht.*" It is unlike the first prohibition in that it is not a confession of inability and makes no reference to what the doorkeeper can and cannot do. It is a report on the state of the universe: such and such, in the field of possibility and impossibility, is the case.¹⁴

It could not be less clear, then, that the man is forbidden entry into the law. Certainly there are prohibitions, and it certainly seems that the essential prohibition is as strong as ever, because if the man goes in it will be, as the doorkeeper says, despite 'his' 'prohibition'. But in the process of its enunciation, the prohibition is compromised. While this has happened twice already, once in the first statement of it ("The doorkeeper says that he cannot grant admittance at the moment" [3]), and a second time in its 'repetition' ("It is possible but not now."), the third time a surprising inversion occurs. Whereas on the first two occasions, the prohibition is what assures the man's

access to the law whether he knows it or not, in the third instance (“Try to go in despite my veto.”) it is the dare to enter that proves that a prohibition is in place.¹⁵

The doorkeeper never takes back this ‘invitation’. It never happens that he realises this ‘contradiction’ and in the interests of consistency, for instance, says that the invitation or dare is null and void, he will take no pleasure in it. And it is not merely that the doorkeeper is not acute enough to recognise as a mess these seeming contradictions. There are after all no contradictions. There is a prohibition; but since the law is in the habit of prohibiting, it is not unnatural that one will be in the presence of the law precisely when it is putting forth a prohibition. Moreover he does not contradict himself, because the prohibition is his only to the extent that he has to lay down the law for the man from the country, and he has fulfilled his duty in that regard; the duty of enforcing this prohibition on the other hand does not seem to be his, and the invitation to flout it does not compromise the fidelity to the law displayed in his laying down the law. If the doorkeeper invites the man to flout the prohibition, it is as natural as on any occasion when, for the fun of it, one dares another to risk some danger. On such occasions it is precisely because the addressee of the dare knows the danger or recognises the unlawfulness of the act that there is fun at all. There is no contradiction here, and, in any case, the man must be left free to break the law (or it is not a law but a simple restraining). The invitation remains an open and valid challenge until the man dies, and even then, it lapses not because the doorkeeper at that point unsays the invitation, but only because the man dies.

So the doorkeeper never retracts his perverse invitation, but he goes on to say, giving the dare its true dimensions:

But take note: I am powerful. And I am only the least of the doorkeepers. From hall to hall there is one doorkeeper after another, each more powerful than the last. The third doorkeeper is already so terrible that even I cannot bear to look at him (3). (*Merke aber: Ich bin mächtig. Und ich bin nur der unterste Türhüter. Von Saal zu Saal stehn aber Türhüter, einer mächtiger als der andere. Schon den Anblick des dritten kann nicht einmal ich mehr ertragen* [267].)

Certainly this reduces somewhat the force of the invitation, but it is not a retraction. It is instead a warning, a notice of danger. If you are considering going in, bear this in mind among your considerations. By all means go ahead, but be warned. It is the making conscious of a possible danger, but it is not a threat. A threat wants to discourage or encourage, just like a warning. But the person who puts forward the threat has an interest in whether or not the course of action he is trying to dis- or encourage is carried through, and the one who puts out the threat is usually the one who will bring about the relevant consequences. The doorkeeper warns, concerns himself in the man’s actions to the extent of a minor kindness, a mere laying out of what lies in wait. He does not, as in threats, threaten to do something or the other to punish the man should he flout the doorkeeper’s prohibition. He says only that he is powerful, as if to make a threat, but there is no indication that he will ever touch the man. Everything turns on how he looks, on his face-value, and to that extent the man from the country already experiences all the suffering to which he will

be exposed by the doorkeeper himself. Unlike a threat, moreover, the doorkeeper's warning is indeed a kindness.

What we have here is strange: prohibitions *which do not seem to want to prevent*, and a doorkeeper, a kind of henchman or bouncer or bailiff in the employ of the law *who does nothing and seemingly will do nothing to prevent the man from entering*, although the law desires that the man not enter, and the doorkeeper who works for the law, apparently in good faith, knows its desire.¹⁶ What is the explanation of this?

Does it not perfectly capture the situation of beings that must have law and that must not thereby relinquish their freedom, that both require a prohibition of murder, say, but that must nevertheless be left free to murder? One might be tempted to dismiss this dilemma as unremarkable. But two different considerations may lead one to think otherwise. We are utterly familiar with the form in which, in English at least, the commandments of the God of the Old Testament are formulated for us. The same God that says, "Let there be light," says "Thou shalt not kill." It is curious that while the occurrence of light is achieved with the first statement, human beings do not cease to kill with the second. God cannot be, being God, satisfied to say: "You may not kill," but that is what he must in effect say if that is the God for whom we must be free (as Abraham is free to refuse to sacrifice his son). A compromise is therefore reached; what he means is *You may not, or ought not, or art not allowed – to kill*, but what he says, since He is God and must command absolute obedience, is *Thou shalt not*, not mere exhortation or prohibition but a simple prophecy of what you will have done, since He gives the law and you are subject to it. Even the usual lexicon of the command, the "must" and "I order you," stronger than "may not" or "should," are eschewed in favour of the strongest, the "shalt." The formula recognises the weakness of an alternative formulation when what is desired is that God be obeyed. Civil law, of course, the law that we propound to each other, that cannot speak in the manner of God, does not have recourse to the "shalt."

Whereas this theological context suggests a law that *in its very statement* would achieve the prevention of what is forbidden, Anthony Burgess' *Clockwork Orange* offers another way to think about the matter. Alex, gangster, rapist, vandal and murderer, is set free on condition that he is subjected to a treatment that leads to what may be described as a hypertrophy of the conscience. When he contemplates any of the things desirable to him but intolerable to the law, he is incapacitated by an immense nausea. This is the fantasy of law as physiology, law that, unsatisfied with mere prohibition, occupies the very body of the citizen and thus actually *prevents* felony.¹⁷

If the law takes away our freedom, it does so in such a way that freedom remains untouched, but in which the responsibility for this freedom is intensified. The law says: This law prohibits murder, you may not commit such and such an act. But, it goes on, you are not thereby prevented from murdering, you are free to murder. But if you should decide in your original freedom to commit this act despite the prohibition, there will be unpleasant consequences (you will have to face the other doorkeepers). What is staged in this encounter of the man from the country with a doorkeeper is thus the curious but true-to-life insistence of a relation that would prefer to deny

itself, which must attempt to *forestall* (crime) but forbids itself the preemptive *prevention* (of crime).

In order both to prohibit murder and to leave us our freedom to commit murder, it warns. If that means that it can step in only when the act has been committed, that is the sacrifice it is willing to make in the name of freedom. (Some would go so far as to say that the law invites its own transgression, but I shall not go that far.) Having warned, it must hope that the warning will be sufficient to achieve its desire. For the question has to be raised: how does the law work if it forbids itself from preventing, from pre-emptively shackling all its citizens all of whom are so prone to sin? Is the secret of its operation not contained in Kafka's little: "but take note," "*merke aber*"? The dare is in place, the doorkeeper has recognised the force of the man's desire, and has said that if he is so forcefully tempted to enter then he might try to enter despite the prohibition. The prohibition is just words, he seems to say. "But," he says, "take note: I am powerful." If he had stopped there, we would be justified in thinking that he was daring the man to risk being hurt, in some way, by him, the first doorkeeper. And indeed, his power is crucial, but not as a thing in itself, not for its own sake, and not because he is the one who will prevent the man from entering. It is crucial because, though the man will have gotten beyond him, he will still have to face the other doorkeepers, in order to represent whom the doorkeeper establishes his own power as a benchmark: "But take note: I am powerful. And I am only the least of the doorkeepers. From hall to hall there is one doorkeeper after another, each more powerful than the last. The third doorkeeper is already so terrible that even I cannot bear to look at him."

This is the warning, then, of the law as doorkeeper, that is to prevent it from preventing. But how curiously it works. The conclusion that is to be established is that the other doorkeepers are increasingly powerful. But how does one show that anything is powerful, short of showing it *at work*? One can attempt to do what the doorkeeper does. He 'proves' the unseeable capacity for power of the other doorkeepers by saying to one who has not seen them that he for his part cannot bear the sight of them. He 'proves' that they are powerful by establishing that he cannot bear the sight of the third of them. The extent of their power is taken to be derivable from the unbearability of their appearance (or, it may be, they are powerful precisely to the extent that their sight is difficult to bear). He (the third) is powerful because I (who already look so scary, and who can bear the sight of my own scariness) cannot stand to look at him! The man from the country acquiesces in this method for discerning power, for he soon after confirms the power of the first doorkeeper by his appearance: "... as he now takes a closer look at the doorkeeper in his fur coat, with his big sharp nose and long, thin, black Tartar beard, he decides that it is better to wait until he gets permission to enter" (3).

After all, straitjacketing the citizens is not the only option open to the law. One may also subject them to the punishments that they are promised, felony after every possible felony. Instead of merely *saying* that the punishment for grand theft auto is a term of, say, five years, and since, merely saying that that is a fate worthy of avoidance, one might subject the potential car thief to that very punishment so that there is first-hand experience that it is indeed worthy of avoidance. But the law cannot do that, for though it wishes that we refrain from doing certain things, it cannot simply make us *incapable* of doing those things (as the Ludovico technique makes Alex

incapable). It must therefore rely on hearsay, on television or on the clear and present spectacle of punishments; or on the natural capacity of acute imaginations to imagine these punishments appropriately terribly. It is for this reason that sight and sound (that of words), the seemingly least intrusive senses – in comparison especially with touch, which would be the modality of the physical force so absent from this text on the law – become so important in “Before the Law.” Or: sight, hearing, and the rather generous imagination of the man from the country, but by no means the actual experience of what lies in wait should the man from the country dare the transgression to which he is invited. Precisely because we (the law-abiding) never experience the punishments in the flesh and our ‘experience’ of punishment is always in the imagination of it (including in what is provoked by filmic and other representations, whether fictional or not), it is tempting to understand the doorkeepers as a figuration of this essential aspect of the law and of the *image* that it has to present of itself now that the public spectacle of actual punishments has fallen out of its repertoire.

The Refusal, the Repetition

In any event, it is on this meagre basis that the man must come, in his freedom, to a conclusion about how he is to spend the coming time. For when the law warns, as when anybody at all warns, it is left to us to decide whether we shall risk the consequences or not. The law no longer has to prevent, but leaves it to us, who know the consequences of our transgressions, to either accept or reject them. The doorkeeper thus invites the transgression of his prohibition, and the responsibility now shifts to the man from the country. It is no longer merely the doorkeeper that stands in his way, and one should probably say that the doorkeeper no longer stands in his way at all. The doorkeeper leaves it to the man to decide, and after the man protests somewhat, inwardly, that he has not expected these difficulties, and surely the law ought to be accessible at all times to everyone, he looks at the present doorkeeper who cannot bear to look at even the third doorkeeper, and notes certain details, the fur coat, his big sharp nose, his long, thin, black Tartar beard, and “he decides that it is better to wait until he gets permission to enter.” No matter that he does not know whether the doorkeeper’s doorkeepers really are there or not; no matter that he may be able to bear the sight of that third doorkeeper better than the first doorkeeper can; no matter that though there be a thousand doorkeepers each doorkeeper might behave exactly as the first doorkeeper does and entrust the duty of scaring away the man to the next and the next and the next doorkeeper so that the man might find himself some long time later, but at last, in the presence of the law he would like to attain.¹⁸ Despite all of this, the sight of this terrible doorkeeper is enough, and the man from the country *decides*. He decides to refuse the dare, and to wait, until permission arrives to make his entry legitimate, and the dare unnecessary.

Where is the law now? It began by appearing, from the viewpoint of the man from the country, to be on the far side of the threshold, in the building to which he thought he would have immediate access. It then began to be displaced to the figure of the doorkeeper, who lays down the law before the law. In the guise of a retreat the law moves ever closer to the man from the country. And then this retreat appears (to us but not to the man from the country) to be reversed, when the doorkeeper follows his prohibition with his invitation. The man from the country now moves a step closer to the law. But he then receives the warning about the ever-increasing power of the doorkeepers, and

the law is thereby, as he sees it, placed at as far a remove from him as ever. But the warning reveals the truth of the prohibition: contrary to the interpretation of the man from country, according to which the doorkeeper neither merely prohibits nor warns but prevents, contrary to his surprise at all the difficulties (*Schwierigkeiten* [267]) and obstacles (*Hindernis* [268]) whose reality he never questions, the way is open and it is up to him whether to enter or not. This is true whether in the situation of the warning or of the prohibition, and although we have moved a certain distance between the prohibition and the warning – although, in other words, these are not the same thing – the warning and the prohibition are of a piece, and he was always as free with the prohibition alone as he is with the warning. There is nevertheless something that the warning brings out more clearly than the prohibition. Because it has a different emphasis and the legislator looms large when it is a matter of the prohibition one does not notice the responsibility of the man from the country. With the warning, on the other hand, the man's responsibility is more obvious, and with it the man from the country begins to be seen to occupy the place of the law himself. The warning having been given the doorkeeper *need be there no longer*, except as a reminder, thanks to his fearsome appearance, of what may lie in wait. The law is as far away as if the man was still in the country (assuming it was far then), and yet it is no further from him than the man's own will.

One of Kafka's diary entries (16 October 1916) goes: "We are permitted to crack that whip, the will, over us with our own hand" (1972:370). It is preceded by an entry on 8 October, and followed by one on 18 October, an extract of "a letter to F.". There is no direct or obvious link between this remark and the entries surrounding it, but there is a general thematic continuity. They engage the themes of education and the bringing up of children, of "giving free rein to one's vices" (370), of a proposed immediate death penalty for anyone who "[besmirches] himself with one of these sins [gluttony, drunkenness, etc.]" (370), of (in the extract from the letter) the "infinite yearning" of "a dependent creature" (Kafka himself) for "independence and freedom in all things" (371), of his relation to his parents, about whom he says that "after all, [they are] indispensable elements of my own being from whom I constantly draw strength, essential parts of me, not only obstacles" (371-372), of a certain "law of nature" (372), against which he says he cannot revolt without going insane. In any event, it is the thought contained in Kafka's saying about the will, expressing something like wonder, that I take to be the key to understanding this important moment of "Before the Law" in which the man decides to decline the invitation to attain the law that he comes all the way from the country to encounter.

Were one to say more about these surrounding comments, which I will not do here, a good place to start would be, I think, "A Report to an Academy." That text concerns an ape, Red Peter, who educates himself into human ways, into human being even. Red Peter makes this turning-against-ourselves crucial in the story he tells about how he becomes human, in almost exactly the same terms as Kafka's diary fragment. Red Peter says:

And so I learned things, gentlemen. Ah, one learns when one has to; one learns when one needs a way out; one learns at all costs. One stands over oneself with a whip; one flays oneself at the slightest opposition. My ape nature fled out of me, head over heels and away, so that my first teacher was almost himself turned into an ape by it, had soon to give up teaching and was taken away to a mental hospital (258).

It is the marvel encapsulated here that the man from the country exemplifies with his decision. The doorkeeper may appear to be quite diabolical, and his laughter at the comedy of the man's desire only accentuates this impression. But part of the comedy of the man's desire is precisely that he himself cracks this whip over his head, and ascribes the responsibility for his non-attainment of the law to everything but himself. My point here is not that the man is afraid, in bad faith, does not realise that he is "condemned to freedom," etc. What is interesting is that the man *repeats the law*, and that at this point he takes over the commandment of the law, takes the law upon himself.¹⁹ He comes wanting to enter the law and instead the law enters him. What consequently, he waits for, in waiting for permission to enter the law, is the time when he is *exonerated from having to stop himself*. The law says, precisely expressed, not simply "Thou shalt not enter," but "*You must stop yourself entering*." The law says: "You must become the law," or, more precisely, you must become what the law cannot be, a preventer of yourself, your very own shackle and leash.

No doubt, things would not be the same if there were no prohibitions and warnings. But these do not contradict or weaken the fact of the man's responsibility. They *appear* to; and this allows us to account for the opacity of this text, for its ability to dissimulate itself as a story of the man's encounter with a certain sadistic evil. The one direction of the man's desire, that which drives him towards the law and that seems to be frustrated by the prohibitions and warnings, is much more clearly visible than the desire that drives him away from it.²⁰ The fact that readers of the text tend not to notice the man's own responsibility by itself reveals something about the position of the reader of this text, because it suggests that we ourselves quite easily forget our complicity in the structures that impose upon our freedom, forgetting our responsibility for our own curbs and compliant self-denials by placing the responsibility for these elsewhere. The open door suggests that the law says not only no, but also yes. One has knives and hands with which to murder, and one has many possible victims. The door stands open and the yes is in place along with the no of the law. The door stands open, Kafka writes very early on in the piece, "as usual [*wie immer*, as always]" (3, 267). This freedom despite the law, the freedom that we are happy to forget by the expedient of the law ("I can't do it; the law forbids it") and which, moreover, we entrust the responsibility to the law to confine, has to be insisted on. Even here, with the invitation of the doorkeeper, we are tempted to play it down. The Priest dismisses it as a "jest" (*Spass*) (1988:164, 297). The doorkeeper, according to that interpretation, does not mean it; he is toying with the man from the country. Yet there is nothing to prevent us from thinking that the doorkeeper means it in deadly seriousness, and that with this so called jest he *defines*, rather than abrogates, his role. For that role is not to prevent, not to curtail the man's freedom, but merely to inform, to lay out the map of possibilities, including the dangers attendant on them, open to the man. In doing so, he clarifies the man's – and our – responsibility, faced with the law. Not only does the text suggest, on my reading, that we have, or must take responsibility for law, we also have or must take the responsibility for our obedience. The man from the country seems to recognise neither of these responsibilities. Even when, later, he seems to blame himself, this does not amount to an assumption of responsibility, for he does not so much blame himself as his bad luck.

That is still not the end of the story, which lasts as long as the man's life will last, and will end as that life ends. While the law has become, in truth, congruent with the body of the man from the

country, when he cracks his whip, the law has remained, in his eyes, as far as it was when he received the first prohibition. The story now settles into this strange *détente*. The first ‘prohibition’ is all that remains of the eventful development I have described, as if nothing had happened between the first enunciation of it and the doorkeeper’s offering of the stool, on which the man from the country will henceforth sit like a doorkeeper. They have certain conversations, in which the doorkeeper asks certain questions about the man’s life (about which we never hear – it is as if for our purposes the man’s life was here always, as it will henceforth be²¹). But these conversations replay over and over again the first sad blindness of the man from the country, for they end, the narrator tells us, with the statement that the man from the country cannot be let in yet.

The Bribes, and Transgression

The man from the country is not completely passive, however. He has brought along certain things from his life in ‘the country’, and these become the material of bribes. The man “sacrifices all he has, however valuable, to bribe the doorkeeper” (3). The doorkeeper, for his part, “accepts everything, but always with the remark: ‘I am only taking it to keep you from thinking you have omitted anything’” (3). He is not going to achieve his desire by means of these bribes; that is clear enough. But the doorkeeper’s rationalisation suggests that there may be something the man has omitted to do. Is there something of that sort?

For one thing he has not accepted the dare when it was given him. Or rather, he always misses that opportunity, because, although it seems to have passed, it was never taken back, and its being in place is consistent with the prohibition’s being in place. Having been missed once, however, it seems never to have a hope of being recuperated. It is as if it were never there at all. But is that, in any case, the sum of the possibilities open to the man from the country? What *else* could he do if the situation is indeed as he sees it, the invitation undetected, the prohibition simple and univocal?

What if this man from the country should transgress this prohibition, should, gathering up all the reserves of his courage, crash past the doorkeeper, or incapacitate him, or murder him, and cross the threshold? If he had done that, perhaps the doorkeepers would not in fact leave everything to the fearsomeness of their appearances, and committed to enforcing the prohibition, would usher him post-haste deeper into the interior of the law to face the lawmakers saying: “We laid down the law, and this man transgressed it. What should we do with him?” What if this were the only certain way, or indeed, the only way at all, to gain access to the law? One has had a hint of this in the invitation to go in despite the veto, which was a dare to defy it and not the permission the man desires and never gets. But this matter of the bribes suggests it also. The doorkeeper is concerned enough for the man that he is willing to take the bribes, not to dispel the thought that there may yet be something to be done, but to prevent the wrong conclusions about what, among what may be done, might succeed and what might not. For his statement of motivation may of course be read as the statement that nothing has been omitted; but it may also be read as the suggestion that everything that has been tried so far – everything that has not been omitted – has not worked, but what has *not yet* been tried may *yet* work, since only the actual trial or experiment will determine whether that is the particular thing that has been omitted. All the man may infer from the fact that the bribes have not worked is that *those bribes* have not worked; after all, the doorkeeper accepts

more than one bribe, as if the particular bribe he requires has not been proffered, and whenever he accepts a bribe, he provides his ‘motivation’. It will always remain a possibility that the *next* bribe is the one that finally satisfies the doorkeeper’s desire, and, consequently, the desire of the man from the country. There may therefore yet be some bribe that the man from the country has not yet given. But it also raises the question whether the omission that, made good, would assure access to the law, is not something simply quite other than a bribe.

Yet another contribution to the comedy of the man’s desire is that he wants his access to the law to be a peaceful one (while the comedy in the large is perhaps that it is so implausible that it could become the object of a desire at all). If he is to achieve his encounter with the law, he seems to think, it will be by means of an easy and comfortable access, thanks to the law’s permission. The comedy is to seek consent from that which says no, the nay-saying which is dramatised from the outset with the doorkeeper’s ‘prohibition’.

What, after all, is the logic of conformity to the law? The law says: Thou shalt X, where X is a verb or verb phrase (“pay alimony,” or “honour your parents”). Though that looks superficially unlike a prohibition, it nevertheless is one: it says that the non-doing of X in certain circumstances is punishable. And even when the law allows, it is either in what it does not prohibit, that is, in what is left over from what it does prohibit, or it is an exemption from, and therefore a suspension of, law, even if, as Hobbes writes, what is allowed to one is not *required* from one:

Likewise *laws* and *charters* are taken promiscuously for the same thing. Yet charters are donations of the sovereign; and not laws, but exemptions from law. The phrase of a law is *jubeo, injungo; I command* and *enjoin*: the phrase of a charter is *dedi, concessi, I have given, I have granted*: but what is given or granted to a man is not forced upon him by a law. A law may be made to bind all the subjects of a Commonwealth: a liberty or charter is only to one man or some one part of the people. For to say all the people of a Commonwealth have liberty in any case whatsoever is to say that, in such case, there hath been no law made; or else, having been made, is now abrogated (1996:192).

If one does X, one is in conformity with the law, and one does not encounter the law. The law says, then: If you do not want to encounter the law, you must be in conformity with the law. “Thou shalt not X” (“Thou shalt not commit murder”) is then merely the converse, but one which makes the prohibitive character of the law conspicuous in its statement. The same logic applies: If one does not murder, then one is in conformity with the law, and one does not have to encounter it. It says: If you want to encounter the law, then act so as to contradict it. If you want to encounter the law, then, if the law says honour your parents, dishonour them; and if it says “thou shalt not covet thy neighbour’s wife,” covet her.

If it says, “Thou shalt not enter,” then, if your desire is to enter the law, enter. The man from the country is on the wrong side on these conditionals. He wants to enter the law by being in conformity with the law, and that is therefore an entry he shall never be granted. To act in non-conformity with the law would be among the things he omits, because his desire is to encounter the law *while obeying the law*.

This is not as farfetched as it may look. A look at the work of Jean Genet provides a useful complement to the situation of the man from the country. The narrator of *The Thief's Journal* says:

Repudiating the virtues of our world, criminals hopelessly agree to organise a forbidden universe. They agree to live in it. The air there is nauseating: they can breathe it. But – criminals are remote from you – as in love, they turn away and turn me away from the world and its laws. Theirs smells of sweat, sperm and blood. In short, to my body and my thirsty soul it offers devotion. It was because the world contains these erotic conditions that I was bent on evil. [...] [I] sought love as it pertained to the penal colony. Each of my passions led me to hope for it, gave me a glimpse of it, offers me criminals, offers me to them or impels me to crime (1967:5-6).

Genet is not the man from the country, and he knows that if he is to enter the world that he seeks, the world of the law in effect (the prison, guards, cells, above all prisoners), it shall be by means of transgression, theft, for example. Also unlike the man from the country, he does not come to the law pure and simple; here the law is a means and not an end in itself. But it must nevertheless be, by being crossed, encountered, if he is to have 'love as it pertains to the penal colony'.

In this context, the bribes offered by the man become interesting. What they would be or should be are things the doorkeeper should take and let the man in in return – a purely economic transaction (which presumes that the doorkeeper is what keeps the man out in the first place), that is nevertheless (I presume) illegal. But precisely because they are illegal, and would count as a transgression, they ought to gain the man entry into the law. But they do not, for, in the space of the handover, they become not legal or illegal objects but epistemological ones, with which the doorkeeper indicates that they are not the means of access to the law. They are therefore no longer, as they could have been, payment taken for a favour. There is no favour, and therefore they are not payment, but merely something that the man from the country has (not even *given* but) *handed over*. The doorkeeper's explanation ought it seems to be read as follows: 'If I did not take each thing, you would not know if it would have been a way to gain entry, for you might think it would have gained you passage *if only* I had taken it. Therefore I take it *to spare you this doubt*. But it is also the case that you do not gain entry. Only by accepting them and then not giving you passage can you be relieved of *all* doubt and come to know that these are like counterfeit tickets or warrants and that you will not gain admittance through them.' We are thus prevented from considering them as *bribes as such*. If they were bribes, and could gain the man access by being bribes (i.e., transgressions) they might have been helpful to him. But as it is the doorkeeper regards them as so many possible *permits* that merely turn out to be *invalid*, as if one of those that has not yet been handed over *might* turn out to be the right kind of permit for obtaining access. They thus become experiments, Popperian trials, and always show that that specific thing is not the licence required. The one thing that the man from the country omits, on our hypothesis, he does in fact do, therefore, with these presumably illegal bribes (without knowing that that is what he is doing). But the doorkeeper takes the bribes without accepting them *as* illegal bribes. If the formula for the situation in general is *transgress in order to reach the law*, the bribes move in the opposite direction, for the doorkeeper does not allow them to be transgressions. When the man says I wish

to enter legally, the law says no; when the man tries to enter illegally, the doorkeeper refuses to allow the transgression to remain the normal illegal means of entering the law.

The bribes might have gained the man access to the law, just as, in certain situations a transgression would gain one *knowledge* of the law. Imagine a different story in which the man from the country comes asking for admission to the building (rather than to a referentially opaque ‘law’). The doorkeeper says instead: “*I do not know* if the law permits entry.” The man will in that situation only know what the law says if he attempts to enter, and when he enters, either nothing happens, in which case (assuming a legal system that works perfectly) he knows that entry is permitted. Or, he is removed, arrested and prosecuted, in which case he has learnt that the law does not permit access to this building.

But this is the story that Kafka has written as “The Problem of Our Laws.” This is the story of a society with two classes, a nobility and “the people” (437). The laws of this society are “not generally known” (437), but are kept secret by the small nobility who rule “the people.” “[The] laws,” says Kafka, “were made to the advantage of the nobles from the very beginning, they themselves stand above the laws, and that seems to be why the laws were entrusted exclusively into their hands” (437). The one tradition, that of the majority, has it that the laws exist, that they are entrusted to the nobility, and that they “are scrupulously administered” (437). But there is another tradition that the laws do not exist at all.

Some of us among the people have attentively scrutinized the doings of the nobility since the earliest times and possess records made by our forefathers – records which we have conscientiously continued – and claim to recognize amid the countless number of facts certain main tendencies which permit of this or that historical formulation; but when in accordance with these scrupulously tested and logically ordered conclusions we seek to orient ourselves somewhat for the present or the future, everything becomes uncertain, and our work seems only an intellectual game, for perhaps these laws that we are trying to unravel do not exist at all. There is a small party who are actually of this opinion and who try to show us that, if any law exists, it can only be this: The Law is whatever the nobles do. This party see everywhere only the arbitrary acts of the nobility, and reject the popular tradition (437-438).

The people believe that much more information is required before they can determine the laws by inference. They are comforted “only by the belief that a time will eventually come when the tradition and our research into it will jointly reach their conclusion [...], when everything will have become clear, the law itself will belong to the people, and the nobility will vanish” (438). “This is not,” Kafka writes,

maintained in any spirit of hatred against the nobility; not at all, and by no one. We are more inclined to hate ourselves, because we have not yet shown ourselves worthy of being entrusted with the laws. And that is the real reason why the party who believe that there is no law have remained so few – although their doctrine is in certain ways so attractive, for it unequivocally recognizes the nobility and its right to go on living (438).

“Actually,” he writes,

one can express the problem only in a sort of paradox: Any party that would repudiate, not only all belief in the laws, but the nobility as well, would have the whole people behind it; yet no such party can come into existence, for nobody would dare to repudiate the nobility. We live on this razor’s edge. A writer once summed the matter up in this way: The sole visible and indubitable law that is imposed upon us is the nobility, and must we ourselves deprive ourselves of that one law? (438).

The nobles are above the law; the law does not apply to them, if it exists; and if it does exist it is scrupulously kept by them. The nobles are not subject to the law, but the people are. They are subject to the law and yet they cannot find out what the law is. They try to find out what the law is, on the assumption that it exists, by recording and examining the behaviour of the nobles. But the nobles, they acknowledge, are above the law, although they administer it. But they will never, no matter how much information they have, infer the law from the behaviour of those to whom the law does not apply. From whom ought they to infer their behaviour, then? From themselves, of course, since it is they that are subject to the law. Now in such a situation, unless one imagines that the kind of law that subsists in this society is radically different from ours, one would, quite plausibly, find the law out very soon, for every time one runs afoul of the law, a great likelihood given that one does not know the law, one learns a new law. If one wants to find out what the speed limit is, one drives progressively faster in plain sight of those that administer the law, until one hits a speed that gets one punished. If one wants to find out whether exposing oneself in public is lawful or not one exposes oneself. *Et cetera*. But since they never learn what the law is, these people must be in conformity with the law *all the time*. That is, one imagines a legal system much like our own, in which there is a very large number of laws, ranging over matters as diverse as speed limits and genocide, and one is therefore forced to imagine that these people are extremely well behaved. But since it is highly unlikely that one could *by chance* be in conformity all the time with a legal system such as ours, one must instead imagine a legal system that is very minimal. And, if one imagines such a parsimonious system, it is possible to infer the law of this land immediately. It reads: *Thou shalt not wrong the nobility*. It is not in this sense, I take it, that the statement that the one law that they have is the nobility, is meant; that means: “The law is whatever the nobles do.” They take it that, *in this situation in which they do not know the law*, the only law they have is what the nobility does. *If the law does not exist*, then the nobility is the only law they have. My thesis is that they *have* the law and they do not know it. They have the law, and they adhere to it, and they are ignorant of it, because they conform to it and are not, as the story makes clear, willing to defy it. Taking the only law they have to be what the nobility does, while they acknowledge that the nobility is above the law, and being therefore loath to deprive themselves of that one law, they refuse to defy the nobility. But defying the nobility would show them that the law under which they bend, the law which was, as they know, “made to the advantage of the nobles from the very beginning” is the law that they may not wrong the nobility. They have all the resources necessary to infer the law and they do not know it. Their key, like the key of the man from the country is to transgress, to wrong the nobility. But they will not do it, and so they are condemned to ignorance, and ignominy, and waiting for illumination, in all respects

like the man from the country, except that he waits not for knowledge (for he knows the law) but for permission to enter the building.

What is the situation then? The self-prohibition of the man from the country is crucial. Nothing else stops him from entering; even though this self-prohibition is a repetition of the prohibition of the law, that prohibition is put aside by the doorkeeper himself, at least when he says, in effect, that he will do nothing to stop the man, daring the man and referring instead to obstacles *beyond* him, namely the other doorkeepers. These doorkeepers are different from the first only in the appearance, which is not only the index of their power but their power itself, and *their sole power*, for there is no suggestion whatsoever that any of these doorkeepers will touch the man to prevent him from passing, just as the first doorkeeper never touches the man. But if they all act like the first doorkeeper, the man will pass, in a repetition of the steps by which he would pass the first doorkeeper, the second doorkeeper, and then the third, and the fourth, and every doorkeeper, to reach, finally, ... To reach where, or what? I take it that anything of the order of a thing would be disappointing, if what the man is looking for is some one amazing thing that concentrates and distils and emblematises the law in its totality. One would have to have some semi-mystical thing, but since I do not believe that any such thing is suggested by this text, this is not a reading I will pursue.

In the time he spends in his vigil at the doorway of the law, the desire of the man from the country does not diminish. The law seems ever more worthy of desire to him, a radiant light streams out from its interior as the world outside the law gets darker. His imagination earlier magnified the doorkeeper's beard and coat into proportions of terror, as his desire now makes the law resplendent. The doorkeeper becomes ever more blameworthy, even becomes the sole object of the man's blame, and comes to displace in the mind of the man the other doorkeepers. They may as well not have been there, except for the fact that the man would not be in his present position if they had not at least been *thought* to be there at that earlier point at which he decides to wait for permission. But in the intimacy that has been one result of the man's waiting, the man from the country sets his attention on a point anterior even to the first doorkeeper. Just as the law by the doorkeeper's prohibition was displaced from the building beyond him to the doorkeeper himself, likewise, the destination of the man's plea is displaced further towards him and further away from the law, by the distance between a head and a collar, to the fleas in the doorkeeper's fur collar. The man pleads with these fleas to transmit, in a further development of this strange relay, his plea to the doorkeeper. They are closer to him; they are between him and the doorkeeper. They are closer to the law than the man from the country. There is likewise in general apparently more than ever between the man and the law: a certain distance in height, in age, and when he says the closing words the doorkeeper must bellow – as he still can, while the man, at first loud and bold, can only whisper and grumble to himself – to compensate for the man's deteriorated hearing. By the force of this long protracted prohibition, it seems that the law has become even more worthy of desire than it was at first.

Now, however, in a further repetition of the first series of steps, in which the law moved from the building to the doorkeeper and from the doorkeeper to the man from the country himself, he does not quite plead with the doorkeeper or for that matter even to the fleas, but grumbles to himself,

splits himself so as to have, it seems, a sympathetic audience. The splitting that Kafka remarks upon in the diary fragment is repeated here when the man himself becomes an object worthy of blame. He stands in his own way, is the frustration of his own desire; *he* is to blame, for his bad luck, for this wretched destiny.

Is the law, whether that law beyond the threshold or the doorkeeper before it, then exonerated? The strange structure of law as it is revealed to us in this piece should not allow this question. If the man blames himself, that does not mean the law is exonerated. And if the law frustrates, that does not mean that the man is without responsibility. The remark in the diary is, I think, at the centre of the piece, and the fact that it is recuperated in the man's self-reproach is no coincidence. But what it means is that we are, in a strange way, responsible for precisely that which puts a ban on our desire. If there is a sense in which we desire the law, and in which there could be a man like Kafka's, it is in the sense that nothing else than us is responsible for the existence of the law. (That does not prevent us from resenting its existence nevertheless.) We have desired the law; we can crack our will over our own heads with our own hands and the institution of law is at once a momentous and a natural outcome of that strange state of affairs. If the man from the country blames himself, therefore, that means that the law is also blamed, and even if he had been satisfied to stop at blaming the law alone, or the doorkeeper alone, he would likewise have blamed nothing but himself.

"Now," our narrator says, "he has not very long to live. Before he dies, all his experiences in these long years gather themselves in his head to one point, a question he has not yet asked the doorkeeper." In addition to all the not-yet's that are no longer not-yet's, the bribes which have all failed, as if by chance, as if because they have merely failed to coincide with the particular inclinations of the doorkeeper, in addition to the not-yet of the transgression and the not-yet of the unaccepted invitation, there is this not-yet. It is however not a question which will increase his chances of access. It is a question that can only be asked in the fullness of time, of which the man from the country has had much while waiting for the fulfilment of his desire.

Desire for the Law, Singularity

Door, open now, conquered by my complaints alone ...

– Tibullus, 'A Plea to Delia'

The comedy of the man's desire, which has long ceased to be funny to us, is not yet abandoned by the doorkeeper. "What do you want to know now?" asks the doorkeeper, "you are insatiable" (4). He is still surprised by the force of the man's desire. But the choice of the word, "*unersättlich*" (267), gives us more to ponder. It is as if the man's desire has been satisfied already, or at least that he has gone a certain way towards satisfaction. If he has sought an encounter with the law, he has had it, in at least two ways, as it is incarnated in the doorkeeper, and as it is contained in the act in which he cracks his will over his head with his own hand. But the doorkeeper is still obliging. There is still pleasure to be had or his duty still behoves him to make an effort to pay attention. He bends down, as the man did earlier, long ago.

“Everyone strives to reach the Law,” says the man, “so how does it happen that for all these many years no one but myself has ever begged for admittance?” (4). It seems to me that the man from the country is both right and wrong here. He says: Everyone *strives* to reach the law (*Alle streben doch nach dem Gesetz* [269]). He would be wrong if he had said what the sentence seems to imply, that everyone *wants* or *desires* the law. If however the law is the constriction, even the contradiction and contrary, of desire, then one must strive to attain what it demands. It is a work, an effort, and in this sense the man is perfectly correct: we can only *strive* after the law. And if we strive after it, that does not mean that we simply want it, for the strife is also with ourselves, against our desires and inclinations.

In the story entitled “Jackals and Arabs” published with “Before the Law” in the collection *A Country Doctor*, Kafka describes the encounter between a European and a pack of jackals, who suddenly appear around him at night in the desert, “lithe bodies moving nimbly and rhythmically,” writes Kafka, “as if at the crack of a whip (*wie unter einer Peitsche gesetzmäßig*)” (407, 270). There is a very old quarrel between the jackals and Arabs, and the jackals have been waiting for a saviour. This European is that saviour who will slit the throats of the Arabs with a sewing scissors that the jackals possess for the world-historical task. The European has guessed that it is “a very old quarrel” (408). “I suppose,” he says, “its in the blood (*liegt also wohl im Blut*), and perhaps will only end with it” (408, 271). The jackals suffer an immense disgust, and they name as the cause of this disgust the Arabs. They must wipe their muzzles with their paws as if to conceal it. The quarrel is presented as follows:

‘Sir, we want you to end this quarrel that divides the world (*den Streit [...], der die Welt entzweit*). You are exactly the man whom our ancestors foretold as born to do it. We want to be troubled no more by Arabs; room to breathe; a skyline cleansed of them; no more bleating of sheep knifed by an Arab; every beast to die a natural death; no interference till we have drained the carcass empty and picked its bones clean. Cleanliness, nothing but cleanliness is what we want’ – and now they were all lamenting and sobbing – ‘how can you bear to live in such a world, O noble heart and kindly bowels? Filth is their white; filth is their black; their beards are a horror; the very sight of their eye sockets makes one want to spit; and when they lift an arm, the murk of hell yawns in the armpit’ (409-410, 273).

The self-control of the jackals is at the centre of this story, as the mention of the whip already leads one to suspect. Very soon after it is established that the European is their man, he obtains two “trainbearers” (409) who lock their jaws on his shirt and coat. He would like them to let go, and the jackal leader is willing to have them oblige, and says: “They will, of course, if that is your wish. But it will take a little time, for they have got their teeth well in, as is our custom, and must first loosen their jaws bit by bit” (409); “Don’t hold it against us that we are clumsy” (409), he says. As soon as the scissors makes its appearance, however, the Arab leader appears, and cracks “his great whip” (410). It turns out that he knows the routine, and every European is lit upon by the jackals as their saviour. Saying that the jackals have “the most lunatic hopes,” and are “just fools, utter fools” (410), the Arab now gives the European a show. A camel that died the night before is thrown to the ground.

As if irresistibly drawn by cords (*von Stricken unwiderstehlich jeder einzelne gezogen*) each of them began to waver forward, crawling on his belly. They had forgotten the Arabs, forgotten their hatred, the all-obliterating immediate presence of the stinking carrion bewitched them. One was already at the camel's throat, sinking his teeth straight into an artery. Like a vehement small pump endeavoring with as much determination as hopefulness²² to extinguish some raging fire (*wie eine kleine rasende Pumpe, die ebenso unbedingt wie aussichtslos einen übermächtigen Brand löschen will*), every muscle in his body twitched and labored at the task. In a trice they were all on top of the carcass, laboring in common, piled mountain-high (410-411, 275).

“And now,” Kafka writes

the caravan leader lashed his cutting whip crisscross over their backs. They lifted their heads; half swooning in ecstasy; saw the Arabs standing before them; felt the sting of the whip on their muzzles; leaped and ran backwards a stretch. But the camel's blood was already lying in pools, reeking to heaven, the carcass was torn wide open in many places. They could not resist it; they were back again; once more the leader lifted his whip; I stayed his arm (411).

I cannot dedicate a long analysis to the story but its main lines are evident. The jackals hate the Arabs because the Arabs bring out in them an aspect of themselves that they would sooner be without. Despite the complications introduced by the fact that Kafka's metaphorical whip is wielded by the jackals themselves, against the Arabs, while the literal whip is wielded by the Arabs at play in watching the spectacle of the jackals dread of the Arabs' whip overcome by their love of carrion, their hatred of the Arabs is nothing other than their contempt for themselves, for all that in them that cannot resist the carrion and that always capitulates to the, in their eyes, despicable providers of it.²³ Their hopes for a messiah who will deliver them from themselves and their uncleanness correspond to the mechanism unveiled by Nietzsche (*GM II:18, 22*) in which ideals are formed in reaction to their opposites (beauty from ugliness, etc.). Their idealism and its corollary contempt; the related ability, of which the jackals have some but not enough, to crack a whip over their own heads; the staying of the Arab's whip-wielding hand by the European and of the Arab's capitulation to this staying of his desire; all this would, if we see it in this light, deepen our understanding of the self-forbidding of the man from the country, of his cursing his bad luck (which it is his bad luck to fail to identify as his dysfunctional desire or his misunderstanding the logic of law), as well as of this matter of “striving” as it relates to the law.

What is the character of the striving for the law? What is the character of the man's striving? The text leaves the man's desire terribly underspecified, and so one has to approach this at various levels.

The striving of the jackals is one way to approach the question. The attempt of the jackals is to extirpate the source of their temptation, the Arabs. But the Arabs are only the external complement of that in them which is bewitched by the carrion, only the supply corresponding to their demand, to the “cords” by which they are irresistibly drawn. That scissors that they carry around with them

is that which will, they hope, stop them from being caught over and over again by this temptation of their desire. They themselves want to put a stop once and for all to what from their point of view they would rather not do, even if it is precisely what they in fact do all the time. In this sense it is they themselves that desire the law that would put a halter on their desire, but for this desire they have to strive, as in their behaviour towards the European, “clumsily,” belabouredly, in contrast to the nimbleness of their movements when, their desire for the law overcome by the delights of carrion, they let themselves be driven by the desire ‘in the blood’. This is one way in which to understand the striving of the man from the country, which he attributes to himself by attributing it to “everyone.”

We desire the law in the same way the jackals desire the end of the oppression by their weakness for carrion. There would be no law if none of us desired it; it has been instituted by us, and in that sense, we have for better or for worse, desired it and do not simply cease to desire it. From the point of view of this desire, the prohibition is the man’s responsibility, since the law is the man’s responsibility. Just as the man decides to wait, against his own desire to gain access to the law, the prohibition in the face of which he so decides is his own in the first place. If it is true that some such contractarian relationship to law indeed tells us some truth about our relation to law (a question too large to enter into here), if, at least, it would be to some extent in bad faith to say that we never do and never have somehow consented to the law and that our relation towards it is purely and entirely antagonistic or adversarial, then, as something he bears responsibility for, he cannot simply override it, as if to say: yes, I put it in place, and thus I have the privilege of retracting it, and now do so, in order to enter. It is crucial to the value that the law has for us that it not be retractable: it is now in the hands of the doorkeepers, to whom we have handed the whip. Once and for all pledged to it, there is no going back. (The jackals, on the other hand, never reach the stage of having the throats of the Arabs slit.)

But even then, we have not *simply* desired the law, and it is precisely with this knowledge that we would have to have made the law without reserving the power of repealing it. The jackals betray their desire to put themselves out of reach of their desire for carrion. We who have managed to slit the throats of our Arabs by instituting law, and have therefore gone quite a bit further than the jackals, also sometimes fall under their power again, whenever the law is broken (for after all the desires against which we have instituted law do not *ipso facto* cease to operate entirely), and when we are not breaking the law, we might wish it were not there, or resent it, just as we resent diets that we have committed ourselves to. From this point of view, and with this understanding of desire, *nobody*, contrary to the assumption of the man from the country, desires the law, even if they *have* desired it, and even if, indeed, at least in some moments, they *still* desire it.

But that does not exhaust the possible meanings of the man’s desire. Let us take this genetic aspect for granted, and approach the law as we latecomers know it now. We have said that the man’s desire is met as soon as the doorkeeper lays down the law. He lays down the law and the man from the country takes it as the law, that is, acts towards it as one should act towards the law. But that places the man in a contradictory position. He thinks that the law is on the other side of the threshold: in gaining access to the building he will gain access to the law. But in acting in

conformity with the law that the doorkeeper lays down, he contradicts the belief that places the law on the other side of the door, since this indicates a belief that the doorkeeper is the law.

The idea that the law is somewhere else is not silly; on the contrary, precisely to the extent that one tends to miss this aspect of the shifting place of the law in this story, the idea that the law is elsewhere, and the notion that the man never has his desire satisfied, is shown, by Kafka, to be the one with which most readers come to the story. And indeed we do not generally feel that the law is here, with us. For the most part we feel quite free, and at a safe remove from it. But if we find ourselves contemplating a crime, the law and its presence become quite vivid. So long as one is in conformity with the law – so long as one does only what the law does not forbid – one does not have to encounter it, any more than fish notice their water. It is the very medium in which we the law-abiding play out our lives. Precisely because the man does not desire to transgress the law, he never feels its presence. And even though he is directly prohibited he still never feels it because he does not desire to transgress but to have a law-abiding entrance into the law. (Besides, he understands this as an “obstacle” (*Hindernis*), like a hump in the road.) When the rest of us strive to reach the law, to the extent that there is a sense in which it is *true* that “everyone strives to reach the law” (a sentence of the story that we read without doubting that it has some element of truth), we, the general run of people under law, strive to reach the law in that we strive to be in conformity with it, to have done with it, and not in the manner of the man from the country who wants to make contact with the law itself. (This is true of the jackals too, though in their case it is more interesting, since they are at the stage in which the law is not yet in place, and they wish it to be. They strive to reach the law in two senses: when there are no Arabs-and-carrion around, they desire to not desire carrion/Arabs once the Arabs present them with the carrion. But since that is unlikely, since they know that, presented with carrion, they can only behave as the Arabs expect, they want something more radical: they want never to be in a situation in which they *have to resist the Arabs at all*, since, if the Arabs are gone, there is, supposedly, no carrion. To desire the genocide of Arabs is to desire to have vanish, *beyond repeal*, what they sometimes do not want but sometimes want with all their being.) If he is thus in one sense right, and we *do* strive after the law, he is wrong in the other sense: everyone does *not* strive after the law in *his* fashion.

The man is impossible, and his desire impossible. He is, strictly speaking, as the doorkeeper says, insatiable, *unersättlich*; he cannot be satisfied.

1. The law can be there, for us, now, only as undesired – and even when we can be said to have wanted the law (the contractarian moment), we wanted it even then only as the jackals do, that is, we did not want to want what we wanted (carrion, murder, or whatever), and so we wanted something we did not want (the curb on the desire for carrion, murder, etc.). At the very least, therefore, the man’s desire is impossible because he *simply* wants the law.

The law is experienced only as that which says no; when it says yes (always negatively, always by elimination or abrogation), it does not exist: the space of the permitted is the space from which law absents itself (see the quote from Hobbes above). (But, one will object, even in the country the law says no. The law is there too, and the law is that which says no, and therefore, in the country the law is saying no all the time. Yes, but one experiences the law only when it looms up to oppose a

crime or a contemplated crime. So long as one is in conformity it stays hidden. The man encounters the doorkeeper because he desires what is against the law.) To the extent that the law says yes, it is never encountered (it will not hunt you down), and therefore a yes-saying law is a thing that is not experienced and, to that extent at least, does not exist. What is permitted is simply that which the law does not forbid, but the law specifies what is not forbidden only by telling us *what is forbidden*; one will not encounter in a lawbook the sentence “Walking on a pavement, whistling the second movement of Beethoven’s sixth symphony softly while twiddling one’s thumbs is permitted.” *To get the permission of the law is to lose the law*. Whatever the law says assumes that one might be tempted to do the opposite (which is a fact recognised by Saint Paul: the law at the very least *calls to mind* what it prohibits). Freud writes in *Totem and Taboo*: “For, after all, there is no need to prohibit something that no one desires to do, and a thing that is forbidden with the greatest emphasis must be a thing that is desired” (PFL 13, 126). And he quotes Frazer:

There is no law commanding men to eat and drink or forbidding them to put their hands in the fire. Men eat and drink and keep their hands out of the fire instinctively for fear of natural not legal penalties, which would be entailed by violence done to these instincts. The law only forbids men to do what their instincts incline them to do [...]. Accordingly we may always safely assume that crimes forbidden by law are crimes which many men have a natural propensity to commit. [...] Instead of assuming, therefore, from the legal prohibition of incest that there is a natural aversion to incest, we ought rather to assume that there is a natural instinct in favour of it (PFL 13, 183).

So when the law says: Honour your parents, or pay alimony, it is saying: If you already desire to honour your parents and pay alimony, then for you our injunction is redundant; we are not speaking to you. But if your desire is not to honour your parents and pay alimony, then we speak to you, and we urge you to act contrary to your desire, and for your own good, unless you would like to see us at that part of our work that goes beyond the propounding of prohibitions.²⁴

2. But at a more general level, the man’s desire is precisely for that which says no – and in this way it is the *only desire* that the law can satisfy – but only by saying *no*. For there to be the *yes* that the man wants is to have this desire thwarted. The man, in short, can never have his desire. (One might say: his desire is thus barred, by another law, a kind of law of law, and it is this that, impossibly, he wants to transgress.)

However, the “Thou shalt not enter” of this story is not an arbitrary choice of prohibition. The law says no to the man from the country because if the law says no to murder, to not paying alimony, etc., it effectively says that you must act in such a way that you have no occasion to enter the law. (The man seeks “transgression” in general, to step over a certain bar or limit.) The law forbids entry into the law, just as it prohibits murder, and indeed *by* prohibiting murder and other things. To seek to enter the law is therefore to desire the opposite of what the law enjoins *in general*, as if one were to come to the law saying: I should like to commit murder and I should like your permission to do it. And just as the man from the country might have perpetrated the crime of entering by this door he might have encountered the law without the help of this door, by committing a murder, for instance. The door is impossible to the extent that it is that door through

which to enter *with the permission of the law*. The door as object of the man's impossible desire could never be used without making the law something other than it is, that is, something that gives permission. As it is, the man can only enter the building as a burglar.

3. But whether it gives permission or prohibits, he wants the law to reach him under the presupposition that he *is outside it* and that even though he has made the trip from the country, he has not yet reached it.

In order that the man get permission to enter the law/building, he must be outside the law (as he believes he is). But then the law must give its permission (or its refusal) outside the law. If the man is outside the law, the law must be an impossible thing: a thing that is outside itself. So long as the man thinks that he is outside the law (which comes with thinking that the law is a building, or a place or space in general), his desire will be impossible, because the law will never, for its part, be able to reach him to satisfy his desire. To gain access he must first have access; and if he has access, he does not need access.

Such then would be the sense or senses in which the man is singular, as the doorkeeper says in answer to the man's question, why no one else has sought to enter the law: "No one else could ever be admitted here, since this gate was made only for you." The man is singular in that his desire is impossible. No-one else sought admittance because no-one else could have the multiply contradictory and illusory desire of the man from the country.

But it is necessary to add one more sense in which his desire is impossible.

4. It is impossible as long as he does not take the law when it gives itself in the only way it can: in prohibition. But perhaps even he does not want the prohibition of the law but its permission, and perhaps even its permission *to him* while it prohibits all others. One might say that the man comes seeking permission for a crime that is forbidden to others; he comes to seek from the law exemption from the law.

If in wanting a law that gives permission, his desire is again impossible, the man from the country is at least not alone in this. Kafka transcribes twice – once in the diaries (1972:387) and once in a letter to Brod (Zürich, beginning of October 1917) – a passage that he writes first in a letter to Felice (Zürich, 30 September or 1 October 1917). I quote the passage as it occurs in the letter to Brod, since this provides a significant contextualisation, and since the English translation happens to be better. While the words that introduce the passage may seem to make light of it, the words that follow, and Kafka's multiple transcriptions of it, suggest that Kafka took this as a significant insight into himself:

What would you say to this brilliant piece of self-knowledge which I have just copied from a letter to F. It would make a good epitaph:

"If I try to discover my ultimate aim, I realise I am not really striving to become a good person and to satisfy some supreme tribunal. Rather, very much to the contrary, I am trying

to survey the whole community of men and animals, to recognise their fundamental preferences, desires, ethical ideals, and then to develop myself as quickly as possible toward being pleasing to everyone and, moreover – and here's the twist – so pleasing that without forfeiting universal love I would ultimately be the sole sinner who is not being roasted, who is permitted to perform before the eyes of all the acts of baseness that dwell within me. In short, only the verdict of men and beasts matters to me, and what is more, I intend to evade that, although without evasion.”

From this focal point of self-knowledge, one might possibly arrive at various conclusions and justifications (1977:152).

I will admit at least that if this is an impossible desire, it can only become the desire it is *by and while recognising* that this is for the law impossible, or *almost* impossible. Precisely because one cannot realistically envisage the law doing it and because – therefore – it would be a wonderful thing if it did, it becomes one of the few desires that one *can* have with respect to the law. And, after all, it is only the law that *could* give exemption from the law, the contractarian moment having now long passed. We might say that the man has an – almost – impossible desire, a singular and most unlikely desire, because a lover might allow the fulfilment of such a fantasy, and in this the man approaches the law as if it were a lover. Nor should we ignore the attraction it holds for him, the manner in which he bends to look in, and the light that streams from this door he wishes to penetrate. These are not Bataillean sentiments, for the man's desire is not exactly to transgress, but to be able to perpetrate what *for others remains* a transgression, but to do so while the prohibition is, temporarily and *only for him*, suspended. From a Bataillean point of view this is to want a transgression without anguish and thus a betrayal of or blindness to the promise of the prohibition, which must be *transgressed* to be treated *comme il faut*. (On the other hand, it should be asked if the desire of the man, and of Kafka himself, is not after all the most universal human desire, and precisely the one satisfied when, daily, in bedrooms all over the world, one allows or is allowed what is allowed to [more or less] no-one else.²⁵)

The door, the impossible counterpart of the man's impossible desire is made to accommodate no-one else but him. It was meant for the man from the country; as he comes to meet it it comes to meet him. If one has a picture of the law according to which it resides in a building, so that one can be outside while the law is inside, and one dreams of access to such a law, then a door follows. No one but the man from the country, says the doorkeeper could gain admittance through this door. No one else but the man from the country requires *that* door through which to enter the law, because we all know that such doors are all about us, in all the prohibitions that we might transgress so that the law will insist that we enter (including the meta-prohibition “Thou shalt not enter [... although thou shalt always be free to enter].” The door stands open, and the fact that the doorkeeper shuts *this* door at the end of *this man's* days does not mean, cannot mean, that the entry into the law is now closed, for Kafka says at the outset that the door stands open *as usual*.

(It is noteworthy that the sentence that ends *the text* as well as *the narrative* can apply both to the door and to the text: “No one else could ever be admitted here,” he says, since this gate was made only for you. I am now going to shut it”²⁶ (4). The text, the man and the door constitute a fictional

threesome: the man and this door are impossible counterparts, and exist only in this piece of fiction.)

The door shows us the structure of many elements of this text: a series of openings or closings, progresses or regresses, which masquerade as their opposite. The doorkeeper prohibits, but in fact invites. The man from the country thinks his desire proceeds in one direction, but contradicts this desire with another, when he decides to wait. The law takes away our freedom while leaving us our freedom. The door, which stands open – open so that the doorkeeper’s dare may be taken up by the man from the country – is taken by the man from the country to be as closed as if it really were. As the door stands open while being apparently barred, the doorkeeper prohibits and then invites. And when the doorkeeper invites, and then tells us about some possibly non-existent doorkeepers, the man from the country forbids himself. But it is thus also the story of apparently simple things that turn out to be split or replicated (or vice versa): the law in the doorkeeper, the doorkeeper in the other doorkeepers, the inside and outside that communicate through the door, the door open and closed... I will not spell them out, but I would add that this applies to the text too, and, most importantly and most generally, the split between the law and us, the replication of the law in us, that splits us and keeps us from having the unanimity and simplicity of a single desire (even with a desire as singleminded as the man’s). This is the door on whose beyond his attention is so fixed that he never realises that his desire has been attained as well as it might have been in ‘the country’, which, we now see, he has never left.

One might accordingly but inversely read *The Trial* as a story about the absence of the law despite its presence, that is, of a man whose attention is so intensely fixed on the legal or bureaucratic *fact* of his ‘arrest’ that he fails to exploit the large space of freedom left to him *nevertheless*. I would therefore disagree with Bridgwater’s view that “Kant’s account of the workings of conscience, and, if I am not mistaken, Schopenhauer’s analysis of it, provided Kafka with an elaborate model of the ‘court’ in *Der Process*” (2003:125). K. is guilty of original sin, but “more specifically,” “K. is guilty of squandering his life, which is itself the result of the Fall” (112), although Bridgwater says immediately after this that “he is guilty of being who and what he is, and of acting against his own first subconscious and then conscious judgement of how he should have been conducting his life” (112). Now the people and institutions of *The Trial* can be read as K’s “projections”: “That this first ‘Wächter’ is a projection of Joseph K. is indirectly confirmed by his name, Franz, which – like K. – points back to Franz (K)afka” (115). Bridgwater thinks “the ‘examining magistrate’” (note the quotation marks) is “a further projection of [Joseph K’s] conscience” (115). To both these “projections,” K. reacts with pride, “meaning that K. in his pride is unwilling to listen to conscience unless it forces itself upon him” (115); “much of the novel illustrates the endopsychic conflict within Joseph K.’s mind between his conscience, which insists on his guilt, and his pride, which insists on his innocence. Every court official and judge is accordingly a projection of K. himself. As the reification of his dawning sense of guilt, the court and its labyrinthine workings are, in accordance with the Kantian paradigm, to be found wherever K. goes” (125). (See also p. 119, where Bridgwater suggests that “all three supposed bank officials” have a “symbolical identity” with K. and are his “projections.”) Bridgwater takes the fact of conscience for granted, whereas Kafka, I am arguing, finds interesting the very fact of the thing. But, in any event, once one decides that the various forms of law or authority are “representations” or “projections” or

“reifications” of K.’s conscience, one is free to let everything become fodder for what is effectively K.’s mental construction. (Bridgwater thus says that the “major fictions” “[chart] his [Kafka’s] dream-like inner life” [12].) But what is interesting about *The Trial*, I would suggest, is that despite the arrest, K. is free. In his freedom, however, he continually seeks out the law: all they have to do to make his primary concern his guilt and innocence, is to accuse him, and he is henceforth compulsively drawn to the law which seems to have no serious interest in him. Even if one knows that one is innocent, the mere consciousness of an accusation places upon one a burden that is not easy to shrug off. If (as the priest in *The Trial* puts it [1988:168]) the law receives you when you come and relinquishes you when you go, K., for his part, cannot leave the law alone, although it seems, to all intents and purposes, to have left him alone (except at the beginning and, perhaps, at the very end). Not only is it not clear to me what K. has to accuse himself for, K. strikes me as someone without much of an inclination to self-interrogation, and rather as a querulous, haughty and indignant bourgeois. Over and above any self-accusation that K. may harbour, the compulsion here is to have himself free of the law, but the frustrating catch is that, if one wishes to be free of it, one has to compulsively seek it out, for one believes that *it* must allow you to allow yourself to be quits with it. There is a way out, which is to cease to fight its involvements in one’s life, to resign oneself to the fact that one stands always under its shadow, and then to proceed to live one’s life as one always has and as we all do. (Another reaction to this is to take the knife and stab oneself, and to come out from under its shadow through simply ceasing to live at all.) In this sense, K.’s mistake is the mistake of all those who imagine themselves free under law. The mistake is to imagine that before he was accused by the law he was free, and free of all accusation, and that once he is accused (‘arrested’) he is no longer free, and that the only way to be free again is to – somehow – make the law go away (with the permission of the law). K. fails at that, and the *dénouement* of the narrative can then only be his death. But it is more reasonable to think that before he was explicitly accused (of nothing in particular), he was nevertheless not free because he was accused by the law (in general and by each particular law), in just the sense that the law against incest, as in the passage from Frazer, accuses us of an instinct to commit incest. And now that he is accused – ‘arrested’ *but for all practical purposes free* – he is no more and no less free than before, and might as well live (rather than obsessively seek the law) – as he always has.

When the man becomes aware of the light streaming through the door as if to counter the impression that it is closed, the man, Kafka writes, does not know whether the world is really darker or whether his eyes are deceiving him. It is in this ambiguity of subject and object that the law applies in its usual way. The law-abiding will say that they – contrary to what I have assumed with Freud and Frazer – do not want to contravene the law, that they are not confined but free, and their universe is not narrowed because they in any case do not want what the law forbids. This darkness is a co-operation between his eyes and the world, such that it becomes difficult to disentangle them, as the sway of the law is a cooperation, likewise difficult to disentangle, of prohibitions and the assent of the subject subject to the law.

In *The Trial* the confusion of the will of the law with our own will is poignantly dramatised. At the end, the two “emissaries” (1988:171) conduct K. out of the town to a stone quarry where, Kafka writes – perhaps reminding us of the man’s hard distinction between the law and the country – the

town “merged almost without transition into the open fields” (171). K. is treated like an inanimate thing, as they lay him on the ground, prop him against a boulder, and lay his head on it, K. is described as willing (his posture remains unnatural despite “all the willingness K. showed” [171]), but it is precisely his willing which makes him seem like a thing that does not will. The line between K. and these men, or between their wills and K.’s has already been blurred before they get to the quarry. “K. submitted himself to the guidance of his escort. In complete harmony all three now made their way across a bridge in the moonlight, the two men yielded to K.’s slightest movement, and when he turned slightly towards the parapet they turned, too, in a solid front” (170). When K. stops inadvertently, his attention drawn to a familiar bench, they stop too. Kafka writes: “‘I didn’t mean to stop altogether,’ he said to his companions, shamed by their obliging compliance” (170). They even encounter a policeman on the way, and K., far from seeking his succour when the two “gentlemen” halt and when the policeman seems “to be already opening his mouth” (170) pulls the men forward, looks cautiously to see if the policeman is following, turns a corner and starts to run, forcing his out of breath “companions” to run too. At the quarry they loosen their hold on K., and once the macabre arrangement of K., or K.’s body, is over, one of the men removes “a long, thin, double-edged butcher’s knife” (171), holds it up, and tests the cutting edges in the moonlight. “Once more,” writes Kafka,

the odious ceremonial of courtesy began, the first handed the knife across K. to the second, who handed it across K. back again to the first. K. now perceived clearly that he was supposed to seize the knife himself, as it travelled from hand to hand above him, and plunge it into his own breast. But he did not do so, he merely turned his head, which was still free to move, and gazed around him. He could not completely rise to the occasion, he could not relieve the officials of all their tasks; the responsibility for this last failure of his lay with him who had not left him the remnant of strength left necessary for the deed (171-172).

A question is thus posed for us: to what extent is the law indeed other (since there seems no doubt that it is), and to what extent do we co-operate in it such that the lines between it and us begin to blur? There are not two worlds side by side, our world or the country from which the man comes, on the one hand, and the world of the law on the other; there is one world and the law is never simply imposed on us from some radical exterior even while its exteriority, at least to our desire, is so essential a part of our concept of it that, in reading this story of Kafka’s, one slips into thinking that the man does not gain access to the law. But Kafka lets nothing happen that would amount to such an access, for to gain access to the law by penetrating the building would be to affirm a simple alterity of the law; instead the extremely mobile displacements of the text occur without any apparent movement, because the encounter with the law ‘takes place’, from beginning to end, on *this* side.

CHAPTER TWO

At Home in a Cage:

Kafka and Nietzsche on How to Become Human

My first experience of jail life was in 1908. I saw that some of the regulations that the prisoners had to observe were such as should be voluntarily observed by a *brahmachari*, that is, one desiring to practise self-restraint.

– Gandhi, *An Autobiography*, p. 297

On the reading of “A Report to an Academy” by J.M. Coetzee’s character Elizabeth Costello (henceforth “Costello’s reading,” to avoid complications unnecessary for my purposes), Red Peter is based on the real ape subjects in Wolfgang Köhler’s book *The Mentality of Apes* (2000:33-34), despite the fact that in Kafka’s story the essential first stage occurs on the ship, among sailors, well before he reaches the scientists. Costello says at one point that the ‘training’ is “intended to humanize [the apes]” (33); she is not consistent about this, however, and another of her descriptions better captures what Köhler’s book is actually about: “experimentation into the mental capacities of apes” (32). Kafka’s Red Peter, according to Costello (32), departs from the silence of the beasts and enters into a discourse-producing humanity, as the representative of apes and their scapegoat (and Kafka is, like him, a scapegoat). Red Peter is not a mentally deficient human being. He speaks, and Kafka is his scribe. Kafka’s story deals with the cost of Red Peter’s entrance into humanity. But “we learn what [this cost] consists in” not through what Red Peter says but “through the ironies and silences of the story” [34]. (The loss includes progeny and succession, since Red Peter’s captors attempt to mate Red Peter with a “half-mad” [40] female ape, and the progeny of such a pairing, Costello says, could only be monstrous.) We do not know that animals do not have as active a mental life as we do; for all we know they could be thinking the thoughts of Ramanujan (Costello’s example [27-28]), but the apes that Köhler experiments on are “relentlessly propelled” by the experimenter and the form of the experiments “[from] the purity of speculation (Why do men behave like this?)” “towards lower, practical, instrumental reason (How does one use this to get that?),” and so the ape is conducted towards “acceptance of himself as primarily an organism with an appetite that needs to be satisfied” (37). Apes in the wild have reason and silence to choose between, and the silence of the animal cannot be taken to be proof of the thoughtlessness of the animal. But Red Peter chooses to break the silence and speak to us, and Kafka provides the transcription of the story of his wounding and his becoming human. Kafka is well-placed to be Red Peter’s scribe, because Kafka the poet, as contrasted to Köhler and the philosopher Nagel, can think himself into the being of the animal and imagine the world of the animal. According to Costello’s reading, Kafka is telling us what it is like to be an ape, named Red Peter. (The claim is stronger in fact: *Red Peter*, through Kafka (“through his amanuensis Franz Kafka” [31]), is telling us what it is like to be Red Peter.)

This is completely unconvincing as a reading of Kafka’s story. The idea that Red Peter represents apedom is contradicted by the fact that he himself, at the very beginning of the ‘report’, throws

doubt on his ability to reconstruct the life he “formerly led as an ape” (*mein äffisches Vorleben*) (250, 299). The female ape is not, as Costello says, “half-mad”; Kafka says “half-trained” (*eine kleine halbdressierte Schimpansin*) (259, 313), although it is true that Red Peter sees “in her eye” “the insane look of the bewildered half-broken animal” (*den Irrsinn des verwirrten dressierten Tieres im Blick*) (259, 313) – again the word is “dressierten”: trained, broken-in [and not ‘broken’ in the sense of ‘crushed’ or ‘ruined’]]. More importantly, there is not even a hint of a hint that “his captors” (and are these still his captors?) try to *mate* Red Peter with this ape. (Red Peter says simply: “I take comfort from her as apes do” – “*ich lasse es mir nach Affenart bei ihr wohlgehen*”²⁷ [259, 313].) I could go on, but what is more interesting is Costello’s general view, according to which either it is *a.* a mere choice on Red Peter’s part to break the silence (a view I do not intend to take seriously at all), or *b.* the suggestion that, were the experiment just different, or were the interaction something other than the experiment – a lesson in calculus, perhaps, or the simple provision of large quantities of food rather than the giving of food as a reward for success at an experimental task – any ape could make the progress from apehood to humanity. While, again, I cannot take this seriously, it at least sets out the broad outline of a theory to which I will oppose Nietzsche’s conception of the transition from something pre-human to something fully human later on: Costello’s is an optimistic theory that conceives this transition as a smooth one in which the animal (whether human or ape) suffers no catastrophe and has to suffer none in order to make this progress. The reading I will give of the story is that it recapitulates, with certain essential modifications, a ‘story’ that we can find in Nietzsche – and that both Nietzsche and Kafka share the view that, far from the development being unforced and smooth, it is one that requires *confinement* (and violence) as an essential component.

In putting together Nietzsche and Kafka, I obviously take the philosophical contribution of this one of Kafka’s fictions to be a serious one. In doing so, I depart from the view of Corngold, who says in a paper on Nietzsche that for Kafka, the writer of fiction (as opposed to the philosopher), the discussion of the self (in Kafka’s “Report”) is a “founding figure of rhetoric,” “a figure of argument” (rather than an argument proper), which is “manipulated, placed in odd places, used to produce more rhetoric, to tell a story, but it has no other truth” (1981:85). Of course Kafka is not providing us with something that can be called, without more ado, an argument. But that is not to say that it is condemned to the status of mere rhetoric and the contrary of whatever it is the philosopher does, any more than we should say that the story of Gyges in Plato (to mention just one of Plato’s stories), or the story of the master and slave in Hegel, or Descartes’s evil demon, is mere rhetoric. These are at the very least like models, which may extend or exaggerate or accentuate things in a certain direction, in order the better to *think through* a thoroughly philosophical problematic, or the better to reveal conceptual-philosophical implications or structures. One is not expected to place them in the train of real events and actually existing things, and they share this feature with the ‘events’ or ‘entities’ of a ‘literary’ text. But the patency of their fictionality cannot and should not annul their pertinence (in the full sense of the word) to philosophy, any more than should our suspension of our belief in possible worlds, say, or in the *intuitus originarius* of the “primordial being” posited in the *Critique of Pure Reason* (B72). These are *fully* philosophical idealities that are constructed for purposes that are hard, or harder, to fulfil in other ways, and neither their being constructed (rather than actual realities ‘in the world’) nor

the fact that we are never expected to ‘believe’ them – the two aspects of their fictionality – has to stop us from extracting from them a philosophical consequence or two.

But in taking the philosophical contribution seriously (and not understanding the story as an autobiography of an ape or apes ghostwritten by Kafka), I am disagreeing again with Costello. “I know,” she says “that Nagel is only using bats and Martians as aids in order to pose questions of his own about the nature of consciousness. But, like most writers, I have a literal cast of mind, so I would like to stop with the bat. When Kafka writes about an ape I take him to be talking in the first place about an ape; when Nagel writes about a bat I take him to be writing, in the first place, about a bat” (2000:42-43).

But (leaving aside the fact that as a general principle this would work out badly in the case of Josephine the mouse singer, or the jackals of “Jackals and Arabs”) this statement of Costello’s provokes the simple question whether Kafka really is telling us about an ape.

Despite the facts that he is telling us about Red Peter, and that Red Peter is an ape, I will argue that Kafka is telling us not about an ape or apes. He is telling us about us, for although Red Peter is an ape, he is an ape that has become human. If this were true, Kafka could not be used to demonstrate that he has (or we have) the ability to imagine the being of the animal, for on my argument he will have imagined, when he imagines a being called Red Peter, nothing but us humans. Instead of thinking that Kafka imagines an ape *as ape*, and as thinking and talking, I will argue that he is imagining an ape as *having become human* from all points of view except the physical and physiological. Kafka does not, in this story at least, idealize the animal any more than he does the human, and when Red Peter enters humanity, the other animals are left to the wordlessness of their animality as one usually imagines it.

It is easily established that Red Peter is no longer an ape and is utterly human, and regards himself as fully human, with his apehood as far behind him as it is for the most human of humans. (This is an essential point and I attempt, at the risk of belabouring it, to leave it in no doubt.) It is also easy to establish that Red Peter does not endorse Costello’s picture of the apes silently thinking Ramanujan’s thoughts, or indeed, even the thoughts of an average six year old. The second sentence refers to the life “I formerly had as an ape [*mein äffisches Vorleben*: this is perhaps not quite as definitive as ‘former life’, for while it does mean that, or ‘previous life’, it could also mean: ‘early life’].” In the following quotation, conversely, the English translation is less strong than the German original: “It is now nearly five years since I was an ape ...” (250); “*Nahezu fünf Jahre trennen mich vom Affentum*” (299): “Almost five years separates (divides, severs, sunders, disconnects) me from apehood.” His apehood is something to which he can no longer return, and is by implication something he has quite clearly left; and even his memory of his apehood has faded:

In fact, to give up being stubborn was the supreme commandment I laid upon myself; free ape as I was, I submitted myself to that yoke. In revenge, however, my memory of the past has closed the door against me more and more. I could have returned at first, had human beings allowed it, through an archway as wide as the span of heaven over the earth, but as I spurred myself on in my forced career, the opening narrowed and shrank behind me; I felt

more comfortable in the world of men and fitted it better; the strong wind that blew after me out of my past began to slacken; today it is only a gentle puff of air that plays around my heels; and the opening in the distance, through which it comes and through which I once came myself, has grown so small that, even if my strength and my willpower sufficed to get me back to it, I should have to scrape the very skin from my body to crawl through. To put it plainly, much as I like expressing myself in images, to put it plainly: your life as apes, gentlemen, insofar as something of that kind lies behind you, cannot be farther removed from you than mine is from me. Yet everyone on earth feels a tickling at the heels; the small chimpanzee and the great Achilles alike (250).

In other words, if the extremest imaginable distance from apehood is the distance between human beings and the ape-like things that they must have been in the past, then Red Peter is no closer to apes than human beings are to their ape-like ancestors; if he feels a certain tug towards that life, he feels it as much as, but no more than, Achilles. This is to explain to the members of the academy why he is unable “to give [them] an account of the life [he] formerly led as an ape” (250). The second paragraph begins: “I regret that I cannot comply with your request to the extent you desire” (250). The explanation (quoted above) for why he cannot comply having been given, he says:

But to a lesser extent I can perhaps meet your demand, and indeed I do so with the greatest pleasure. [...] What I have to tell the Academy will contribute nothing essentially new, and will fall far behind what you have asked of me and what with the best will in the world I cannot communicate – nonetheless, it should indicate the line an erstwhile ape has had to follow in entering and establishing himself in the world of men (251).

He can’t tell them, to modify Nagel, what it is like to be an ape, which cannot be communicated even “with the best will in the world,” which we have no reason to suppose he does not have, but he can perhaps “indicate” [*zeigen*] “the line an erstwhile ape has had to follow in entering and establishing himself in the world of men [*die Richtlinie [...] auf welcher ein gewesener Affe* [an ape that was, a former ape] *in die Menschenwelt eingedrungen ist und sich dort festgesetzt hat*]” (300). That is, it is more likely that what he says will be about nothing else than being human; he will, he says, “contribute nothing essentially new” [*nichts wesentlich Neues beibringen*]. He says of his name that it is “a horrible name, utterly inappropriate, which only some ape could have thought of [*von einem Affen erfundenen Namen*], as if the only difference between me and the performing ape Peter, who died not so long ago and had some small local reputation, were the red mark on my cheek” (251, 301). The disparagement here is interesting: only some ape could have thought of this name, by which he means only some human being with the ill-manneredness or brutishness of an ape could have named him after another ape, as if Red Peter were just like the ape called Peter, but with a red scar. He even goes so far as to sympathise with the method of his confinement, taking the human point of view: “Such a method of confining wild beasts is supposed to have its advantages during the first days of captivity, and out of my own experiences I cannot deny that from the human point of view this is really the case” (252). One might object of course, that he does in fact describe being an ape, squatting in the cage, etc. But he says: “Of course what I felt then as an ape I can represent now only in human terms, and therefore I misrepresent it, but although I cannot reach back to the truth of the old ape life, there is no doubt that it lies somewhere

in the direction I have indicated” (253). He can only guess about what it was like; speaking of freedom, “the spacious feeling of freedom on all sides” (253), he says that he “perhaps” (253) knew that as an ape: “*Als Affe kannte ich es vielleicht*” (304). He has different teeth, even, ones which then could have bitten through the lock on his cage and that now he must fear for “even in simply cracking nuts” (255). Even when he reconstructs his thinking around the issues of escape he says, insistently: “A fine, clear train of thought, which I must have constructed somehow with my belly, since apes think with their bellies” (253), and “I did not think it out in this human way, but under the influence of my surroundings I acted as if I had thought it out” (255).²⁸ “My ape nature,” he says, “fled out of me, head over heels and away” (258). When he becomes human, he reaches no more than “the cultural level of an average European” (258). That is, he (an average human being) is a genius measured by the standards of apes; but as a human being he is no more than average. Kafka and indeed Red Peter have no truck with Costello’s dreams of simian thinking, much less simian metaphysics. Finally, there is the sight of the female ape that he cannot bear. No doubt his sexual taste is still that of an ape, but that is no objection to the thesis I have spent too much time making, that he is in his own eyes not ape but human: it is not *losing* his old instincts and desires (just as Achilles does not lose his) that makes him human, and so the fact that he still has them is no objection to his being human. Even less, of course, does he lose the look of the ape; he makes a living on the variety stage after all, and is indeed a curiosity, and the curiosity that he is may be defined as: the thing which once was an ape proper and is now a thing that while looking like an ape and digesting food like an ape and preferring sexual intercourse with apes, is otherwise thoroughly human and not at all ape. That is the being that Kafka is telling a story about.

To Be Human is To Be At Home in a Cage

To see others suffer does one good, to make others suffer even more: this is a hard saying but an ancient, mighty, human, all-too-human principle to which even the apes might subscribe; for it has been said that in devising bizarre cruelties they anticipate man and are, as it were, his ‘prelude’.

– Nietzsche, *On the Genealogy of Morals*, II:6

If we train our conscience, it kisses us while it hurts us.

– Nietzsche, *Beyond Good and Evil*, 98

What would be the point of imagining the ape as human?

In order to imagine a creature as human and as thinking, etc., all we need to do is imagine a human being, for which one can of course turn to any old novel. To the extent that this is a natural objection and to the extent that it makes plausible any reading of “Report” which thinks that Red Peter is describing himself as ape, Costello’s reading is not to be dismissed, even if one thinks that her particular conclusions, which are supposed to derive partly from reading Kafka in this way, are indefensible or simply batty, and even if the question should be raised, as I have no doubt it would have been raised by Kafka, what privilege he has in being able to imagine the ape-being of an ape as such, or, for that matter, what gives Costello the privilege of being able to declare that it is a

description of ape-being (since such a judgement would presuppose that knowledge) – especially since nothing Red Peter thinks is in any way differentiable from a human way of thinking (“If a lion could talk,” ‘the philosopher’ says, “we could not understand him” [Wittgenstein 2001:190].).

There is another question: is there *any sense* in imagining an ape as human? For my reading of the story is not simply that Kafka is imagining an ape that behaves like a human being, a being which is primarily ape but which thinks the kinds of complex thoughts that human beings think. On that picture, which is Costello’s, it is merely a matter of complexity (in the non-technical sense of the word) whether one is human or not; human beings think about metaphysical questions, and animals would think these thoughts if they just had enough bananas and came by the bananas easily enough that they had sufficient leisure to think. My argument is that Red Peter is human in every way but anatomically, and there is a different picture from Costello’s, one that can be found in Nietzsche, of what it is to be human. In Nietzsche’s picture, there is no continuum of the less complex animal that does not think but could, to the more complex human being with leisure to think metaphysical thoughts. There is, on the contrary, a gulf. *On the other hand*, that gulf is not unbridgeable. *However*, it will not be bridged merely by obtaining enough time and leisure; rather it would require a momentous and difficult circumstance involving pain and confinement. To see this more clearly, we have to take a closer look at the second essay of *On the Genealogy of Morals*.

Here Nietzsche provides his “hypothesis concerning the origin of the bad conscience,” which, I believe, has everything to do with “A Report to an Academy.” Nietzsche writes in section 16 of the second essay:

I regard the bad conscience as the serious illness that man was bound to contract under the stress of the most fundamental change he ever experienced – that change which occurred when he found himself finally enclosed within the walls of society and of peace. The situation that faced sea animals when they were compelled to become land animals or perish was the same as that which faced these semi-animals, well adapted to the wilderness, to war, to prowling, to adventure: suddenly all their instincts were disvalued and ‘suspended.’ [...] [In] this new world they no longer possessed their former guides, their regulating, unconscious and infallible drives: they were reduced to thinking, inferring, reckoning, coordinating cause and effect, these unfortunate creatures; they were reduced to their ‘consciousness,’ their weakest and most fallible organ! I believe there has never been such a feeling of misery on earth, such a leaden discomfort – and at the same time the old instincts had not suddenly ceased to make their usual demands! Only it was hardly or rarely possible to humor them: as a rule they had to seek new and, as it were, subterranean gratifications.

All instincts that do not discharge themselves outwardly *turn inward* – this is what I call the *internalization* of man: thus it was that man first developed what was later called his ‘soul.’ The entire inner world, originally as thin as if it were stretched between two membranes, expanded and extended itself, acquired depth, breadth, and height, in the same measure as outward discharge was *inhibited*. Those fearful bulwarks with which the political organization protected itself against the old instincts of freedom – punishments belong among these bulwarks – brought about that all those instincts of wild, free, prowling man

turned backward *against man himself*. Hostility, cruelty, joy in persecuting, in attacking, in change, in destruction – all this turned against the possessors of such instincts: *that* is the origin of the ‘bad conscience.’

The man who, from lack of external enemies and resistances and forcibly confined to the oppressive narrowness and punctiliousness of custom, impatiently lacerated, persecuted, gnawed at, assaulted, and maltreated himself; this animal that rubbed itself raw against the bars of its cage as one tried to ‘tame’ it; this deprived creature, racked with homesickness for the wild, who had to turn himself into an adventure, a torture chamber, an uncertain and dangerous wilderness – this fool, this yearning and desperate prisoner became the inventor of the ‘bad conscience.’ But thus began the gravest and uncanniest illness, from which humanity has not yet recovered, man’s suffering *of man, of himself* – the result of a forcible sundering from his animal past, as it were a leap and plunge into new surroundings and conditions of existence, a declaration of war against the old instincts upon which his strength, joy, and terribleness had rested hitherto.

Let us add at once that, on the other hand, the existence on earth of an animal soul turned against itself, taking sides against itself, was something so new, profound, unheard of, enigmatic, contradictory, *and pregnant with a future* [*Zukunftsvolles*] that the aspect of the earth was essentially altered.

It is none other than this story, I shall argue, that Kafka is telling in “Report.” Nietzsche positions himself in the middle of an already constituted humanity, to tell the story about how it began and reached the form that we now recognise; Kafka tells the story of an animal that is at the cusp of this process. Nietzsche speaks in the third person of these animals that we have, in a certain sense, left behind; Kafka’s Red Peter tells the story in the first person. But it is essentially the same story. (That is not to say that Kafka’s story is not new in certain ways, but it is necessary to discuss the commonalities before we get to the contrasts.)²⁹

The primal event recounted here seems to suggest that humanity must be dissociated from the human being as it would be isolated by biology. We are not talking about a biological change that institutes that *humanitas* with which we are familiar as our own being today; and biological criteria are utterly insufficient to differentiate human beings from animals. Those semi-animals Nietzsche refers to here would be no different from ourselves in any biological feature, and yet the difference between us and them is vast. Those semi-animals *are* us, but thinner, just as their inner world, thin enough to fill the space between membranes, is vastly thinner than our inner world. This event inaugurates *humanitas* (in a sense to be specified), and yet we will always have been human beings. Those human beings that we will have been before this *humanitas*, however, are better described as semi-animal, if not simply animal. What we are then are animals with humanity; we are the animal *homo sapiens* made human, by the event that Nietzsche reconstructs here. The day before, we are human animals, animals different from other animals only as the canine animal is different from the feline, in our shape, size, diet, etc.; the day after, we begin to be human animals with *humanitas*.

The main elements of this event are: *a.* (an unchosen) confinement, and the end of a wild life, free to assert itself as it pleases; *b.* The new lack of creatures on which to vent these instincts; *c.* the failure of our instincts to simply die, given this confinement; *d.* the necessity of something at all on which our instincts (since they do not die) might be vented; *e.* the turning self-wards of these instincts, their venting on the possessors of these instincts as substitutes for their usual, but now lost, objects.

A number of elements are run together in Nietzsche's hypothesis, and it is worthwhile to separate out at least the creation of the conscience (with no distinction yet between the bad and the good) and the creation of consciousness. On the one hand, one gets a story about consciousness. The world is new, this confined restricted world is a different one from that in which these animals cavorted previously; the environment and the conditions to which they bent themselves over the course of ages is removed, and the old guides, the instincts which were adequate to the old circumstances no longer serve. They have no choice but to begin to rely on their consciousnesses, "their weakest and most fallible organ." One might imagine that these conditions and these new exigencies would account for the vast development of consciousness and of the ability to think, calculate, think causally, etc. But they could not by themselves account for the development of conscience.

In order for the conscience to begin to develop what is required is more than a greater reliance on consciousness. What is required is the turning inward of instinct, the turning of human beings against themselves. Nietzsche is not too explicit about this, but it is clear that what characterises the conscience and makes it momentous and singular, is that it constitutes the subject as a causer of suffering and pain to itself. For one can give pleasure to oneself, and that would not be unusual; but to give oneself pain, that is a remarkable occurrence. Conscience differs from mere consciousness in this characteristic of splitting. This is why, if Nietzsche thinks that the internalization of man is crucial to the development of soul, "soul" must be understood not simply as a bloated consciousness, as *more of the same* consciousness, even if more memorious, more alert, more calculating, but must also, or rather, be understood as that which one *opposes* to another part of the soul, the evil part, as, in a related way, the soul is opposed by metaphysician-moralists to the body as evil incarnate.

Now there are many questions that this 'hypothesis' raises, but I defer a full examination of these to later chapters, though I will in a provisional and general way open up some concerns about Nietzsche's views that I will amplify and add to later. My main concern in this chapter is to examine the commonalities and differences between Nietzsche and Kafka.

Nietzsche's story is about the "bad conscience," and one would have a right to ask what it could possibly have to do with Kafka's story, which does not seem to concern itself in any significant way with the bad conscience at all.

Nietzsche calls this his hypothesis concerning the origin of the bad conscience. It may therefore seem unjustified to see in this the origin of the conscience in general. For while he associates the bad conscience and guilt with the man of *ressentiment*, there is another way of seeing the

conscience, another conscience than the bad, with which he associates what he calls “the sovereign individual.” He says of this sovereign individual, very early in the second essay of the *Genealogy*, that he is

like only to himself, liberated again from morality of custom, autonomous and supramoral (for ‘autonomous’ and ‘moral’ are mutually exclusive), in short, the man who has his own independent, protracted will and the *right to make promises* – and in him a proud consciousness, quivering in every muscle, of *what* has at length been achieved and become flesh in him, a consciousness of his own power and freedom, a sensation of mankind come to completion (*GM II:2*).

Nietzsche is quite clear that “this animal that rubbed itself raw against the bars of its cage,” “this yearning and desperate prisoner” (*GM II:16*), i.e., the early wild human who was forcibly confined, was “the inventor of the ‘bad conscience’.” This might lead one to think that this sovereign man of whom Nietzsche speaks with such admiration has a history separate from the one set in train by the “fool” and “deprived creature” who was corralled in the state. Nietzsche says, after all, that the latter is the inventor of the *bad* conscience, and it seems that the conscience of which he speaks when he speaks about the sovereign individual is a far cry from the bad conscience. But this way of thinking which separates the bad and the good conscience is undermined by the consideration that, in the first place, this quasi-history is the history of humanity in general: it is human beings that “come down with” this “profound illness,” and even if one wishes to separate these sovereign individuals from the mass of humanity, and wishes to think that this sovereign individual is still essentially to come, Nietzsche thinks that it is human beings, in virtue of being the lucky victims of this incarceration, that are the promise of and the bridge to his existence. The second consideration is that Nietzsche speaks very early on in the second essay about this individual as being the culmination of a long process. (This process is by no means simply admirable; but if the origin of a thing is not admirable, that is no reason to think that its products are not praiseworthy: this is of a piece with the important genealogical principle that Nietzsche advances in his discussion of punishment – the separation of purpose and origin.) Nietzsche writes at the end of section 1: “Man himself must first of all have become *calculable, regular, necessary*, even in his own image of himself, if he is to be able to stand security for *his own future*, which is what one who promises does!” The beginning of section 2 reads:

This precisely is the long story of how *responsibility* originated. The task of breeding an animal with the right to make promises evidently embraces and presupposes as a preparatory task that one first *makes* men to a certain degree necessary, uniform, like among like, regular, and consequently calculable. The tremendous labor of that which I have called ‘morality of mores’ (*Dawn*, sections 9, 14, 16) – the labor performed by man upon himself during the greater part of the existence of the human race, his entire *prehistoric* labor, finds in this its meaning, its great justification, notwithstanding the severity, tyranny, stupidity, and idiocy involved in it: with the aid of the morality of mores and the social straitjacket, man was actually *made* calculable.

The conscience, then, and the bad conscience are fruits of the same tree. Both require everything that would be required to make promises (a memory, the making calculable of a being that begins as flighty, whimsical, wild, etc.). Nietzsche's hypothesis is the beginning of a history that comprehends both the sovereign individual and the man of the bad conscience. (I will say more about this relation in Chapter Five.)

Now if we do not drive a wedge between the bad conscience and conscience, what becomes important in the cases of both the man of the bad conscience and of the sovereign individual with a conscience, is the fact of splitting. In the case of the guilty conscience, the one which feels bad about some action already performed or in the process of being performed, it is a matter of not being uniformly minded about the action, in such a way that, in the most convenient way to think about it, one psychical part-person holds another part to be in need of punishment (to speak in a Freudian way), and as such, as bad, a moral liability (to speak in a Nietzschean mode). "A criminal," says Nietzsche, "is frequently not equal to his deed: he makes it smaller and slanders it" (*BGE* 109).

In the case of the sovereign's conscience, it is a matter of one psychical part reining in another that is on the verge of doing something which one knows might become the target of regret or castigation later on: the *temptation* to make a promise must be resisted, though it is always easy to make one, and a discipline laid upon oneself of making only those promises that one knows one can fulfil, or, conversely, of making absolutely sure, if one has already made a promise, that one shall fulfil it – just because one has made it, has 'given one's word' – no matter what the sacrifices may be and regardless of all the difficulties in one's path that tempt one to betray it. (For the sovereign, Hippolytus's excuse (l. 612) – I swore with my tongue (*hê glôss*'), but not with my heart (*hê phrên*) – is not valid; *that* split of heart and head/tongue, or rather the fact that these tend in contrary directions, is a *flaw* for the sovereign, and what he requires is that action be in accord with the *word*, irrespective of the heart.) My word is my bond – but I am now a bondsman of myself, even if, and indeed *precisely because* I am master of myself.

A bad conscience is basically a troubled conscience, and when the conscience is troubled by some past wrong it may be thought of as the *lash* of one's accusers and punishers, where, however, there is *no one there but oneself*. In the case of the sovereign's conscience, the conscience is good, that is, clean and untroubled, because he does not undertake what he knows he cannot do, and he does what he undertakes. But this is because he has a conscience about failing to do what he undertakes to do – that is, his conscience is troubled by that possibility and is therefore *first of all bad*, in the sense that he is aware that it is in his nature to betray a promise, since he is subject to the same temptations as everyone else.³⁰ In that case the conscience is the *leash* that attempts to prevent doing what would lead to the lash (a real one or that of the bad conscience) under the influence of the wayward tendency. This is a disciplining leash, a rein and restraint. The sovereign has a good conscience because he has, *in the first place*, a bad conscience about his nature and its consequences, but is nevertheless *ultimately* untroubled by it, for he knows that he, as master over his actions and his temptations, is *equal* to this tergiversating nature. But whether it be in the form of the lash or of the leash, what is essential is what I above called a split, i.e., *tension, opposition, dissonance, dissension and duality*.³¹

Now if we concentrate on this splitting, and understand Nietzsche's story as a story about the origins of this splitting rather than as a story about either exclusively the bad conscience or the conscience of the sovereign, if, that is, we understand it as a story about the lash and leash at once, then we have a key to Kafka's story. Kafka is exercised by the same astonishment that Nietzsche displays. I have made much in the first chapter, of the exclamation from the *Diaries*: "We are allowed to crack that whip the will over us with our own hand," and I read "Before the Law" as a further expression of this astonishment. But here too, in "Report" the very same astonishment gets expressed, and once again in the metaphors of the whip: "And so I learned things, gentlemen," says Red Peter,

Ah, one learns when one has to; one learns when one needs a way out (*einen Ausweg*); one learns at all costs (*rücksichtslos*: recklessly, relentlessly). One stands over oneself with a whip; one flays oneself at the slightest opposition. (*Man beaufsichtigt sich selbst mit der Peitsche; man zerfleischt sich beim geringsten Widerstand.*) My ape nature fled out of me, head over heels and away (*Die Affennatur raste, sich überkugeln, aus mir hinaus und weg*) [...] (258, 311-312).

Red Peter is in a cage, and there is no doubt that he would not be there without the cruelty of human beings: the capture, the incarceration, experimentation (if that was to be his destiny). But there is also cruelty that Red Peter inflicts on himself. He is certainly a victim of human beings, but he is the fateful victim of himself, irreducibly. It is he that stands over himself with a whip, in a repetition of the gesture of Nietzschean animals when they found themselves without the default objects of their cruelty. In Nietzsche, of course, it seems not to be according to the same logic as Red Peter's, who thinks of it as learning; in Nietzsche, it is a matter of exercising instincts that press for exercise. I will return to this view of Nietzsche's later, but it is necessary to note now the difference that in Nietzsche the bridging of the gap between pre-human and human is not something deliberately aimed at, as when Red Peter begins to educate himself. The humanity which the Nietzschean animals achieve is an unenvisioned side-effect.

The following passage of Nietzsche's clears up the matter somewhat, if only to the extent that it makes clear that here too there really is a difference of quality (if one does not go as far as saying 'species'), and makes clearer that it is a matter of confinement and loss of freedom:

Among the presuppositions of this hypothesis concerning the origin of the bad conscience is, first, that the change referred to was not a gradual or voluntary one and did not represent an organic adaptation to new conditions but a break, a leap, a compulsion, an ineluctable disaster which precluded all struggle and even all *ressentiment*. Secondly, however, that the welding of a hitherto unchecked and shapeless populace into a firm form was not only instituted by an act of violence but also carried to its conclusion by nothing but acts of violence – that the oldest 'state' thus appeared as a fearful tyranny, as an oppressive and remorseless machine, and went on working until this raw material of people and semi-animals was at last not only thoroughly kneaded and pliant but also formed.

I employed the word ‘state’: it is obvious what is meant – some pack of blond beasts of prey, a conqueror and master race which, organized for war and with the ability to organize, unhesitatingly lays its terrible claws upon a populace perhaps tremendously superior in numbers but still formless and nomad. That is after all how the ‘state’ began on earth: I think that sentimentalism which would have it begin with a ‘contract’ has been disposed of. He who can command, he who is by nature ‘master,’ he who is violent in act and bearing – what has he to do with contracts! One does not reckon with such natures; they come like fate, without reason, consideration, or pretext; they appear as lightning appears, too terrible, too sudden, too convincing, too ‘different’ even to be hated. Their work is an instinctive creation and imposition of forms; they are the most involuntary, unconscious artists there are – wherever they appear something new soon arises, a ruling structure that *lives*, in which parts and functions are delimited and coordinated, in which nothing whatever finds a place that has not first been assigned a ‘meaning’ in relation to the whole. They do not know what guilt, responsibility, or consideration are, these born organizers; they exemplify that terrible artists’ egoism that has the look of bronze and knows itself justified to all eternity in its ‘work,’ like a mother in her child. It is not in them that the ‘bad conscience’ developed, that goes without saying – but it would not have developed without them, this ugly growth, it would be lacking if a tremendous quantity of freedom had not been expelled from the world, or at least from the visible world, and made as it were latent under their hammer blows and artists’ violence. This instinct for freedom forcibly made latent – we have seen it already – this instinct for freedom pushed back and repressed, incarcerated within and finally able to discharge and vent itself only on itself: that, and that alone, is what the bad conscience is in its beginnings (*GM II:17*).

The essential event within this event is the turning inward of instinct, and for that *all one has to imagine is the inability to vent these instincts upon some other animal*. Whether that impossibility is brought about in virtue of laws or in virtue of confinement or in virtue of the difficult work of cooperation, Nietzsche does not say. One can imagine a story, if it were brought about through laws or the imperative of cooperation, in which mimicry would be crucial, as it is in “Report,” but for all that Nietzsche says, we do not need mimicry. That, then, is all that is necessary on Nietzsche’s picture: the inability to vent one’s instincts as in the wild, and the consequent turning self-ward of these instincts; a model on which to mould oneself is not deemed necessary.

In Kafka, on the other hand, mimicry seems much more important, but mimicry is an answer too full of presuppositions, and Kafka is much clearer than that answer suggests. What is important is not: *to be human* (i.e., to make oneself conform to a given model), as an end in itself; what is important is: *not to be an ape*, that is, not to be an animal that belongs in a cage. That is, to be an Ape is to be a being that, when it is introduced into the space shared by polite society, belongs in a cage. It is from this point of view alone that human beings become worthy of imitation. Human beings, for Red Peter’s intents and purposes, are not worthy of emulation because they are human and do human things, and thus because they are intrinsically worthy or better than simian things; it is rather because they are outside the cage, because they are not Ape and, unlike the Ape, can *co-exist* with humans without the prosthesis of a cage to prevent them behaving in the objectionable

ways in which they spontaneously would. This is very interestingly established by Kafka. Red Peter surprisingly says that human beings are easy to imitate:

It was so easy to imitate these people. I learned to spit in the very first days. We used to spit in each other's faces; the only difference was that I licked my face clean afterwards and they did not. I could soon smoke a pipe like an old hand; and if I also pressed my thumb into the bowl of the pipe, a roar of appreciation went up between decks; only it took me a very long time to understand the difference between a full pipe and an empty one (255).

These two examples are significantly different from each other, but they have in common that they are not the kinds of behaviour that will gain Red Peter a release from his cage; a spitting, smoking ape does not deserve to be uncaged any more than a spitting, smoking axe-murderer.

So long as human beings are easy to imitate, he will never be assured escape from the cage; it is only in imitating the things that are *difficult* for an ape that Red Peter will gain his humanity. Of course, it will always be possible to find things to imitate in human beings, because neither Nietzsche nor Kafka denies that there is something that we share with animals: Nietzsche's animals have a problem within the state because their instincts do not cease to press for discharge; Kafka's Achilles feels the same wild and ancient wind playing about his feet as Red Peter does. Spitting, scratching oneself, eating with one's mouth open, urinating at the side of the road, etc., would not therefore have been difficult to imitate, and one has to take Kafka's acknowledgement of this fact as the claim that human beings are still animals. But because these are things which we share with animals, these are not the characteristics in imitating which Red Peter will find his way out. Nor are they the sorts of things which earn incarceration of Red Peter's type: if he is caged, it is because of characteristics that are in excess of those things he can imitate easily. And there are indeed things that are harder to imitate, like drinking alcohol.³²

But what about this schnapps? Drinking schnapps does not seem much better than smoking and spitting, and therefore not the kind of activity that should lead to emancipation. True, but the crucial difference between drinking schnapps and either smoking a pipe or spitting is that there is a repugnance to overcome. It is not simply that human beings drink schnapps and apes do not. It is not a matter of something that human beings do that apes as a matter of fact do not do but which apes could do without difficulty; like riding a go-cart, or dancing perhaps, or, for that matter, drinking tea. The trouble that the schnapps bottle gives Red Peter derives from its being repugnant to the ape, and not only to the ape; schnapps and alcohol in general even among human beings requires overcoming a certain repugnance. It requires overcoming oneself, and it is this feat which Red Peter has to master, and it is the achievement of this feat in the case of the schnapps bottle that defines the "line" he is to follow in becoming human, even if the repugnance returns. The sailors know that it is repugnant to Red Peter, and this, specifically, is what intrigues them: "My worst trouble came from the schnapps bottle. The smell of it revolted me; I forced myself to it as best I could; but it took weeks for me to master my repulsion. This inward conflict [*inneren Kämpfe*], strangely enough, was taken more seriously by the crew than anything else about me" (256, 308).

So if in Nietzsche it is essentially a matter of instincts rebounding because they have nowhere else to go, in Kafka it is a matter of becoming that which can dwell and be allowed to dwell outside the cage (i.e., a habilitation as in the mysterious thing called ‘rehabilitation’ in penological contexts). In both cases, however, one has the beginnings of a split self; in both cases a cage plays a central role; and in both cases it is a matter of displacing the animal in favour of the human. *In neither case, however, is humanity an end in itself*: in Nietzsche humanity is an unenvisioned side-effect of the state-making blonde beasts; for Red Peter it is not exactly humanity that is worthy of imitation; it is rather the condition of being uncaged, which is the attribute of the sailors, in imitating whom Red Peter exchanges the cage for the variety theatre. *For him*, what matters is his being uncaged, a “way out (*Ausweg*)” (253; 304, 305), a tolerable way of life (given that escape is impossible). For the humans that delight in watching him and for the members of the academy, what matters is his resemblance to human beings.

There is another, very important, similarity. The story of how Red Peter learns to imbibe schnapps includes placing his teacher in a very curious position. He says, having just described the many ways in which he failed:

[To] the credit of my teacher, he was not angry; sometimes indeed he would hold his burning pipe against my fur, until it began to smoulder in some place I could not easily reach, but then he would himself extinguish it with his own kind, enormous hand; he was not angry with me, he perceived that we were both fighting on the same side against the nature of apes and that I had the more difficult task (257).

If there is a fight, there are three characters here: the sailor, a certain Red Peter and “the nature of apes.” Both the sailor and “Red Peter” are fighting against the nature of apes. “Red Peter” has the more difficult task, simply because he is an ape besieged by ‘the nature of apes’ and is therefore his own enemy. The sailor realises that he cannot demand too much of Red Peter. How to understand, then, the burning pipe? The sailor is kind in that he extinguishes the smouldering that the pipe causes. He is kind not only in that he extinguishes it but in that he extinguishes it *with his own hand*, an amazing gesture characteristic of the being that the Ape will become, a being that does not single-mindedly pursue his desire to have the ape drink from the schnapps bottle, but one who himself reigns in this desire by extinguishing the smouldering Red Peter cannot extinguish himself (since it is “in some place I could not easily reach” [*irgendwo, wo ich nur schwer hinreichte* (310)]), and who is moreover, by hurting himself in extinguishing it, teaching himself not to simply pursue his desire, as if to say: suffering is necessary for these hard things that we want; see how I submit to suffering, I bring it upon myself; that is what you have to do. But he shows mercy at the same time, that is, he contradicts this teaching about the necessity of suffering. It is a wonderful movement: the man wants a difficult thing – not simply that the ape learns to drink schnapps – but that the ape learn how to do something that he suffers from. In order to get him to do that, he must make the ape suffer, and so he does, with his burning pipe. But he knows he wants this too much, and to simply do what one wants goes contrary to the lesson he is trying to teach. Therefore he extinguishes it, and, in order to be consistent, he shows the ape how to bear the suffering of not having one’s desires fulfilled, and extinguishes the burning fur with his own hand. In doing so, however, he releases the ape from the burden of suffering. The movement as a whole

says: I and you are the same, our difficulty is the same: we want what we do not want; we want x but we want to want the opposite of x. I want you to suffer, but I do not want you to suffer. And it also says the apparent contrary of this: I want to be merciful to you, but I do not want to be merciful to you. And you, who want me to be merciful to you, should want me to be cruel to you.

In any case, it becomes clear that pain is crucial, and this is re-iterated later in Red Peter's remarks about learning and the whip. Nietzsche's second essay is not silent about pain either: the making of the human animal with *humanitas* is essentially a story of pain:

His conscience? – It is easy to guess that the concept of 'conscience' that we here encounter in its highest, almost astonishing, manifestation, has a long history and variety of forms behind it. [...]

'How can one create a memory for the human animal? How can one impress something upon this partly obtuse, partly flighty mind, attuned only to the passing moment, in such a way that it will stay there?'

One can well believe that the answers and methods for solving this primeval problem were not precisely gentle; perhaps indeed there was nothing more fearful and uncanny in the whole prehistory of man than his mnemotechnics. 'If something is to stay in the memory it must be burned in: only that which never ceases to hurt stays in the memory' – this is a main clause of the oldest (unhappily also the most enduring) psychology on earth.

[...] Man could never do without blood, torture, and sacrifices when he felt the need to create a memory for himself; the most dreadful sacrifices and pledges (sacrifices of the first-born among them), the most repulsive mutilations (castration, for example), the cruelest rites of all the religious cults (and all religions are at the deepest level systems of cruelties) – all this has its origin in the instinct that realized that pain is the most powerful aid to mnemonics.

In a certain sense, the whole of asceticism belongs here: a few ideas are to be rendered inextinguishable, ever-present, unforgettable, 'fixed,' with the aim of hypnotising the entire nervous and intellectual system with these 'fixed ideas' – and ascetic procedures and modes of life are means of freeing these ideas from the competition of all other ideas, so as to make them 'unforgettable.' The worse man's memory has been, the more fearful has been the appearance of his customs; the severity of the penal code provides an especially significant measure of the degree of effort needed to overcome forgetfulness and to impose a few primitive demands of social existence as present realities upon these slaves of momentary affect and desire" (*GM II:3*).

Pain was also necessary to "to breed a 'nation of thinkers'" (the Germans). "These Germans have employed fearful means to acquire a memory, so as to master their basic mob-instinct and its brutal coarseness" (*GM II:3*)

Nietzsche at this point catalogues various terrible "old German punishments," and says:

With the aid of such images and procedures one finally remembers five or six ‘I will not’s,’ in regard to which one had given one’s promise so as to participate in the advantages of society – and it was indeed with the aid of this kind of memory that one at last came ‘to reason’! Ah, reason, seriousness, mastery over the affects, the whole somber thing called reflection, all these prerogatives and showpieces of man: how dearly they have been bought! how much blood and cruelty lie at the bottom of all ‘good things’!

These stories, then, are both about the becoming human of things which begin as other than human; in both, it is a certain splitting, a certain ability to oppose oneself and make an enemy of oneself that is the essence of the development of humanity; in both, confinement or inhibition is the operative event; in both humanity is achieved as a side effect; and in both pain is essential.

One surprising consequence of both these stories is that *humanity is nothing intrinsic to human being*. It is, in the best philosophical sense, an *accident*. The ape becomes human, but only in striving for something else; the semi-animals (why the ‘semi-’, after all?) do not even envisage humanity. Humanity is what we call the product of this development, and it is what Red Peter gets called once he has suffered this development. Any animal can become human, provided that it can undergo the kind of development that human beings underwent.

And so we have the answer to the question we posed earlier: why would Kafka in telling us a story about human being choose, rather than simply a human being, an ape that becomes human? The point is to show us the development through which human beings become human. But since what is already human has no need of becoming human, he has to tell a story about an ape that becomes human, just as Nietzsche has to refer to the beings that begin his story as semi-animals (or human animals) to mark them as different from fully fledged humans (and accordingly also later [GM III:20] refers to this passage of the second essay as a *Tierpsychologie*).

What, then, is humanity?

I take my cue from Kafka. The structure that he puts before us consists of a cage within a cage. Red Peter is confined, and far from attempting to break out, which is a lost cause, he stands over himself *within the cage*. What one ends up with then, is two apes in the cage, or, as he has it, another being to replace the old (since he says that his ape nature flees out of him), one that is better adapted to being in a cage. Standing over against the ape that is put into the cage, is another, the ape with the whip. This second ape ultimately replaces or sufficiently displaces the first, in the process called education. The ape that Red Peter once was could not stand to be in the cage, but rather than adapt *that* ape to its new home, that is, rather than do the impossible, since this ape is an Ape, a creature unused to being confined, a gaggle of instincts that fight for satisfaction, he becomes *something other* than an Ape. “[As] far as Hagenbeck was concerned, the place for apes was in front of a locker – well then, I had to stop being an ape” (253). He becomes a being-at-home-in-a-cage. It is not that *humanitas* defines the point he wants to reach as something *he aims at*.

So this man or these men walked about unimpeded. A lofty goal faintly dawned before me. No one promised me that if I became like them the bars of my cage would be taken away. Such promises for apparently impossible contingencies are not given. But if one achieves the impossible, the promises appear later retrospectively precisely where one had looked in vain for them before. Now, these men in themselves had no great attraction for me (255).

Again:

I repeat: there was no attraction for me in imitating human beings; I imitated them because I needed a way out, and for no other reason (257).

He wants to become only a being that can be outside a cage, and that means, though he may not know it, a creature that can co-exist with those outside the cage. For that, his contact with those outside the cage and his desire to please them and to act in ways that please them suffices, where to do what pleases them means: *not* to do that for fear of which they have caged him, i.e., attempting to run away, assaulting them, killing them, etc. (the kind of thing the orang-utan does in “The Murders in the Rue Morgue”³³). But once the temptation to do such things has been suppressed or occulted (or, perhaps, sublimated), and the unconfined humans are simulated, they are reproduced in Red Peter’s person; he has become, by the ingraining of the behaviours mimicked, *one* of them, even while he remains biologically what he always was. He is adept at behaving in all the ways that matter to civilised human sociality. Even if he is an ape, and therefore has his own conception of the good (for instance the female ape that he prefers to have sex with), he can, according to the good liberal principle that he claims no more than a “right to the most extensive basic liberty compatible with a similar liberty for others” (Rawls 1973:60), co-exist among (liberal) human beings (who don’t interfere in his private life), without the prosthesis of the cage, which used to function like the muzzle that prevents the Rottweiler from chewing things up but is now incarnate in the new behaviours into which he spontaneously falls. What the cage prevented him from doing he now prevents himself from doing, and now that that point is reached, he has attained *humanitas*. He is *as human* as Achilles, which is to say, not entirely *without* a relation to a prehistory in which he deserved to be permanently caged, but such that that prehistory is a whiff that returns every now and then, and not so often or strongly that a return to the cage is obligatory just yet.

We thus learn that to be human is to be at home in a cage. For even humans must be something other than they *can* always be and may originally have been, namely beings that in order to be in the same locality as other more (as they say) ‘evolved’ human beings, *must be caged*. But in the case of those we think of as fully human, the cage can be discarded like the shell of a hermit crab, at least until the moment at which, by a criminal act, they becoming deserving of the cage once again.

When Red Peter’s cage is moulted he does not leave the cage behind. When he leaves the cage, he is still the being that is at home in a cage, as long as he does not do what the cage prevented him from doing. Being the being that is henceforth adapted to being at home in a cage, he is in a cage

even when he is outside the cage, and that is his passport to humanity. The logic is: since I have no choice but to be in a cage (since escape is impossible), and since I hate the cage, and since I cannot both be in the cage and hate the cage, I will come to love the cage. But loving the cage *amounts to* erasing the difference between him and the human beings that keep him confined. The condition of his release is that he no longer behave like an ape, that he behave, full stop. For at a purely practical level, he is caged because his desires will not conform to the desires of his warders. The cage is the equaliser that forces behaviour of the desired type, in the first place just by preventing Red Peter from being a nuisance, and eventually, by having been that which, in order to escape it, compelled him to take it into himself. To gain a release from the cage, he has to make for himself a portable cage that will ensure that his behaviour outside the cage is no more troublesome than his behaviour within it. The replication of the cage in himself makes the real cage redundant.

**For Human Beings the Natural Life Is a Human Life
(Some Differences between Nietzsche and Kafka)**

The notion ... that a really tame mongoose, fox or monkey, once let loose, must certainly attempt to regain its “precious freedom” for good and all, implies a false anthropomorphization of the animal’s motive. It does not want to get away, it only wants to be let out of the cage.

– **Konrad Lorenz, *King Solomon’s Ring*, 73**

Nietzsche is not as forthcoming as Kafka regarding the details of his story. Or if he gives much detail on certain aspects (the history of pain and punishment, for instance), he leaves unanswered many questions about the precise conditions under which these animals are forced to turn their instincts against themselves.

One must read in “Report” Red Peter’s betrayal of the apes; Red Peter is not the one who comes down from the silence of the apes to humankind to speak as an ape for the apes. Red Peter does not remain an ape, and as an ape he is unspeaking, and, according to his own testimony, thinking in a manner so rudimentary that it is not recognisably thinking – thinking ‘with his belly’. Red Peter, on the contrary, wants to become *his captors*: that is his “way out.” So when he stands over himself in the difficult task of teaching his refractory ape self how to be human, the one who stands over his ape self is his human self, an as yet foreign, as yet badly understood agent of the human self against which his ape self, his “ape nature,” as he says, will continually and of necessity rebel. This self which stands over him is the self of his captor. It is now a question of learning, that is of becoming the captor/teacher.

But, while true, that has to be heavily qualified. I have just argued that that is not what he wants to be: he does not think to himself that he must make himself over into one of them. He wants a way out, and initially what he wants is to please his captors.

First of all, he is comfortable among the ship’s crew, so much so that he attributes to “the calmness [he] acquired among these people” that it “kept [him] from trying to escape” (254) (though he

admits that looking back, “it seems to me I must have had at least an inkling that I had to find a way out or die, but that my way out could not be reached through flight” [254]). They were a slow and rude, but friendly and warm company. He says that the men, in his recollection, are undifferentiable, “but there was one of them who came again and again, alone or with friends, by day, by night, at all kinds of hours; he would post himself before me with the bottle and give me instructions” (256). It is the fateful relationship that grows between Red Peter and this man that launches him toward humanity, and it is not humans or his captors that he wishes to please, but *this* man.

After the bottle was uncorked he lifted it to his mouth; I followed it with my eyes right up to his jaws; he would nod, pleased with me, and set the bottle to his lips; I, enchanted with my gradual enlightenment, squealed and scratched myself comprehensively wherever scratching was called for; he rejoiced, tilted the bottle, and took a drink; I, impatient and desperate to emulate him, befouled myself in my cage, which again gave him great satisfaction; and then, holding the bottle at arm’s length and bringing it up with a swing, he would empty it at one draught, leaning back at an exaggerated angle for my better instruction. I, exhausted by too much effort, could follow him no farther and hung limply to the bars, while he ended his theoretical exposition by rubbing his belly and grinning (256).

Humanity as such does not attract him, and what he wants is a way out. But he knows, as it were, that that consists in becoming “like them (*wie sie*)” (255, 307), for *they* walk about unimpeded. But the only relation that he has to them, his free captors, in *general*, is that they provide a calm that is essential to his development, and it is ultimately with *one of them* in particular, one who (not unlike the scientists for whom Costello has such contempt) “wanted to solve the enigma of [his] being” (256), that he has a relationship. In these specific senses, Red Peter has a relationship to his captors that turns out to be pivotal to his metamorphosis.

This is not a story Nietzsche could tell, since Nietzsche’s captors are not yet of the relevant type. Certainly they are captors, but they are captors essentially like those whom they capture, except to the extent that they are organisers, state-makers, artists and form-givers. It is not in imitating *these* attributes that their captives become human. Indeed, it is precisely because the captors are not yet the kinds of beings that the captives need to imitate in order to cope with their situation that Nietzsche’s story about the origin of the conscience must let everything hang on the turning inward of instinct, the captors playing no role except that they confine and make this turning inward of instinct necessary. In Nietzsche the captors need not be human or like human beings in any way; everything transpires as if the cause of the confinement is a blind force of nature, a disaster that befalls the captives and makes it impossible for them to act as they used to.

We might ask, though: why does this populace obey, so that the situation is *given* in which these instincts cannot be vented on another animal? According to Nietzsche the conscience gets put in place once one has discovered that one may not vent one’s instincts on others. *Once* that is given, one turns one’s instincts against oneself. But what stops these animals from doing as they did in the wild? By what process do they come to realise that this will not do, and by which they will henceforth vent their instincts on themselves alone?

For Nietzsche's dismissal of contractarianism should not be believed too quickly. This story of confinement is dubious. It is not that there is a fence or wall preventing them from returning to their wild life. And indeed, it is not clear why their corralling should not be regarded by the captives as a boon, since, in a previously scattered existence it would have been much less easy to find targets for their aggression than in their new condition in which they are supposedly inescapably crowded together. By Nietzsche's lights, this should be an absolute paradise of violence. Nor is it plausible that they would be too afraid of their captors: *ex hypothesi*, they all want violence, and these captors would be ideal targets of this violence especially if they are to blame for corralling these creatures who so value their freedom, and especially if the crowd of captives is, as we must suppose, greater than the number of captors (for in that case the opportunity for obtaining pleasure from violence is great: the captors would be easy pickings).

Kafka's story is therefore more plausible from this point of view, since Red Peter – one ape – is easily overpowered and retained. *On the other hand*: the story that Nietzsche is trying to tell is more difficult, since there must not be, before the development he is describing, anyone who has *already* become a divided – a human – being, while Kafka has an easier time of it because he can count on the existence of an already constituted humanity to provide what is effectively and ultimately a model for Red Peter's 'way out'.

But – leaving aside some of these worries – one might respond to the question (by what process do Nietzsche's wild men turn against themselves?) by saying that the central role in this process by which they become their own enemies is played by punishment. How would punishment work?

Perhaps the process is something like the following. One has seen those who behave no differently than in the wild subjected to terrible punishments. One knows that one will be subjected to the same punishments if one behaves like that. One then ceases to behave like that.

Or it may look like this: one behaves no differently than one does in the wild, and one is oneself subjected to certain punishments. One then ceases to behave wildly.

In the first case, in which one sees *others* incarcerated for behaving as one would like to, those that are incarcerated *become the model* of that which one must *not* be, and, *outside* the cage, one makes oneself over into something that conforms to the contrary of the inmate – or, one stands over oneself in order to ensure that, *though one's instincts force one in that direction*, one becomes something other than one is in the sense of this 'libidinal economy', this system of these instincts.

In the second case, in which one is *oneself* incarcerated, one becomes the model of that which one must *not* be, and those outside the cage, or, indeed, even your former, free life, outside the cage, becomes the model of what you *should be*. The caged (imprisoned or punished over a period of time) creature discovers the anti-model of himself in those outside the cage and, in order to become that, stands over himself with a whip, and learns.

In both cases, we have a variation on Kafka's story: it is not society that is the cage, and one has precisely not been deprived of objects for one's aggression (there would be no punishment if one had been), but there is a condition (of being punished in whatever way) that one would like to avoid. The 'way out' still means a way of living a tolerable life given that punishment is inevitable, and that is a struggle with oneself. "Oneself" means however: the instincts, the wildness, that in which one is a nuisance and that propels one toward the cage.

The story of his learning is then essentially the story of his ceasing to be a target for the goads. Either way it is the story of a way out.

But then the story of punishment is the story of how one takes the task of punishing upon oneself, and, like Red Peter, sides with those who punish you, and takes sides against oneself, or rather, against one's wildness, against one's "ape nature" ("we [meaning he and the sailor who is his first educator] were both fighting," Kafka writes, "on the same side against the nature of apes").

That is to say: one – *in effect* – identifies with the state/the blonde beasts, but again, without taking them as worthy of obedience as such. It is merely that they put in place the punishments. And since you wish to avoid the punishments, you want what they want, and that means: you wish to conform to their ideal picture of you. That is still the form of Kafka's story, since what Red Peter does is also – *in effect* – to identify with his captors. And just as Red Peter makes the cage redundant by taking the cage with him outside the cage, these animals take the task of hurting themselves on themselves, making the *state* redundant. If this process of remoulding occurs, then the cage (which they either presently occupy or wish never to occupy) has become redundant, even if it was necessary *to provoke* the remoulding, as Red Peter's cage was essential to his transformation.

We do not now have to revise the formula, that to be human is to be at home in a cage, but are now in a position to conceive the matter more precisely. The condition that Red Peter and Nietzsche's humans find themselves in, is one that, just because of the presence of an inescapable restraint, makes it necessary to become something other than they are: they have to be the beings that change in conformity with the constraints placed on them, such that they elude them. The process through which they come to elude the constraints of the cage is also the process in which they have made themselves in the mould of the cage. They are at home in a cage in the sense that their new nature is the kind of nature that simulates the condition of being in a cage. (If there are models to imitate here, like the sailors in Kafka, they are models because they already conform to the requirements of the cage.)

The process is efficient enough to allow us to remain convinced of a certain freedom that is after all very little freedom, or a different kind of freedom if it is freedom at all, a freedom under duress, the "way out," and in both these cases the operation would seem to be that, faced with constraint imposed on account of certain attributes (those that make one punishable and worthy of punishment, or those that make one worthy of caging), the way out is to become that which is no longer deserving of this constraint, to become the sort of thing that does not require constraint. The way out consists in taking the function of the constraint upon oneself, thereby winning

freedom by giving up on freedom (on the full exercise of one's original capacities which have made one so objectionable to one's constrainers), or gaining an escape from constraint by becoming the constraint oneself. At first one has a society that is on the one hand state and on the other subject, a divided society, and this is replaced by a society in which subject and state are one. But division is not eradicated; whereas the individual person was one single-minded unity in that first incarnation of the state, the citizen of this society in which state and individual are one is now divided within itself. (One is almost *zweiteilt* [304], cut in two, dichotomised, Red Peter says, when one presses oneself against the grid-bars [*Gitterstange*] of the cage in order to think out the reason for one's confinement).

This is ultimately a paradoxical and funny situation, the one that Red Peter reflects on in his apostrophe on the freedom of the acrobat:

I fear that perhaps you do not quite understand what I mean by 'way out.' I use the expression in its fullest and most popular sense – I deliberately do not use the word 'freedom.' I do not mean the spacious feeling of freedom on all sides. As an ape, perhaps, I knew that, and I have met men who yearn for it. But for my part I desired such freedom neither then nor now. In passing: may I say that all too often men are betrayed by the word freedom. And as freedom is counted among the most sublime feelings, so the corresponding disillusionment can be also sublime. In variety theatres I have often watched, before my turn came on, a couple of acrobats performing on trapezes high in the roof. They swung themselves, they rocked to and fro, they sprang into the air, they floated into each other's arms, one hung by the hair from the teeth of the other. 'And that too is human freedom,' I thought, 'self-controlled movement.' What a mockery of holy Mother Nature! Were the apes to see such a spectacle, no theatre walls could stand the shock of their laughter (253).³⁴

The bizarreness of the situation is already captured early in his report, well before the story of his confinement and his way out is told: "In fact, to give up being stubborn was the supreme commandment I laid upon myself; *free ape as I was*, I submitted myself to that yoke [*ich, freier Affe, fügte mich diesem Joch*]" (250, 299 – emphasis added, D.M.).

What is interesting is that Red Peter does not come to want entirely new things: he does not prefer sex with humans to sex with apes (though perhaps he could no longer fall in love with an ape); he still feels pain and pleasure; *and above all, he still wants freedom*. He has always wanted freedom; it is true that he warns against a certain conception of freedom, but one thing that "way out" means *is* freedom, *if only* freedom from the cage. And it is this freedom that makes him take the cage within himself. At that point it is not clear that one can laugh at the Kantian notion ("prescribing laws to oneself") that freedom necessitates the kind of control (and unfreedom) by which (a certain kind of) freedom may be had. "Free ape as I was, I submitted myself to that yoke." The choice is free, in the sense that he could always not have made it. But the cost of not making it is that he turn out to be like the female ape that "has the insane look of the bewildered half-broken animal in her eye." In that sense, it is as free and no more free than handing over one's purse to a robber with a pistol.³⁵

And here too, there is an echo of a significant passage in Nietzsche in which this “ugly” series of events is affirmed as no less than “the womb of all ideal and imaginative phenomena”:

One should guard against thinking lightly of this phenomenon merely on account of its initial painfulness and ugliness. For fundamentally it is the same active force that is at work on a grander scale in those artists of violence and organisers who build states, and that here, internally, on a smaller and pettier scale, directed backward, in the ‘labyrinth of the breast,’ to use Goethe’s expression, creates for itself a bad conscience and builds negative ideals – namely, the *instinct for freedom* (in my language: the will to power): only here the material upon which the form-giving and ravishing nature of this force vents itself is man himself, his whole ancient animal self – and *not*, as in that greater and more obvious phenomenon, some *other* man, *other* men. This secret self-ravishment, this artists’ cruelty, this delight in imposing a form upon oneself as a hard, recalcitrant, suffering material and in burning a will, a critique, a contradiction, a contempt, a No into it, this uncanny, dreadfully joyous labour of a soul voluntarily at odds with itself that makes itself suffer out of joy in making suffer – eventually this entire *active* ‘bad conscience’ – you will have guessed it – as the womb of all ideal and imaginative phenomena, also brought to light an abundance of strange new beauty and affirmation, and perhaps beauty itself (*GM II:18*).

Although for Nietzsche freedom is power, while for Red Peter it is a way out, in both it is the will to freedom that ensnares them in a certain trap (as the struggling of an animal might further entrap it). In both cases, it is not for nothing: in Nietzsche the rewards are *vast*: ideal and imaginative phenomena (a very general category indeed), “perhaps beauty itself” and “reflection” (*GM II:3*); in Kafka, a *way out* of the cage that is a way *in* to human society, with what benefits that brings (and despite Costello’s claims Red Peter is clearly *happy* to have gained what he has).

But I believe that there is also in Kafka something of a parody of Nietzsche: given their laughter at the acrobats, the apes would also have to laugh at the sovereign, in whom Nietzsche says (*GM II:2*) there is “a proud consciousness, quivering in every muscle, of *what* has at length been achieved and become flesh in him, a consciousness of his own power and freedom, a sensation of mankind come to completion.” Nietzsche asks:

this master of a *free* will, this sovereign man – how should he not be aware [...] of how this mastery over himself also necessarily gives him mastery over circumstances, over nature, and over all more short-willed and unreliable creatures?

And he writes:

The proud awareness of the extraordinary privilege of *responsibility*, the consciousness of this rare freedom, this power over oneself and over fate, has in his case penetrated to the profoundest depths and become instinct, the dominating instinct. What will he call this dominating instinct, supposing he feels the need to give it a name? The answer is beyond doubt: this sovereign man calls it his *conscience*.

But it is not clear that one has a right to laugh, and Kafka indeed only writes that *the apes* would laugh. Speaking to Gustav Janouch about a tale called *Lady into Fox* by one David Garnett, Kafka says:

He didn't get that from me. It's a matter of the age. We both copied from that. Animals are closer to us than human beings. That's where our prison bars lie. We find relations with animals easier than with men ...

Every man lives behind bars, which he carries within him. That is why people write so much about animals now. It's an expression of longing for a free natural life. But for human beings the natural life is a human life. But men don't always realise that. They refuse to realise it. Human existence is a burden to them, so they dispose of it in fantasies (Quoted in Scholtmeijer 1997:135³⁶).

There is little sign of longing in "Report." Indeed, what is interesting is Red Peter's claim that he does not want to go back, that is, that when one becomes what one is, even if that is to become something one had not been, one no longer wishes to be anything else, including what one might have been:

I could have returned at first, had human beings allowed it, through an archway as wide as the span of heaven over the earth, but as I spurred myself on in my forced career, the opening narrowed and shrank behind me; I felt more comfortable in the world of men and fitted it better; the strong wind that blew after me out of my past began to slacken; today it is only a gentle puff of air that plays around my heels; and the opening in the distance, through which it comes and through which I once came myself, has grown so small that, even if my strength and my willpower sufficed to get me back to it, I should have to scrape the very skin from my body to crawl through (250).

Not only, that is, is his desire to return much shrunken, but it would not be easy to do so even if that desire were there. That is, even if he were to want to go back, he would have to overcome intense opposition. If he decided to return to the manners of the wild, and if that comprised, say, urinating in public, eating with his mouth open, hurting or killing those that irritated him, stealing his neighbour's fruit, he should find this difficult to do. Though one may once have done these things utterly naturally, having learnt or been trained otherwise, it is not possible simply to return to them. It is not simply that our instincts are held in check, as if by the force of reason or some such faculty different from our instincts. It is rather that there are different instincts, new ones, which do not simply displace and replace the old, but which have to contend with the old ones which continue to press for discharge. This is why Nietzsche talks about the conscience not as some lookout agency that is somehow different from an instinct, but rather as the growth of new forces that are themselves instinctual: "this rare freedom, this power over oneself and over fate, has in his case penetrated to the profoundest depths and become instinct, the dominating instinct. [...] [This] sovereign man calls it his *conscience* (*sein Gewissen*)."

It would be just as hard for Red Peter to go back as it was for him to get to humanity in the first place. His un-education would have to be a re-education. When he was an ape, he had to suppress those instincts that made him animal, but he would have gotten nowhere if he had not already some capacity to prevent these instincts from winning out always. Just as now some of the animal remains with him, then, some of the human must have been with him (but the human, Nietzsche says, is anticipated by the ape: the human being is as cruel as the ape, just in other – more ‘sublime’ ways.). He has managed to give the human the upper hand, but at a certain point the animal had the upper hand, and to move from the one extreme to the other is difficult in both directions. (It is a point of fundamental importance, however, that he could do it *if he had to*, that is, if he were to come to be in a situation – say if he were again transported to the wild and abandoned – in which he needed “a way out”: in such wildness [or freedom], his conscience, his shame, his manners, would be such as to get him killed or hurt instantly. If he wished to move about freely *in this world*, he would have to replace his *humanity* with an alien apehood.)³⁷

As the opposition to the animal in us seems to be a great part of what is called morality, morality must be understood, these stories suggest, as an ability to take sides against ourselves; and the essential requirement for the genesis of *humanitas* from *animalitas*, according to the stories of Nietzsche and Kafka, is confinement and cruelty, that is, nothing biological, nothing physiological, nothing constitutional, nothing essential, but rather something historical and contingent, and extrinsic. Humanity is therefore nothing intrinsic to the human being,³⁸ but it does not *remain* something extrinsic. The entrance into *humanitas*, provoked by an external and heteronomic confinement, is assured by the ‘internalization’ of the confinement, the taking of confinement upon oneself, so that one no longer has to be in a cage to be restrained. But at that stage it becomes difficult to hold on to the belief that what one is has not changed, as one might still have held on to that when one was merely, as at the beginning of Red Peter’s journey, living in a cage. One remains animal, but one is reluctant to be so. One is still animal, but one is also the denial of the animal. But now that we are what we are, a return to animality is difficult and runs counter to the ‘instincts’ we call conscience and guilt and shame. While we may still refer to the animal as the measure of the natural, we no longer *feel* the animal to be natural when it comes right down to it. And while Nietzsche thinks that it is right for us to recuperate at least some of the animal in us, Kafka asserts that this longing is the fantasy of those – the “discontents,” as Freud will put it – who find the natural life for human beings, the human life, difficult.

Conclusion

This chapter concludes my extended treatment of Kafka, but I hope to have convinced the reader that Kafka is much exercised by the question of our relation to the law as a factor of constraint, and much intrigued by the fact of our own participation in the working of this constraint upon us. As the present chapter has hoped to show, however, this is not a matter that interests him only in the abstract (as in “Before the Law”), for the relation to Nietzsche that I have attempted to bring into view also shows his interest in the concrete mechanism of this participation. But in noting some of the differences between them – the emphasis on learning in Kafka, Kafka’s emphatic introduction of a personal intermediary in the form of the sailor who wishes to “solve the enigma of [his] being” – I have also laid the ground for the later examination of Nietzsche’s views, for these

differences will be shown to be loci of tension or neglect in Nietzsche's own elaboration of the problem. The thesis now takes a turn, however, to consider the views of Freud, both on their own terms and in their relation to Nietzsche.

CHAPTER THREE
What's Eating the Cannibal?
Freud on the Bite of Conscience

A strong and well-constituted man digests his experiences (his deeds and misdeeds included) as he digests his meals, even when he has to swallow some tough morsels.

– Nietzsche, *On the Genealogy of Morals*, III:16

Remorse [...] – L. *remorsus*, pp. of *re-mordere*, to bite again
 – *The Concise Dictionary of English Etymology*

I attempt to show in this chapter

- a. that Freud does not have *one coherent* theory of the superego, and that there are serious tensions between the theories he advances.
- b. that Freud's views in certain important aspects bear a striking resemblance to Nietzsche's ideas regarding the origin of the bad conscience and the origin of gods in the second essay of the *Genealogy*. I emphasise again that the point of showing this is not to keep a record of intellectual credits and debits; I am concerned rather to map some of the commonalities and differences in their way of understanding the formation of obedient citizens through the idea that there is a certain internalization of prohibitions, and I am concerned to come to some decisions about the truth of their views.
- c. that the task of providing a theory of the superego in the terms in which Freud attempts to is almost impossibly difficult. My judgement of Freud in this chapter will in this sense be mostly negative, but I emphasise that Freud's contribution to this thesis will not end with the considerations of this chapter.

I do not claim any originality for the thesis that there are commonalities between Freud and Nietzsche³⁹; and Greer (2002) has pointed out many of the overlaps between Nietzsche's views on the bad conscience and Freud's theory of the superego. I am interested in the commonalities as much as in the differences. It seems to me that Freud was uncomfortably conscious of his closeness to Nietzsche and was therefore careful to at least try to make certain advances on Nietzsche. He attempts to think through the schema of internalization – whose germ can be found in Nietzsche – in all its convolutions, and in doing so departs in significant ways from Nietzsche (for example in the emphasis on love) and teaches us much about the requirements of, and the difficulties that have to be faced by, a full theory of subjectivity in subjection on broadly Nietzschean lines.

An account of the superego has to explain at a minimum how we get from a situation in which parents as authorities with a certain power (be this the power of castration or of withdrawal of affection – or indeed the one *as* the other) command our obedience, to one in which commands that once came from these authorities are given to us by ourselves. In Freud's terms this is to explain how we *internalize* the authority. Thus Freud writes that a "bad conscience" or "guilt" must not be confused with a "fear of loss of love," as long as this loss is threatened by an *external* authority like the real parent who may chance to uncover one of our misdeeds. We may speak of "conscience or a sense of guilt" only once the authority is internalized:

This state of mind [fear of punishment, fear of loss of love – PFL 12, 316] is called a 'bad conscience'; but actually it does not deserve this name, for at this stage the sense of guilt is clearly only a fear of loss of love, 'social' anxiety. In small children it can never be anything else, but in many adults, too, it has only changed to the extent that the place of the father or the two parents is taken by the larger human community. Consequently, such people habitually allow themselves to do any bad thing which promises them enjoyment, so long as they are sure that the authority will not know anything about it or cannot blame them for it; they are afraid only of being found out. Present-day society has to reckon in general with this state of mind.

A great change takes place only when the authority is internalized through the establishment of a super-ego. The phenomena of conscience then reach a higher stage. Actually, it is not until now that we should speak of conscience or a sense of guilt. At this point, too, the fear of being found out comes to an end; the distinction, moreover, between doing something bad and wishing to do it disappears entirely, since nothing can be hidden from the super-ego, not even thoughts. [...] The super-ego torments the sinful ego with the same feeling of anxiety and is on the watch for opportunities of getting it punished by the external world (PFL 12, 317-318).

Freud's view (or one of Freud's views) on the origin of the superego strongly echoes the view that Nietzsche puts forward (as a "hypothesis") in section 16 of the second essay of the *Genealogy*.

I regard the bad conscience as the serious illness that man was bound to contract under the stress of the most fundamental change he ever experienced – that change which occurred when he found himself finally enclosed within the walls of society and of peace. [...]

All instincts that do not discharge themselves outwardly turn *inward* – this is what I call the *internalization* of man: thus it was that man first developed what was later called his "soul." The entire inner world, originally as thin as if it were stretched between two membranes, expanded and extended itself, acquired depth, breadth, and height, in the same measure as outward discharge was *inhibited*. Those fearful bulwarks with which the political organization protected itself against the old instincts of freedom – punishments belong among these bulwarks – brought about that all those instincts of wild, free, prowling man turned backward *against man himself*. Hostility, cruelty, joy in persecuting, in attacking, in

change, in destruction – all this turned against the possessors of such instincts: that is the origin of the “bad conscience.”

On Freud’s view it is likewise a matter of aggressiveness that cannot be discharged, that is internalized, and that, once taken over by the ego, becomes the superego. In *Civilization and its Discontents* (henceforth “*Civilization*”), Freud writes:

What means does civilization employ in order to inhibit the aggressiveness which opposes it, to make it harmless, to get rid of it, perhaps? We have already become acquainted with a few of these methods, but not yet with the one that appears to be the most important. This we can study in the history of the development of the individual. What happens in him to render his desire for aggression innocuous? Something very remarkable, which we should never have guessed and which is nevertheless quite obvious. His aggressiveness is introjected, internalized; it is, in point of fact, sent back to where it came from – that is, it is directed towards his own ego. There it is taken over by a portion of the ego, which sets itself over against the rest of the ego as super-ego, and which now, in the form of ‘conscience’, is ready to put into action against the ego the same harsh aggressiveness that the ego would have liked to satisfy upon other, extraneous individuals (PFL 12, 315).^{40, 41}

Lacan says in *The Ethics of Psychoanalysis*: “Whether or not this view is ratified in the name of some preconceived view of nature, it is nevertheless true that at the heart of everything Freud taught, one finds the following: the energy of the so-called superego derives from the aggression that the subject turns back upon himself” (1992:194).⁴²

Nietzsche, however, does not provide many details concerning this reversal of instincts towards oneself. Freud makes a serious attempt to fill in some of the detail and to answer some of the questions surrounding this picture, and this chapter consists in examining his endeavour.

In what follows I do not give a chronological presentation of Freud’s views. The ordering is rather intended to provide a way of understanding a certain logic in the development (or vacillation) in Freud’s views regarding the superego.

Given Freud’s divergent attempts to answer the question, and his reworkings of his views, not to mention the intrinsic complexity of the issue of the superego, it often happens that he says conflicting things in the space of a paragraph. Since I have to disentangle these strands in my attempt to describe the underlying imperatives to which Freud is trying to respond, I will at times not be able to avoid a repetition of certain quotations.

**The Origin of the Superego Out of
the Dissolution of the Oedipus Complex
(Out of Identification with the Objects of the Child’s Love)
(*New Introductory Lectures* – 1933)**

Freud writes in the *New Introductory Lectures*:

The basis of the process is what is called an ‘identification’ – that is to say, the assimilation of one ego to another one, as a result of which the first ego behaves like the second in certain respects, imitates it and in a sense takes it up into itself. Identification has been not unsuitably compared with the oral, cannibalistic incorporation of the other person. It is a very important form of attachment to someone else, probably the very first, and not the same thing as the choice of an object. The difference between the two can be expressed in some such way as this. If a boy identifies himself with his father, he wants to be like his father; if he makes him the object of his choice, he wants to have him, to possess him. In the first case his ego is altered on the model of his father; in the second case that is not necessary. Identification and object-choice are to a large extent independent of each other; it is however possible to identify oneself with someone whom, for instance, one has taken as a sexual object, and to alter one’s ego on his model. [...] If one has lost an object or has been obliged to give it up, one often compensates oneself by identifying oneself with it and by setting it up once more in one’s ego, so that here object-choice regresses, as it were, to identification.

I myself am far from satisfied with these remarks on identification; but it will be enough if you can grant me that the installation of the super-ego can be described as a successful instance of identification with the parental agency. The fact that speaks decisively for this view is that this new creation of a superior agency within the ego is most intimately linked with the destiny of the Oedipus complex, so that the super-ego appears as the heir of that emotional attachment which is of such importance for childhood. With his abandonment of the Oedipus complex a child must, as we can see, renounce the intense object-cathexes which he has deposited with his parents, and it is as a compensation for this loss of objects that there is such a strong intensification of the identifications with his parents which have probably long been present in his ego. Identifications of this kind as precipitates of object-cathexes that have been given up will be repeated often enough later in the child’s life; but it is entirely in accordance with the emotional importance of this first instance of such a transformation that a special place in the ego should be found for its outcome (PFL 2, 94-96).

The dissolution of the Oedipus complex results, then, in the installation of the superego. The objects of the child’s love must be given up and the process of giving them up is the process by which they are installed in the ego of the child, as the child’s superego. The child must give up these objects of its love, and as compensation takes them up into his ego.

There is no hint of aggression here, and it is difficult to understand how the superego could be a severe and threatening reprimander of the child’s illicit desires if it is the result of this identification with the objects of the child’s love, as long as they are identified with *as* objects of the child’s love. In so far as they are identified with *as* objects of the child’s love, could they be ‘taken in’ as authoritarian commanders commanding the abandonment of the child’s love? It is hard to see how an authoritarian commander of obedience to moral laws could provide an appropriate object for the child to continue its love of these lost objects.

There thus seems to be a problem with a genetic story about the superego which insists on *love* alone or above all, and for this reason the story above must come to be supplemented or replaced by parts of the other stories, if there is to be a complete theory of the superego.

On the one hand, then, Freud must account for an agency that, as he sees it at least, is aggressive, stern, contrary to the desires of its possessor, in short, condemnatory and prickly. On the other hand, he must account for something that the child also admires and loves and that is the bearer, in some sense, of an ideal. Given this latter constraint, it is not surprising that it is a matter of love in the *New Introductory Lectures*. Given *both* constraints, it is not surprising that, in the story of the primal horde (in *Totem and Taboo* and elsewhere), it *cannot* be a matter of love and identification alone.^{43, 44} Rather, Freud there makes the *ambivalence of the child* (or of the band of brothers towards their father) central: these brothers hate their father, but they love him too, says Freud. The origin of the superego is in that case not from love alone, or from aggression alone, but from *both*. But before I get to that view, I first discuss another, in which it is aggression alone that plays the central role.

**The Origin of the Superego
Out of the Fantasy of Revenge
(Out of Identification with the Objects of the Child's Aggression)
(*Civilization and its Discontents* – 1930)**

The view in *Civilization* is as follows:

In order to make our exposition easier, let us take as our example the aggressive instinct, and let us assume that the renunciation in question is always a renunciation of aggression. (This, of course, is only to be taken as a temporary assumption.) The effect of instinctual renunciation on the conscience then is that every piece of aggression whose satisfaction the subject gives up is taken over by the super-ego and increases the latter's aggressiveness (against the ego). This does not harmonize well with the view that the original aggressiveness of conscience is a continuance of the severity of the external authority and therefore has nothing to do with renunciation. But the discrepancy is removed if we postulate a different derivation for this first instalment of the super-ego's aggressivity. A considerable amount of aggressiveness must be developed in the child against the authority which prevents him from having his first, but none the less his most important, satisfactions, whatever the kind of instinctual deprivation that is demanded of him may be; but he is obliged to renounce the satisfaction of this revengeful aggressiveness. He finds his way out of this economically difficult situation with the help of familiar mechanisms. By means of identification he takes the unattackable authority into himself. The authority now turns into his super-ego and enters into possession of all the aggressiveness which a child would have liked to exercise against it. The child's ego has to content itself with the unhappy role of the authority – the father – who has been thus degraded. Here, as so often, the situation is reversed: 'If I were the father and you were the child, I should treat you badly.' The relationship between the super-ego and the ego is a return, distorted by a wish, of the real relationships between the ego, as yet undivided, and an external object. That is typical, too. But the essential difference is that the

original severity of the super-ego does not – or does not so much – represent the severity which one has experienced from it, or which one attributes to it; it represents rather one's own aggressiveness towards it. If this is correct, we may assert truly that in the beginning conscience arises through the suppression of an aggressive impulse, and that it is subsequently reinforced by fresh suppressions of the same kind (PFL 12, 321-322).

Here there is not *no* love exactly, for if the *example* of the instinct that must be suppressed here is an aggressive one, the scenario could be realised “whatever the kind of instinctual deprivation that is demanded of [the child] may be.” The parent may therefore *also* command the child to abandon its love or its desire to sexually possess the parent. However the figure that the child here “takes into himself” is not taken in *as an object of love* but as the “unattackable authority,” that is, as the authority which the child would like to, but cannot, attack. It is therefore internalised as one against whom a certain *aggression* is directed.

This then reconnects with the earlier picture which has so much in common with Nietzsche: the aggressiveness that cannot be discharged outwards rebounding against the one who would expend it, and getting set up in the ego of the latter as conscience (or the bad conscience in Nietzsche). Here, however, it is not simply a matter of a rebounding of the aggressiveness. Folded into that is an identification. There is aggression, and it does rebound, but this aggression of the vengeful child is *now taken over by the authority with which the child has identified* (“The authority now turns into his super-ego and enters into possession of all the aggressiveness which a child would have liked to exercise against it.”), and the aggression now has a place in the psyche of the child as the child's superego. That aggression is exercised against the ego and will continue to define the relationship between superego as aggressor and ego as victim. The ego is now in the position of the authority whom the child would have liked to have taken his revenge on:

The child's ego has to content itself with the unhappy role of the authority – the father – who has been thus degraded. Here, as so often, the situation is reversed: ‘If I were the father and you were the child, I should treat you badly.’ The relationship between the super-ego and the ego is a return, distorted by a wish, of the real relationships between the ego, as yet undivided, and an external object.

According to Freud the ego is now *the degraded authority* (the father). The ego was once the ego of the child, who had to bow to the father's authority; but now that the superego is installed, the place of the ego is the place of the authority. But the authority does not exercise power; it is instead, according to the fantasy of the vengeful child, degraded.

The ego is now the father's place as seen from the point of view of the aggressive and vindictive child. But since the aggressive child was the previous occupier of the ego, and the child has now been displaced to make place for the degraded authority, the aggressive and vengeful child now finds a new place in the psyche, the place called by the name of the superego, and this superego has all the aggression that the child would have liked to have vented – but could not – against the actual father. Just as identification on the previous picture enabled the child to *continue loving*

those it was forbidden to love, on this picture it enables the child to *continue its aggression* towards those whom it was not permitted to injure.

According to this theory, then, the father (the degraded authority) is now in the place of the ego, and the superego is the place occupied by *the previously aggressive child now having its revenge*. It is only on this condition that the new structure and relations between superego and ego can have the form that Freud accords it, the form of a wish in which the roles of father-aggressor and child-victim are reversed. In order to effect this strange substitution, Freud, in the meanwhile, has had to make the child and the father something quite different than they were in the beginning: whereas the child was in the beginning subject to the father's power, the child is now – as the superego – the powerful one and the father is now – as the ego – a degraded authority.

This is a difficult position to defend, however, as an account of the genesis of the superego. Everything is topsy-turvy. Is the superego not the representative of the *father/parent* (even if it possesses the aggressive energy of the child)? If that is a constraint that this genetics of the superego is obliged to respect, how can the place of the superego now be occupied by the previously aggressive *child*? A genetics along these lines could never explain how the rules, laws and morals of a society are internalized by the child. If anything this story is the story of how the child *would resist* the assumption of these laws and rules, since the authority is here degraded, and the child is victorious. The child can by this process achieve none of that which the superego is called on to explain, namely a coincidence between the child's psyche and the laws of the society, its being divested by civilization of its aggressiveness; for although it does not have any actual revenge on the real father, the child's psyche *remains aggressive and recalcitrant* as it celebrates the abjection of society and its laws in the figure of the degraded authority.

The story by which the child-as-superego has its revenge on the authority-as-ego might indeed perhaps be used to explain why human beings in society are not as aggressive as we would expect them to be: one might say that we work off these aggressions in fantasy. One will thereby have explained how the child can find an 'underground' satisfaction for the aggressiveness that it directs at authority (the father, but also, more generally, society and its law). One will in effect say that the child takes this aggression out on itself by making a part of itself play the role of the resented authority, and venting its aggression on that portion of its psyche. But this story will leave the aggressiveness intact. The child will continue to direct its aggression against the various authorities, and one will not thereby have explained how the child comes to *take the part of* this authority, against itself (against its desires, interests, etc., including the desire to do the authority harm). Those who channelled their unvented aggression solely in this way, and went to bed with fantasies of mauled judges, mutilated bailiffs and abject fathers, would not I think be those in whom we would say the superego was properly formed.

One could claim that Freud does not say, with the genetics above, merely this. It is not upon an object that remains merely external that we vent our aggression in fantasy. The child as superego commits an *actual* aggression and not merely against a *fantastical* father: it commits this aggression *against itself*. If it commits an aggression against the father, it is now a degraded father, and this father is a part of itself, i.e., *the ego* as degraded authority. That is, Freud's picture is a

contribution to the question concerning the superego precisely in what it has in common with Nietzsche's picture, for the aggression rebounds *against itself* and that is what, in any account of the superego, needs to happen.

In this account of Freud's, however, it is not strictly against *ourselves* that this aggression turns. It may well be against the ego that this aggressive energy of the superego is directed, and an important constraint is thus indeed satisfied. However, *symbolically*, in the mind of the child (whose centre of gravity is now with the superego) it is not against itself that this aggression is directed: it is directed, rather, at a degraded authority. It is only when we come to regard ourselves as deserving punishment, as being guilty, that we can say that a superego is installed. But then we cannot say that on Freud's account a superego has been installed, because it is not at itself that the child's aggression is aimed. *It, the child, is not what is guilty*; it, *the child*, is not what deserves and receives punishment. What receives punishment is *the degraded authority*, and as such, the child experiences and need experience no pain at all, indeed nothing but unalloyed glee at its victory over its former oppressor. Between the aggressive superego (which is never guilty since it always has the moral high ground) and the degraded authority, there is *no place* for the child to perceive and acknowledge *its* guilt, and we cannot therefore say that we are in possession of a fully-fledged superego.

If we leave aside the question how there can be an identification (of the ego) with what is *degraded*, we should still wonder how *the child* comes to be identified with the *superego*. The standard conception of the superego or the conscience has it that the conscience stands for law and morality, and stands over and above the rest of the subject which is regarded as bad, animal, sinful, the subject of desire that is always, from the point of view of the superego, illicit. If the place of the ego is filled by the degraded authority, the guardian of law and morality, there are two ways in which Freud's conception here clashes with the role the superego is supposed to fulfil with respect to the ego. Firstly, the law is degraded, which, if there is a victory of the superego, is not supposed to be the case. And secondly, there is no place in this psychical organisation for anything to fill the role of the bad subject that is punished by the superego, since the authority that is punished is not punished for *having* an illicit desire but because it *prevents*, in the name of the law, the *fulfilment* of an illicit desire.

The superego thus turns out to be the antithesis of what it ought to be. The relation between superego and ego should be one in which the ego stays as it is, with all its illicit desires, while at the same time it accepts the laws imposed by the authority that was previously external and is now internal. Everything must remain the same except for *a new source* of obstacles to the child's desires: in the form of its own superego, the child must supplant the external authority as *its own* obstacle. With the installation of the superego, the child is above all supposed *not to* have its satisfaction but, on the contrary, to be reconciled to the necessity or the duty *of not having* the satisfaction of its aggression. But according to Freud's account, it *has* its satisfaction in this fantasy of revenge.

It is worth noting that we find a similar structure in "Mourning and Melancholia" (1917). However this is not really a theory of the *origin* of the *superego*; Freud refers in this text only to a "critical

agency,” which is “the agency commonly called ‘conscience’” (PFL 11, 256), and furthermore the existence of this critical agency is taken for granted. Indeed it is simply the ‘agency’ that is in use when one criticises *anyone else* (although Freud’s view is that in melancholia, the melancholic’s self-reproaches have specifically “moral grounds” [PFL 11, 256]). This agency now criticises the ego on which the “shadow” of the love object has fallen – or, rather, the criticisms, while *directed* at the ego, are in truth criticisms of a love object with which the ego has identified: “[Identification] is a preliminary stage of object-choice,” and “the first way – and one that is expressed in an ambivalent fashion – in which the ego picks out an object. The ego wants to incorporate this object into itself, and, in accordance with the oral or cannibalistic phase of libidinal development in which it is, it wants to do so by devouring it” (PFL 11, 258). The melancholic, before she was a melancholic, made such an object choice in choosing the love object that was subsequently lost, but because this choice was narcissistic and identificatory in the first place, once the object is lost “the object-cathexis [...] can regress to narcissism. The narcissistic identification with the object then becomes a substitute for the erotic cathexis, the result of which is that in spite of the conflict with the loved person the love-relation need not be given up” (PFL 11, 258). There is thus an identification with a love object, but also a certain aggression that expresses itself in moral denunciations of (oneself as) the (incorporated-identified) ‘love’ object. That this is not, however, an explanation of the origin of the critical agency, and that the existence of this critical agency is presupposed in this paper, is shown by this quotation:

Thus the shadow of the object fell upon the ego, and the latter could henceforth be judged by a special agency, as though it were an object, the forsaken object. In this way an object-loss was transformed into an ego-loss and the conflict between the ego and the loved person into a cleavage between the critical activity of the ego and the ego as altered by identification (PFL 11, 258).

The critical agency will always have been there, as simply the ability that we all have to criticize others. And just as it would have criticized this (not much loved) love object *as external*, it now simply criticizes it *as internalized*, in the form of “the ego as altered by identification.” Precisely because the existence of an agency that criticizes others does not stand in need of explanation (since we do that as a matter of course), Freud need not be concerned here with the question *on what basis* the critical agency criticizes, with what the *source* of its judgments is – a question that does concern him when it comes to the superego (as in *Civilization* [12, 316]).⁴⁵ Rather what needs explaining here is why someone would criticize *themselves* just as they might criticize *another*, even to the point of wanting to kill themselves. “The analysis of melancholia now shows that the ego can kill itself only if, owing to the return of the object-cathexis, it can treat itself as an object – if it is able to direct against itself the hostility which relates to an object and which represents the ego’s original reaction to objects in the external world” (PFL 11, 261). (With the later hypothesis of the death instinct it becomes less awkward to think that the tendency to aggressivity towards oneself is a basic fact of the individual constitution⁴⁶, another consideration suggesting that “Mourning and Melancholia” falls somewhat outside the framework of questions pertaining to the superego. Thus when Freud again pursues this theme of death in *The Ego and the Id*, he says there that the fear of death “is something that occurs between the ego and the superego” [11, 400], and argues for a very close relation between the superego and the death instincts.⁴⁷) Interesting as this

paper of Freud's is, I cannot pursue it much further for want of space and justification. But I would note in conclusion that whatever the love object is being criticized for here, it is not something of which *the melancholic himself* is guilty, even if in his own mind he is criticizing himself. As in the theory from the fantasy of revenge, therefore, we again do not obtain a story in which external standards become internalized as the measure of one's guilt. Firstly, these are the melancholic's *own* standards and not those of authority or society, and these may bear on *whatever*, under whatever construction, gives *any kind of opportunity* for condemnation (quite apart from desert), be that the incapability of the 'love object', or their nail-biting, or (why not?) their nit-picking concern with morality. And secondly, *someone else* is held to these standards and not *the melancholic himself*. In sum, therefore, what this is perhaps a theory of is how a *pre-existent* critical agency (and not a superego as such) that is normally directed at *others* can be turned on myself, if we allow that 'myself' can mean myself as the other in myself, whom I criticize as myself.

**The Origin of the Superego Out of
the Parricide in the Cyclopean Family
(Out of Ambivalence)
(*Totem and Taboo* – 1912-13,
Civilization and its Discontents – 1930)**

Introduction and Recapitulation

I now come to the examination of Freud's theory concerning the origin of guilt out of the killing of the father of the primal horde.

I began by drawing attention to the fact that Freud's theory of the origin of the conscience is strikingly close to Nietzsche's: in both – in broad outline – a certain aggressiveness can no longer be freely vented and must turn back against the aggressor. This aggressiveness is internalized and gives rise to the superego or a bad conscience. Freud's theory attempts to look into this process in a way that Nietzsche does not, and I have examined that part of Freud's view that claims that the child who has to give up the objects of his love takes these objects into his ego (identification) where they are installed as the superego. I have argued that there are problems with this account. The superego is a stern reprimander, and if the objects of love are internalised *as loved* it seems implausible that they are internalised as thwarts of the child's wishes.

In this picture there is aggression – in the form of the threat of castration – but Freud does not seem to think that this plays into the formation of the superego in any way other than as the *precondition* of the process in which the superego is formed from love and identification. As an impediment to the child's love, the aggressive threat of the parents merely *makes it necessary* for the child to identify with the objects of its love as the condition of its continuing to love them. The aggression is therefore not that *of the child* towards the parents, and is as such not of the kind required for the theory of *rebounding*. If this view is to be reconciled with Freud's view of the superego as a tormentor of the ego, then Freud will have to say at what point and how in the dissolution of the Oedipus complex *aggression* comes to be mixed up with (to put it as broadly as possible) the *love* of the child for these objects.

I then took up the theory according to which the superego arises, again from identification, but this time from identification not with the object of the child's love, but with the object of the child's *aggression* instead. The authority is taken up into the psyche of the child, and there gets treated by the child just as the child would have liked to have treated the invincible external authority. The superego has its revenge on the ego which now has the role of the degraded authority. This is a problematic view, however, since the upshot of a theory of the superego is supposed to be that the child itself condemns itself for its desires, but in this fantasy of revenge, the child's nefarious desire remains uncondemned, and the authority is not only still resented but positively *humiliated*.

The other view that one finds in Freud attempts to bring together love and aggression. This is a view he puts forward in *Totem and Taboo* and, later, in *Civilization*.

a. *Aggression, Power and the Actuality of the Deed*

In *Totem and Taboo* Freud tells the story of a "primal horde," ruled by a "violent and jealous father who keeps all the females for himself and drives away his sons as they grow up" (PFL 13, 202). These brothers come together, and kill and eat the father in an act of identification:

One day the brothers who had been driven out came together, killed and devoured their father and so made an end of the patriarchal horde. United, they had the courage to do and succeeded in doing what would have been impossible for them individually. [...] Cannibal savages as they were, it goes without saying that they devoured their victim as well as killing him.

"The violent primal father, Freud says,

had doubtless been the feared and envied model of each one of the company of brothers: and in the act of devouring him they accomplished their identification with him, and each one of them acquired a portion of his strength." Out of this event comes the totem meal, "a repetition and a commemoration of this memorable and criminal deed, which was the beginning of so many things – of social organization, of moral restrictions and of religion (PFL 13, 203).

By what process do these restrictions and taboos come to be instituted? These sons, Freud writes,

hated their father, who presented such a formidable obstacle to their craving for power and their sexual desires; but they loved and admired him too. After they had got rid of him, had satisfied their hatred and had put into effect their wish to identify themselves with him, the affection which had all this time been pushed under was bound to make itself felt. It did so in the form of remorse. A sense of guilt made its appearance, which in this instance coincided with the remorse felt by the whole group. The dead father became stronger than the living one had been – for events took the course we so often see them follow in human affairs to this day. What had up to then been prevented by his actual existence was thenceforward prohibited by the sons themselves, in accordance with the psychological procedure so

familiar to us in psychoanalyses under the name of ‘deferred obedience’. They revoked their deed by forbidding the killing of the totem, the substitute for their father; and they renounced its fruits by resigning their claim to the women who had now been set free. They thus created out of their filial sense of guilt the two fundamental taboos of totemism, which for that very reason inevitably corresponded to the two repressed wishes of the Oedipus complex. Whoever contravened those taboos became guilty of the only two crimes with which primitive society concerned itself” (PFL 13, 204-205).

When he begins to discuss the origin of the conscience in *Civilization*, he writes:

We cannot get away from the assumption that man’s sense of guilt springs from the Oedipus complex and was acquired at the killing of the father by the brothers banded together. On that occasion an act of aggression was not suppressed but carried out; but it was the same act of aggression whose suppression in the child is supposed to be the source of his sense of guilt (PFL 12, 324).

The killing of the father of the primal horde, which was said to be the beginning of cultural restrictions, of law and morality, in *Totem and Taboo*, is the Oedipus complex at the level of culture in the large. Given the two views that we have considered so far (identification with the object of the child’s love, and identification with the object of the child’s aggression), the question arose: how can identification with the objects of its love as compensation for giving them up give rise to an agency that is cruel and a hard taskmaster? If it is a matter of identification with the objects of the child’s *aggression*, this problem would be solved, but it would then be difficult to see why this would be a compensation for the loss of love objects.

There seems to be a solution in the account of the origin of the superego out of the parricide. For here it is a matter of *both* love and aggression. The brothers of the primal horde *hate* their authoritarian and privileged father, and kill him in order to depose him, but once he has been killed their *love* comes to the fore, and they set up the restrictions against the killing of the totem (a replacement for the father) and against incest.

But why is this *in any way* like the dissolution of the Oedipus complex? That complex is supposed to be dissolved when the objects of the child’s love have to be given up. But here with the killing of the father not only is the threat of castration abolished, but the brothers also now have the run of the father’s harem. The love object is *not given up* but *acquired*, and if the identification that spells the end of the Oedipus complex takes place as a compensation, there is nothing to be compensated for here, since that *love of the females* for the sake of which they hate the father can now be fulfilled in their domination of the roost. But now, strangely, the love Freud focuses on is not this love of the women but their love *for the father*. This love comes to the fore after the father has been identified with (that is: *incorporated*, that is, eaten), no longer (as in the previously considered view) as compensation for the loss of this object of love, but in order to inherit his power: “Cannibal savages as they were, it goes without saying that they devoured their victim as well as killing him. The violent primal father had doubtless been the feared and envied model of

each one of the company of brothers: and in the act of devouring him they accomplished their identification with him, and each one of them acquired a portion of his strength” (PFL 13, 203).

If it had stopped there we *might* have had the right kind of object for a theory of the origin of the superego from aggression, since the incorporation is an act of aggression, or, at the very least, ambivalent between love and aggression (or hate). Thus Freud writes in “Instincts and their Vicissitudes,”

Preliminary stages of love emerge as provisional sexual aims while the sexual instincts are passing through their complicated development. As the first of these aims we recognize the phase of incorporating or devouring – a type of love which is consistent with abolishing the object’s separate existence and which may therefore be described as ambivalent. At the higher stage of the pregenital sadistic-anal organization, the striving for the object appears in the form of an urge for mastery, to which injury or annihilation of the object is a matter of indifference. Love in this form and at this preliminary stage is hardly to be distinguished from hate in its attitude towards the object. Not until the genital organization is established does love become the opposite of hate (PFL 11, 136-137).

One could accordingly understand the devouring of the father in the totem meal as a love that devours and incorporates, and, as such, as a destructive, and therefore ambivalent, love, “hardly to be distinguished from hate in its attitude towards the object.” (This helps explain how in “Mourning and Melancholia” it can be that vilification is the primary relation to the love object that has been incorporated.) Likewise, Freud writes in *Group Psychology*:

At the same time as this identification with his father, or a little later, the boy has begun to develop a true object-cathexis towards his mother according to the attachment type. He then exhibits, therefore, two psychologically distinct ties: a straightforward sexual object-cathexis towards his mother and an identification with his father which takes him as his model. The two subsist side by side for a time without any mutual influence or interference. In consequence of the irresistible advance towards a unification of mental life, they come together at last; and the normal Oedipus complex originates from their confluence. The little boy notices that his father stands in his way with his mother. His identification with his father then takes on a hostile colouring and becomes identical with the wish to replace his father in regard to his mother as well. Identification, in fact, is ambivalent from the very first; it can turn into an expression of tenderness as easily as into a wish for someone’s removal. It behaves like a derivative of the first, *oral* phase of the organization of the libido, in which the object that we long for and prize is assimilated by eating and is in that way annihilated as such. The cannibal, as we know, has remained at this standpoint; he has a devouring affection for his enemies and only devours people of whom he is fond (PFL 12, 134-135).

This is a matter of the most central importance for the thematic of the superego and the primal horde. There is a sliding between three or four terms, and one would have to be very generous to Freud to decide that this sliding is permissible. If there is fear, hate, envy, admiration, and love, then it would appear that they can fade into each other in the following way. If I fear someone, or

envy someone, that seems to presuppose that there is admiration, at some level, of this person, for example admiration of their power. As such I want to be like them, and for Freud, this appears a form of “emotional tie”:

Identification is known to psycho-analysis as the earliest expression of an emotional tie with another person. It plays a part in the early history of the Oedipus complex. A little boy will exhibit a special interest in his father; he would like to grow like him and be like him, and take his place everywhere. We may say simply that he takes his father as his ideal (PFL 12, 134).

It is important to note the general ambiguity of the notion of the “emotional tie”: to the extent that I hate someone it is possible to say that I have an emotional tie with them. This is of course not what Freud says, but in so far as “being like him” can become “taking his place everywhere,” and a *loving admiration* can become in that way an impulse to *usurpation*, loving admiration can become devouring him in so far as that both allows one to *take his place* and *incorporate* him, that is, destroy him (*abolish* him) while making him – in some sense – a part of oneself. All of these may now be said to be ‘emotional ties’, and a deadly envy come to be seen as love:

At the same time as this identification with his father, or a little later, the boy has begun to develop a true object-cathexis towards his mother according to the attachment type. He then exhibits, therefore, two psychologically distinct ties: a straightforward sexual object-cathexis towards his mother and an identification with his father which takes him as his model.

These are both “ties,” and if the one is “true,” the other is, though in a certain sense not genuine, precisely a *version* of the first.

I was saying that if Freud had stopped at letting the origin of guilt rest on this aggressive (or ambivalent) incorporation of the father, we might *perhaps* have a theory of the superego, since there will have been incorporated an object towards which the child directs its aggression. But Freud does not stop there. At the point of incorporation (devouring), the superego, it seems, is *not* in place, although this *is* an incorporation of an object of aggression. Rather the moment at which the superego appears is at the point of *remorse* for this killing. (At this moment of remorse, the devouring seems *no longer* to be the simple incorporation of someone of whom one is fond. *Now* it is a *killing* – and so it must be if there is to be *remorse*, for it would be strange that one would be remorseful about the taking into oneself of someone of whom one is fond, if that is *really* what one naively takes it to be.)

There is a very good reason for Freud to displace the moment of the institution of the superego from the point of “devouring affection” to a point after it. As incorporated, it is envied-admired; but *what* is envied and admired is its *enjoyment and control of the women*. Were it incorporated in that precise form, therefore, the superego would have to be a diabolical thing that would not forbid but *demand* incest.

Having displaced the origin of the superego to after the killing, to the moment the brothers set the restrictions in place, Freud says that it is their *love* that sets them in place. He says (in *Civilization*):

When one has a sense of guilt after having committed a misdeed, and because of it, the feeling should more properly be called remorse. It relates only to a deed that has been done, and, of course, it presupposes that a conscience – the readiness to feel guilty – was already in existence before the deed took place. Remorse of this sort can, therefore, never help us to discover the origin of conscience and of the sense of guilt in general. What happens in these everyday cases is usually this: an instinctual need acquires the strength to achieve satisfaction in spite of the conscience, which is, after all, limited in its strength; and with the natural weakening of the need owing to its having been satisfied, the former balance of power is restored. Psycho-analysis is thus justified in excluding from the present discussion the case of a sense of guilt due to remorse, however frequently such cases occur and however great their practical importance.

But if the human sense of guilt goes back to the killing of the primal father, that was after all a case of ‘remorse’. Are we to assume that a conscience and a sense of guilt were not, as we have presupposed, in existence before the deed? If not, where, in this case, did the remorse come from? There is no doubt that this case should explain the secret of the sense of guilt to us and put an end to our difficulties. And I believe it does. This remorse was the result of the primordial ambivalence of feeling towards the father. His sons hated him, but they loved him, too. After their hatred had been satisfied by their act of aggression, their love came to the fore in their remorse for the deed. It set up the super-ego by identification with the father; it gave that agency the father’s power, as though as a punishment for the deed of aggression they had carried out against him, and it created the restrictions which were intended to prevent a repetition of the deed. And since the inclination to aggressiveness against the father was repeated in the following generations, the sense of guilt, too, persisted, and it was reinforced once more by every piece of aggressiveness that was suppressed and carried over to the super-ego. Now, I think, we can at last grasp two things perfectly clearly: the part played by love in the origin of conscience and the fatal inevitability of the sense of guilt. Whether one has killed one’s father or has abstained from doing so is not really the decisive thing. One is bound to feel guilty in either case, for the sense of guilt is an expression of the conflict due to ambivalence, of the eternal struggle between Eros and the instinct of destruction or death. This conflict is set going as soon as men are faced with the task of living together. So long as the community assumes no other form than that of the family, the conflict is bound to express itself in the Oedipus complex, to establish the conscience and to create the first sense of guilt (PFL 12, 324-325).

It would seem, then, that despite the promise held out by this picture professedly *from ambivalence*, that *aggression* would play an essential role, we in fact again receive a genetics along the lines of the theory above, according to which there is *an identification with an object of the child’s love*. To be more precise, even though all the steps in this process allow for an interpretation that is ambiguous between love and hate (the envy of the living father is an

admiration, but *at the same time* a wanting to take his place, i.e., a desire for a violent substitution of oneself in his place at the head of the horde; the devouring of the father is a violent substitution – killing, abolition – but, *on the other hand*, a loving Eucharist), and Freud can therefore avail himself of whichever of these options is most convenient according to the theoretical need of the moment, *at the precise point* at which the superego comes on the scene, the theoretical need is *for love*, because it is love, and not aggression, that would lead to the brothers' unforced and free restitution of the restrictions that the father had kept in place by heteronomous force.⁴⁸ (I use these pleonasms for the sake of clarity.)

My question arises as in the previous case. If it is love that is doing the work here, where does the aggressiveness of the superego come from? In the case of the earlier theory (or the earlier version of this theory), Freud seemed to neglect a response to this question. In this theorisation, however, he attempts to provide an answer: "It [their love] set up the super-ego," Freud continues, "by identification with the father; *it [their love] gave that agency the father's power, as though as a punishment for the deed of aggression they had carried out against him* [emphasis added, D.M.], and it created the restrictions which were intended to prevent a repetition of the deed."

The aggression of the superego comes into possession of the father's power. Their love *gives* this agency *the father's power*.

What is the relation between this view and the view according to which the superego comes into possession of the aggressiveness *of* the child *against* the father (which follows the Nietzschean template of aggression which turns against the aggressor)?

It is one of the burdens of Freud's discussion in *Civilization* to answer this question. One might set out the issue as follows: the problem with claiming that the superego receives the aggressiveness of the child is that it then seems more difficult to explain how the agency can be a representative of an external authority that the child resents and why that internal representative should come into possession of this aggressiveness; if anything, this aggressiveness should stay with the child and *be exercised on and against* an internalized representative of the parent (precisely as in the fantasy of revenge above – but then, as I have claimed, the stance of the child is revolt rather than submission to authority). On the other hand, the problem with claiming that the aggressiveness comes from the parent is that it is difficult to imagine how, if not by magic, that quantum of aggressiveness should suddenly be possessed by the child, since these are two separate physical entities. Freud responds to this problem as follows:

[...] the original severity of the super-ego does not – or does not so much – represent the severity which one has experienced from it [the object], or which one attributes to it; it represents rather one's own aggressiveness towards it. If this is correct, we may assert truly that in the beginning conscience arises through the suppression of an aggressive impulse, and that it is subsequently reinforced by fresh suppressions of the same kind.

Which of these two views is correct? The earlier one, which genetically seemed so unassailable, [i.e., "the view that the original aggressiveness of conscience is a continuance

of the severity of the external authority and therefore has nothing to do with renunciation” PFL 12, 321] or the newer one, which rounds off the theory in such a welcome fashion? Clearly, and by the evidence, too, of direct observations, both are justified. They do not contradict each other, and they even coincide at one point, for the child’s revengeful aggressiveness will be in part determined by the amount of punitive aggression which he expects from his father (PFL 12, 322).

The aggressiveness of the superego is a kind of combined aggressiveness of the child and the authority, since the former is determined by the latter.

But is the aggression in these two cases even *of the same type*? What is at stake in the Nietzschean theorisation and in the Freudian which follows its model is a metaphor: *there is a packet of energy and it has to go somewhere. If it cannot go outward it will return inward, and take its place where it began*. It is not merely that there is an intention to be aggressive: there *is* aggression and this corresponds to a certain instinctual energy, which, as energy and as aggressive energy returns to make a victim of its deployer. This is therefore one very important reason why the aggressivity of the superego could not be a derivative of the aggression of the authority. It is only on condition that we are talking about real aggressive energy that Freud can say not only that “in the beginning conscience arises through the suppression of an aggressive impulse,” but also that “it is subsequently reinforced by fresh suppressions of the same kind.” The superego could *never* come into possession of the aggressiveness of the external authority. And one does not establish the coincidence of the aggressiveness of the authority with the aggressiveness of the child by claiming that the latter is a reaction to the former, or that the child’s aggressiveness is moulded according to the aggressiveness of the authority. That which is a part of the child’s psyche could only be *at a symbolic level* a reproduction of the authority, but it could not come into possession of the actual aggressiveness, considered as the aggressive energy, of the authority.

When, therefore, Freud says that the love of the band of brothers for their father sets up the superego and gives the superego the power of the father (“*gave that agency the father’s power*”), this is a view that cannot be reconciled as easily as Freud seems to think with the view that the aggressiveness of the superego corresponds to the aggressiveness of the child *against* the external authority. It seemed that in the earlier-considered theorisation of the formation of the superego from the identification with the objects of the child’s love Freud offered no response to the question where the aggressiveness of the superego comes from, and it seemed by contrast that with the introduction of parricide Freud was offering a way to respond to this question, for the aggression towards the father would now be more efficacious than when it was merely that which forced the child to withdraw its libidinal investments. But the deficit cannot be made up in that way. In contrast to the other view according to which it is the child’s aggressiveness that rebounds, there is *no aggression left* in the band of brothers *once the parricide has been carried out*. Whereas the child’s aggressiveness, *because it was suppressed*, could go nowhere *other than towards the child itself*, the brothers, who *have vented their aggression*, can no longer be the source of the aggressive energy that the superego acquires. Freud therefore has to resort to a deformed notion of ‘giving’ in his claim that their love ‘gives’ the superego the ‘power’ of the father.

This is of some importance because another of the burdens that Freud carries in this discussion bears on this very question of whether the deed is carried out, or fantasised but “suppressed.”

It can also be asserted that when a child reacts to his first great instinctual frustrations with excessively strong aggressiveness and with a correspondingly severe super-ego, he is following a phylogenetic model and is going beyond the response that would be currently justified; for the father of prehistoric times was undoubtedly terrible, and an extreme amount of aggressiveness may be attributed to him. Thus, if one shifts over from individual to phylogenetic development, the differences between the two theories of the genesis of conscience are still further diminished. On the other hand, a new and important difference makes its appearance between these two developmental processes. We cannot get away from the assumption that man’s sense of guilt springs from the Oedipus complex and was acquired at the killing of the father by the brothers banded together. On that occasion an act of aggression was not suppressed but carried out; but it was the same act of aggression whose suppression in the child is supposed to be the source of his sense of guilt. At this point I should not be surprised if the reader were to exclaim angrily: ‘So it makes no difference whether one kills one’s father or not – one gets a feeling of guilt in either case! We may take leave to raise a few doubts here. Either it is not true that the sense of guilt comes from suppressed aggressiveness, or else the whole story of the killing of the father is a fiction and the children of *primaeval* man did not kill their fathers any more often than children do nowadays. [...]’ (PFL 12, 323-324).

Freud’s interlocutor is asking: does it make no difference whether a deed of aggression has been carried out or, on the contrary, suppressed? In the case of the child, the superego was supposed to have derived from the *suppression* of an aggressive instinct, which the child cannot discharge. In the case of the brothers it is said to arise once the aggressive instinct *has already been* discharged. (In Nietzsche it is clear that there is no discharge; precisely because it cannot be discharged on the normal object, it rebounds against the aggressor. The ‘normal object’, however, is not the authority, but the fellow prisoner, whom it is now not permissible to violate.)

Freud’s response to this question is as follows:

Whether one has killed one’s father or has abstained from doing so is not really the decisive thing. One is bound to feel guilty in either case, for the sense of guilt is an expression of the conflict due to ambivalence, of the eternal struggle between Eros and the instinct of destruction or death. This conflict is set going as soon as men are faced with the task of living together. So long as the community assumes no other form than that of the family, the conflict is bound to express itself in the Oedipus complex, to establish the conscience and to create the first sense of guilt (PFL 12, 325).

It is very difficult to take seriously the thought that this difference is “not really decisive,” for so much hangs on it. The suppression of the impulse to aggression is, in a crucial part of the theory, precisely that which affords the superego its quantum of aggressive energy. There is a basic indecisiveness here. Things change utterly depending on whether one is able to act or not, for if the

child *was* able to act, if, that is, *there were no imbalance of power*, this entire genetics would be superfluous. The superego would be precisely that through which one becomes reconciled to a situation in which one cannot act as one wishes (because the one that one would like to act against is too powerful). Is it not the insight of psychoanalysis that the means by which civilization makes the aggressive individual innocuous is by turning his aggression against himself; and why would one turn one's aggression on oneself if it can be worked off by aggression on moralising tyrants?

If the brothers set the prohibition in place once the love returns and because it returns, it returns because their need for aggression has been vented. The difference in strength is crucial: a band of brothers that is collectively stronger than the father, as against a solitary child. The love that returns after the deed of murder can *only* return after the deed of murder; before that the father in his power attracts only the sons' aggression. Freud says in *Totem and Taboo*: "So long as the pressure exercised by the primal father could be felt, the hostile feelings towards him were justified, and remorse on their account would have to await a later day" (PFL 13, 223).

But for that very reason, for *the child* (as contrasted with the brothers of the primal horde) who *cannot* vent it, there can be no way for the aggression to be vented through a deed and to give way to love. If the logic of superego in the primal fraternity were applied to the present-day child, the child could never develop a superego. (That is why it is necessary, in the case of the child above all, for Freud to insist that identificatory love is in itself aggressive. I have explained, however, the inadmissibility of the sliding that allows Freud to hold on to this thesis.)

It is only when the father is laid low, then, only when the deed has been committed and there has been an *actual* victory and the brothers are proved stronger than the father, that there can be love. As long as the father is more powerful than the child or the brothers, as long, that is, as there is no victory over the father, the possibility seems minimal indeed that this love can return to an extent sufficient for the self-prohibition. As long as the child is a child, therefore, the conditions for pity and remorse are not in place.⁴⁹

If no such at least *structurally* similar deed is possible in the life of the child we are left with the idea that there is a *direct* influence of this primal and actual deed in the lives of subsequent generations. Freud is firmly committed to such an influence⁵⁰, and I refer the reader to Malinowski's (2001:124-126) discussion of the deep problems with such a hypothesis.⁵¹

In *Totem and Taboo*, Freud holds firmly to the idea that there was an actual deed committed by the band of brothers. In the closing lines of the book, he says:

It is no doubt true that the sharp contrast that we make between thinking and doing is absent in both [primitive men and neurotics]. But neurotics are above all inhibited in their actions: with them the thought is a complete substitute for the deed. Primitive men, on the other hand, are uninhibited: thought passes directly into action. With them it is rather the deed that is a substitute for the thought. And that is why, without laying claim to any finality of judgement, I think that in the case before us it may safely be assumed that 'in the beginning was the Deed' (PFL 13, 224).

Were Freud not committed to the idea that there is a deed in the case of the brothers, after which their love returns, one might have imagined that the little child could *merely imagine* the death of its father in order to end up feeling remorse and placing itself under a ban against aggression towards the father. (It could, along similar lines, imagine all sorts of things [stealing cookies from the cookie jar, injuries to its newborn sibling, cruelty to animals, etc.] that it subsequently feels remorse about and then forbids in the same way that it forbids itself aggression against the father.)

But for deeper reasons a mere thought would not suffice, for until the development of the superego, we do not feel guilty about thoughts, says Freud. Thus, when in *Civilization* Freud raises the question of a sense of guilt, and asks how judgements of the bad or reprehensible are arrived at, rejecting the possibility of an inborn ability to tell good from bad, he asserts that it must be from some “extraneous influence,” and he says:

Such a motive [for submitting to the extraneous influence of other people] is easily discovered in his helplessness and his dependence on other people, and it can best be designated as fear of loss of love. If he loses the love of another person upon whom he is dependent, he also ceases to be protected from a variety of dangers. Above all, he is exposed to the danger that this stronger person will show his superiority in the form of punishment. At the beginning, therefore, what is bad is whatever causes one to be threatened with loss of love. For fear of that loss, one must avoid it. This, too, is the reason why it makes little difference whether one has already done the bad thing or only intends to do it. In either case the danger only sets in if and when the authority discovers it, and in either case the authority would behave in the same way (PFL 12, 316-317).

He goes on, in a passage already quoted above, to say that this fear of loss of love is called a ‘bad conscience’ but should not be, for it is at this stage *only* a fear of loss of love, “‘social’ anxiety.” “In small children it can never be anything else, but in many adults, too, it has only changed to the extent that the place of the father or the two parents is taken by the larger human community.” Only when “the authority is internalized through the establishment of a super-ego” can we speak of “conscience or a sense of guilt.” Now “the fear of being found out comes to an end” – since the superego is privy to thoughts, and one is always and immediately found out. “[The] distinction, moreover, between doing something bad and wishing to do it disappears entirely, since nothing can be hidden from the super-ego, not even thoughts” (PFL 12, 317).

The superego of the child could not develop from merely imagining bad things happening to the authority. At this stage, it feels not guilt proper, and does not have a ‘bad conscience’ proper, but feels only a fear of loss of love, and does not feel it as long as being caught is a remote possibility. Merely fantasizing about the ill-luck of the authority would provide it with no cause for guilt or a bad conscience, and thus, it would not be sufficient for the child to merely imagine its father dead for it to then forbid itself from imagining the death of the father henceforth.

Although, therefore, the phylogenetic story of the brothers is supposed to be continuous with the development of any given child, in the one case the aggressiveness *has* a vent, so that love, and

therefore remorse, can return, while in the case of the child it does not and cannot. The difference in relative power with respect to the father is thus too great for these two theories to be reconcilable.

It is however also important to understand the pressures on Freud to provide such divergent stories. If the deed is suppressed, then the agency that will be the superego can come into possession of the energy that is thus forced to circulate in the body of the child. But then there is no place for identification (which is a way to love once one has been forbidden to love) since the child directs aggression towards the authority. If on the other hand one does try to make a place for love then one must believe that the deed has been carried out and the aggression spent, for only on that condition will the love return. But precisely because the aggression has been dissipated, it now becomes difficult to understand what the source of the aggression of *the brothers'* superego might be.

b. *The Dissolution of the Superego Problem
in the Alternation of Love and Hate*

It seems, then, that Freud in this theory of the primal horde resolves everything into a conflict of love and hate, which indeed frame the discussion of the sense of guilt:

This aggressive instinct is the derivative and the main representative of the death instinct which we have found alongside of Eros and which shares world-dominion with it. And now, I think, the meaning of the evolution of civilization is no longer obscure to us. It must present the struggle between Eros and Death, between the instinct of life and the instinct of destruction, as it works itself out in the human species (PFL 12, 314).

It is thus for essential reasons that the theories that we have canvassed split up along lines of love and aggression.

However what this reduction does is to *dissolve the problem* (though in an interesting way, which I will discuss in more detail in a later chapter).

Malinowski (2001:131-132) and Derrida (1992a:198) both level at Freud the criticism that his argument is circular since it derives the superego from a remorse that should not exist until after the installation of the superego.⁵² But Freud is well aware of the issue, and excludes a derivation of a sense of guilt from remorse, saying that remorse of this sort cannot help us in discovering the origin of guilt. For this reason, Freud lets the origin of the guilt hang *not quite* on remorse, but on the brothers' *returning love* for their father. "After their hatred had been satisfied by their act of aggression," says Freud, "their love came to the fore in their remorse for the deed. It set up the super-ego by identification with the father" (PFL 12, 325). Freud's claim is that the love expresses itself *as* remorse, or that their remorse is really their love.

Freud's argument thus does not presuppose a superego. *Instead, there is no superego at all.* What should be one thing – the superego – is now dispersed in time: first there is (what I would call) hate (aggression, envy, killing, eating), then there is love (remorse as love, the forfeit of the gains

of the killing, the institution of the two prohibitions). But the problem that the superego poses cannot be spread out in this manner. If all that is required for the experience of guilt is love and hate and a certain *temporal oscillation* between them, that does not capture the form of the superego as a single remonstrating internal agency. The difficulty of explaining it lies precisely in the fact that that which we in some sense continue all the time at least to resent (that is, the father, authority, law, the state), becomes a part precisely of that which resents it (the desiring, aggressive individual, or her psyche). As Freud tells the story, however, there is *first* resentment, *then* the deed, and *then* a returning love (previously existing but clouded by resentment). It seems as though Freud has at this point lost sight of what he is trying to explain, for the superego here has no part to play, especially if we take seriously the statement that “their love” “set up the super-ego.”

In fact, if love plays such a central role, it is not clear why this event (the killing of the father) should hold a special place, since any deed that had such a structure (resentment, an aggressive deed, then returning love), be it against a sibling, or the pet dog, could have been the origin of guilt. Or rather, since such events happen even now, there is no need for an ancient and dubious parricide to explain guilt.

Although, therefore, Freud presents this genetics of the superego as though the ambivalence of the brothers was the decisive thing, in fact the superego is derived not from ambivalence but from love. The hate of the brothers for their father is what makes them kill him, certainly. But it is their love which makes them prohibit themselves the women that have been set free and the killing of the totem (the father substitute). The aggression does not play a direct role but is simply that which, *in being vented*, allows the love of the brothers to return.

Although the theories that we have examined swing between deriving the superego from aggression, on the one hand, and love, on the other hand, it would be problematic to think that these are equally viable answers. If the theory of the superego rests on love, the theory of the superego would then not be easily extensible, as it ought to be, to the state, the organisation of work, the school, etc. (Nietzsche’s theory does not require love, and in that respect seems to be more easily extensible to other forms of authority.) If we loved, or sometimes loved, other authorities, then, perhaps, we could explain obedience to society on that basis. But even the brothers do not love the authority *as authority*; they love someone deprived of force, therefore simply a *dead man* (with no authority). The institution of the taboos becomes a mere commemoration of the father, since the commandments were his. But that is simply an act of tenderness – equivalent to gilding his boots as a commemoration of him – and not a superego. And again, there is no equivalent in the life of the child, whose father is not dead and not killable, but very much alive and authoritarian. A father could be dead for an actual child only in fantasy, and a father killed in fantasy for his tyrannising cannot be the provocation of such commemorations or compensations, not only because that seems like a perfectly fair punishment for a tyrannising father from the point of view of a defenceless child, but also because, even if the child’s love returns, the tyranny of the father will return too, since he remains in good health.⁵³

c. *The Strength of the Dead Father,
and the Genesis of Gods*

The theory from ambivalence would, it seems, have to be a theory from love if the theory above is to be plausible, since only a love unmixed with aggression would cause the brothers to regret their deed, and to revoke it (and its rewards). Any remaining aggression, or even resentment of the father, would probably prevent the desire to revoke it.

However, it might to be objected that I am misconstruing Freud's view. "They hated their father, who presented such a formidable obstacle to their craving for power and their sexual desires; but they loved and admired him too," Freud writes.

After they had got rid of him, had satisfied their hatred and had put into effect their wish to identify themselves with him, the affection which had all this time been pushed under was bound to make itself felt. It did so in the form of remorse. A sense of guilt made its appearance, which in this instance coincided with the remorse felt by the whole group. The dead father became stronger than the living one had been – for events took the course we so often see them follow in human affairs to this day. What had up to then been prevented by his actual existence was thenceforward prohibited by the sons themselves, in accordance with the psychological procedure so familiar to us in psychoanalyses under the name of 'deferred obedience'. They revoked their deed by forbidding the killing of the totem, the substitute for their father; and they renounced its fruits by resigning their claim to the women who had now been set free.

The dead father, Freud says, *becomes stronger than the living one had been*. It may be, therefore, that the force at play here is not love, or not love only, but (also) a greater power of the father now that he is dead. If there is some truth in this reading, it would be no surprise, since this would be simply the return of the other imperative of the theory of the superego. There should be some manner of threat, or there is no superego and no authority.⁵⁴

Freud does not tell us what the basis of this threat might be, however. The strength of the father appears to be thrust upon us without justification. The father is dead, and the sons love him with this returning love the condition of whose return seems to be that they *have already had* the satisfaction of their aggression, their own power in fact, against him. We can admit that they would regard him with a certain awe while he is alive, but it is not clear why they should admire him more when dead, especially when they are the ones who have killed him. If what inspired this awe was *the father's power*, it has now proved unequal to the power of the band of brothers together.

Nietzsche, on the other hand, in the story that he provides of the origin of gods in the *Genealogy*, does give us a way to understand how ancestors can become stronger when they are dead.

The second essay of the *Genealogy* begins by claiming that "the major moral concept *Schuld* [guilt] has its origin in the very material concept *Schulden* [debts]" and that the "idea of an equivalence between injury [a crime, for example] and pain [a punishment for example]" "[draws]

its power” from “the contractual relationship between *creditor* and *debtor*” (GM II:4). He returns to this matter later on in the essay, saying:

The bad conscience is an illness, there is no doubt about that, but an illness as pregnancy is an illness. Let us seek out the conditions under which this illness has reached its most terrible and most sublime height; we shall see what it really was that thus entered the world. But for that one needs endurance – and first of all we must go back again to an earlier point of view.

The civil-law relationship between the debtor and his creditor, discussed above, has been interpreted in an, historically speaking, exceedingly remarkable and dubious manner into [...] the relationship between the present generation and its ancestors.

Within the original tribal community – we are speaking of primeval times – the living generation always recognized a juridical duty toward earlier generations, and especially toward the earliest, which founded the tribe [...]. The conviction reigns that it is only through the sacrifices and accomplishments of the ancestors that the tribe *exists* – and that one has to *pay them back* with sacrifices and accomplishments: one thus recognizes a *debt* that constantly grows greater, since these forebears never cease, in their continued existence as powerful spirits, to accord the tribe new advantages and new strength. [...]

The *fear* of the ancestor and his power, the consciousness of indebtedness to him, increases, according to this kind of logic, in exactly the same measure as the power of the tribe itself increases, as the tribe itself grows ever more victorious, independent, honoured, and feared. By no means the other way round! Every step toward the decline of a tribe, every misfortune, every sign of degeneration, of coming disintegration always *diminishes* fear of the spirit of its founder and produces a meaner impression of his cunning, foresight, and present power. If one imagines this rude kind of logic carried to its end, then the ancestors of the *most powerful* tribes are bound eventually to grow to monstrous dimensions through the imagination of growing fear and to recede into the darkness of the divinely uncanny and unimaginable: in the end the ancestor must necessarily be transfigured into a *god*. Perhaps this is even the origin of gods, an origin therefore out of *fear*! (GM II:19).

This is not a theory of the genesis of the bad conscience; what is at issue here are “the conditions in which this illness [the bad conscience] has arrived at its most terrible and most sublime peak.” That peak will be Christianity, the point at which God has to make payment to himself by sacrificing his son for the debt of the world. Before that point is reached, however, there are certain conditions that have to be fulfilled: gods have to be in place and a sense not only of debt but also of *guilt* has to be in place. The primitive relationship between debtor and creditor takes shape as the relation between a tribe and its ancestors, and the more prosperous the tribe grows, the greater and more awesome the ancestors become, until they are transformed into gods. This relationship is ‘moralized’ (GM II:21) at some point, and the relationship between the tribe and its god becomes transformed into a relationship in which one is sinful and guilty before god. The bad conscience is a crucial condition for this transformation of the relationship to god: the ability to blame, condemn and excoriate oneself, engendered in that condition in which the confined semi-humans had no one

else to vent their aggression on than themselves, takes a more sophisticated and moralized form only later on.

Freud too provides an account of the genesis of gods. On account of their love-remorse, the band of brothers puts in place prohibitions on the killing of the totem animal, the representative of the father, and declares a ban on incest. In the festival of the totem meal, the totem animal is killed and eaten, and over a period of time the longing for the father increases to such an extent that they reinstate the father as the head and originator of the tribe, and make a god of him. Just as the totem was the first form of the “father-surrogate,” the god of the tribe is a later form of the father-surrogate. Freud identifies as the “root of every form of religion” “a longing for the father” (PFL 13, 210).

If hate makes the sons commit the crime, love is what, according to Freud, inspires the brothers’ free prohibition of themselves, and love, now in the form of *longing* for the father, is also what causes gods to come into existence. Thus, according to Nietzsche, gods come out of an *increasing fear* of the *powerful benefactor* of the tribe as the *prosperity* of the tribe *increases* – while on Freud’s view they come out of *love* – a longing for the father. This contrast between Freud and Nietzsche shows in even clearer perspective the oddness of the fear that the brothers have for the dead father.

On Nietzsche’s view the happier the tribe the more powerful its benefactor must be, and the more powerful the tribe is, the more fearful it will be of its benefactor. On Freud’s view the absence or destruction of the father guarantees the availability of the women and the incorporation in themselves of the father’s power. Furthermore they have killed him. There is every reason to celebrate his death, and their power, as well as their newfound prosperity now that the father as obstacle has been definitively removed. On Nietzsche’s view the gods/ancestors are the powerful causes of the present prosperity of the tribe; Freud, on the other hand, does not seem to have grounds for attributing any power to the dead father, and there are consequently no grounds for any fear on the part of the sons.

One of the most serious problems with making the self-inflicted prohibitions of the brothers hang on the power of the dead father, however, is that in that case the father would merely be displaced from one realm (that of the living) to another (that of the dead). In both cases he holds sway over the sons, and in neither case do the sons prohibit themselves, for fear of the father as a shade or ghostly double is nonetheless fear of a heteronomous and external force, i.e., it is not fear of a *superego*.

d. *The Supposed Failure of the Brothers*

However, Freud does talk, in this context, of a certain failure.

This fresh emotional attitude [the sons’ returning love] must also have been assisted by the fact that the deed cannot have given complete satisfaction to those who did it. From one point of view it had been done in vain. Not one of the sons had in fact been able to put his original

wish – of taking his father's place – into effect. And, as we know, failure is far more propitious for a moral reaction than satisfaction (PFL 13, 204).

He also relates the suffering of the Jewish people to guilt in *Moses and Monotheism*:

It may not have been easy for the people to reconcile a belief in being preferred by their omnipotent god with the sad experiences of their unfortunate destiny. But they did not allow themselves to be shaken in their convictions; they increased their own sense of guilt in order to stifle their doubts of God, and it may be that they pointed at last to the 'inscrutable decrees of Providence', as pious people do to this day (PFL 13, 305).⁵⁵

And in *Civilization* he writes:

The objection will at once be made that these difficulties are artificial ones, and it will be said that a stricter and more vigilant conscience is precisely the hallmark of a moral man. Moreover, when saints call themselves sinners, they are not so wrong, considering the temptations to instinctual satisfaction to which they are exposed in a specially high degree – since, as is well known, temptations are merely increased by constant frustration, whereas an occasional satisfaction of them causes them to diminish, at least for the time being. The field of ethics, which is so full of problems, presents us with another fact: namely that ill-luck – that is, external frustration – so greatly enhances the power of the conscience in the super-ego. As long as things go well with a man, his conscience is lenient and lets the ego do all sorts of things; but when misfortune befalls him, he searches his soul, acknowledges his sinfulness, heightens the demands of his conscience, imposes abstinences on himself and punishes himself with penances. Whole peoples have behaved in this way, and still do. This, however, is easily explained by the original infantile stage of conscience, which, as we see, is not given up after the introjection into the super-ego, but persists alongside of it and behind it. Fate is regarded as a substitute for the parental agency. If a man is unfortunate it means that he is no longer loved by this highest power; and, threatened by such a loss of love, he once more bows to the parental representative in his super-ego – a representative whom, in his days of good fortune, he was ready to neglect. This becomes especially clear where Fate is looked upon in the strictly religious sense of being nothing else than an expression of the Divine Will. The people of Israel had believed themselves to be the favourite child of God, and when the great Father caused misfortune after misfortune to rain down upon this people of his, they were never shaken in their belief in his relationship to them or questioned his power or righteousness. Instead, they produced the prophets, who held up their sinfulness before them; and out of their sense of guilt they created the over-strict commandments of their priestly religion. It is remarkable how differently a primitive man behaves. If he has met with a misfortune, he does not throw the blame on himself but on his fetish, which has obviously not done its duty, and he gives it a thrashing instead of punishing himself (PFL 12, 318-319).

In the first place the contrast with Nietzsche should be noted. Whereas in Nietzsche it is *success* that produces guilt, according to Freud it is *failure*.⁵⁶ This is a matter of the most central

importance for this thesis, and I will return to it in my discussion of Nietzsche later; but some things ought to be said immediately.

If we could get a better sense of what the failure consists in, that might help to see more clearly the strength of the dead father (a strength whose reality, I am claiming, Freud gives us no grounds to believe in). One can see the logic in Nietzsche: the more successful the tribe, the more fearful the ancestors/god who are the benefactors of the tribe. Freud puts his trust in the inverse of Nietzsche's logic: the *less* successful the tribe (the more misfortunate), the greater must be the guilt, and the stricter must be the commandments. The virtue of Freud's view here is clear: *if the misfortunes are understood as punishment*, then the God of the *unfortunate* tribe must be powerful. (In fact, Nietzsche does claim [GM II: 21] that the moral failure of human beings is also ultimately read into the creator and origin of human beings.⁵⁷)

But where – the question remains – is the misfortune of the sons (and the correlative power of the dead father)? “Not one of the sons,” Freud says, “had in fact been able to put his original wish – of taking his father's place – into effect.” We here see again the ambiguity of “identification.” It *had seemed* that the identification had been (successfully) achieved with the devouring-as-incorporation, but *now* the sons fail at *taking the father's place* at the head of the horde.

And why would the point of the killing not have been simply to *rid themselves of an obstacle*, and to “take the father's place” in the precise and sufficient sense of having the pleasures that he used to have and that are now theirs? (There is no need to imagine any diminution in the pleasure of any one of the brothers through their having to share the available women, since sexual pleasure is not like eating and leaves the object available for further pleasure.) Why should ‘taking him as a model’ not simply mean: *wanting to be like him* – and why should that not mean: wanting to have his pleasures and privileges (i.e., sex, access to women)? Again, that *seemed to be* the point of the entire adventure in the description of the first phase of the story. If they admired (and envied him) his possession of all possible sexual bliss, why should they have failed, now that they can have it as he did?

The failure to occupy the father's place at the head of the horde is, moreover, quite unlike the punishment of God. They are not *punished*; nor do they fail; they simply come face to face with an impossibility, i.e., that they cannot all be head at once. It would be a stretch to believe that the brothers thought that the impossibility of their all occupying the headship of the horde were a punishment imposed on them by their father, or that it was a sign of their ineptness.

Doesn't this emphasis on failure, after all, mean something rather strange – that as long as one *succeeds* at doing evil, the superego will leave one alone? One should in fact be stunned by the passage in which Freud says:

ill-luck – that is, external frustration – so greatly enhances the power of the conscience in the super-ego. *As long as things go well with a man, his conscience is lenient and lets the ego do all sorts of things* [emphasis added, D.M.]; but when misfortune befalls him, he searches his

soul, acknowledges his sinfulness, heightens the demands of his conscience, imposes abstinences on himself and punishes himself with penances (PFL 12, 318).

Not exactly *the virtuous*, therefore, but *those who constantly fail at evil* would have a strict superego – while those who thrive in their evil *are let alone by their superegos* (or, perhaps, come to have very weak superegos).

Furthermore, how would we reconcile a belief in either the failure or the misfortune of the brothers with the view that their *love* for the father returns (for Freud says all these things)? It seems that we can make psychological sense of the return of that love if we believe that the hostility they felt towards him has now subsided and *given way to* the love that was obscured by that hostility, precisely because they have *succeeded* in killing him (i.e., they intended to kill him, and carried out that intention). If they fail, on the other hand, why should that very hostility which they had towards the living father not now return for the very same reasons as before, if they find themselves thwarted, and especially if they think themselves thwarted *by him*?

*e. Remorse and Love; Reconciliation
and Covenant; Justification*

When the question is raised of what precisely the failure of the brothers is supposed to consist in we also notice that Freud says – in *Moses* – that the two prohibitions put in place by the brothers are not “on a par.” The brothers do *not* institute the prohibition on incest (in contrast to the prohibition on killing) on account of the father but because (or *also* because) there are practical reasons to do so⁵⁸:

The two taboos of totemism with which human morality has its beginning are not on a par psychologically. The first of them, the law protecting the totem animal, is founded wholly on emotional motives: the father had actually been eliminated, and in no real sense could the deed be undone. But the second rule, the prohibition of incest, has a powerful practical basis as well. Sexual desires do not unite men but divide them. Though the brothers had banded together in order to overcome their father, they were all one another’s rivals in regard to the women. Each of them would have wished, like his father, to have all the women to himself. The new organization would have collapsed in a struggle of all against all, for none of them was of such over-mastering strength as to be able to take on his father’s part with success. Thus the brothers had no alternative, if they were to live together, but – not, perhaps, until they had passed through many dangerous crises – to institute the law against incest, by which they all alike renounced the women whom they desired and who had been their chief motive for despatching their father. In this way they rescued the organization which had made them strong – and which may have been based on homosexual feelings and acts, originating perhaps during the period of their expulsion from the horde. Here, too, may perhaps have been the germ of the institution of matriarchy, described by Bachofen, which was in turn replaced by the patriarchal organization of the family (PFL 13, 205-206).⁵⁹

The prohibition on incest may therefore have nothing to do with either failure or love.

“On the other hand,”

the claim of totemism to be regarded as a first attempt at a religion is based on the first of these two taboos – that upon taking the life of the totem animal. The animal struck the sons as a natural and obvious substitute for their father; but the treatment of it which they found imposed on themselves *expressed more than* the need to exhibit their remorse. They could attempt, in their relation to this surrogate father, to allay their burning sense of guilt, *to bring about a kind of reconciliation with their father*. The totemic system was, as it were, a *covenant* with their father, in which *he promised them everything that a childish imagination may expect from a father – protection, care and indulgence – while on their side they undertook to respect his life*, that is to say, not to repeat the deed which had brought destruction on their real father. Totemism, *moreover*, contained *an attempt at self-justification*: ‘If our father had treated us in the way the totem does, we should never have felt tempted to kill him.’ In this fashion totemism helped to smooth things over and to make it possible to forget the event to which it owed its origin (PFL 13, 206; emphases added, D.M.).

Not only is the institution of this taboo an expression of remorse (from love, I have argued), it also represents a reconciliation (suggesting again that they have something to fear from the father), in the form of a covenant of mutual assistance (protection from the father, and a non-repetition of the deed of murder on the father-surrogate – not exactly a covenant, it seems, but more of a threat: *if you protect us, we will not kill you, or: as long as you don’t hurt us, we will not kill you [again]*).⁶⁰

This taboo is however also an attempt at a justification, one that says *in effect*: we killed you because you did not treat us like the totem does, i.e., that is why you *deserved* to die. This is what it has to mean, if it is to be a justification or “self-justification.” But if it can have the function of allaying their guilt and/or their remorse now, why should it not have prevented their guilt in the first place? It is, after all, a precise recap of the facts: they *did* kill the father because he treated them badly. But this justification is also supposed to be consistent with reconciliation, which is also hard to credit, since I do not reconcile with someone by proving to them that what I did was justified because of something they did, and then reminding them of a standing threat to their representative if they again provoke me in the same way.

An expression of remorse from love – reconciliation in the form of a covenant that is more a threat or extortion than a collaboration for mutual benefit – and a justification which seems to make both remorse and reconciliation superfluous. It is hard to avoid the impression here of the kettle logic Freud defines in the *Interpretation of Dreams* (PFL 4, 197).

I summarise the main lines of this critique of the theory of the primal parricide. The problem with the hypothesis of the primal parricide is that while the father is alive he is a stern authority, and while alive the sons do not want to obey him. This is a condition in which there is no superego. But when the father is dead and the sons are happy to obey him out of love, the father is no longer an authority both because he is dead and because he is loved. In that case too there is no superego, because the dead beloved father is no severe and reproachful commander. But the dead father is

dead only because the sons have been successful in carrying through their plan of killing and usurping him, and there is no possible equivalent in the life of the latter-day child. (Freud therefore insists on a collective genetic memory, a hypothesis whose weaknesses are well shown by Malinowski.) The picture offered here also goes in irreducible ways against the other theory of the dissolution of the Oedipus complex: the brothers do not give up their love objects and do not refrain from killing the father; on the contrary, they psychotically carry through the killing of the father and take possession of the women (if only to give it up). Though Freud, in a footnote, credits failure with a certain moral function, it is not clear in what the failure of the sons consists. Nor is it clear in what the power of the dead father consists, if it is not simply in the power *granted to him* by the returning love of the brothers. The superego is supposed to be the internalized, aggressive and commanding, representative of the father. But the superego as such cannot be found in the temporal dislocation of hate (while the father is living) and love-remorse (once the father is dead). Indeed, there is no authority any longer; the commandments of the authoritarian living father are indeed fulfilled, but can come to be fulfilled only on condition that the tyrant who put forth these commands is now dead and without power, and therefore lovable and loved. (In fact not only can the superego not be found; *the father himself* cannot be found. The thesis that this is a “deferred obedience” makes it sound like one *tardily* obeys the commands of the *live* father. In fact, their obedience is granted only to a dead father who *does not issue* commands, and *precisely because* he does not issue them.) The aggressive character of the superego is as with the previous theories difficult to insert into the soul of child, and since it seems as though the only psychologically plausible way that anyone would internalize something one hates is that one *also* love it, Freud has to insist on the ambivalence of the brothers. In the act of the devouring of the father we are therefore invited to believe that while that devouring, as the mere killing which removes him from his position of privilege, expresses their hate and envy, it is also out of love that the father is killed – i.e., devoured, i.e., incorporated. Likewise we must believe with respect to the restitution of the father’s taboos once he is dead, that while the sons love him, they simultaneously fear his power. This latter ambivalence is essential to the theory of the superego, since the superego kicks in at the moment of the restitution of the taboos. But while I can fully believe (and will later make something of the fact) that the sons would kill the father out of resentment of his privilege, and that once he is killed the love previously clouded by this resentment can return – fathers are after all indeed both loved and resented – Freud fails to make plausible the simultaneous fear and love of the brothers after death – and even if he had, a phantasmal father (like a ghost or god) obeyed out of fear for his power does not suffice for the internalized imago of the superego, because such a power remains an “external authority.” Ultimately it is not clear why the superego has to develop out of the specific deed of parricide, or how it could. Moreover, everything that the superego is here invoked to explain can be explained by love alone, and it is therefore no longer clear why one would need a superego at all.

**The Origin of the Superego
Out of Identification as Fortification for
the Task of Repressing the Oedipus Complex
(*The Ego and the Id* – 1923)**

Before concluding, it is necessary to take a look at the important theorisation of *The Ego and the Id*. Although this theory has some relation to the views of “Mourning and Melancholia,” I have made it follow the examination of the primal horde, so that the question of the source of aggressiveness is already in place, and because the views in the *Ego and the Id* are related to Freud’s views in *Totem and Taboo*.

The theory is again a theory from identification with the father, but it is, like those in the previous section, *supposed* to be one also out of ambivalence.⁶¹ The previous ones turned out not to be from ambivalence but from love. This will turn out to be not exactly from either.

Clearly the repression of the Oedipus complex was no easy task. The child’s parents, and especially his father, were perceived as the obstacle to a realization of his Oedipus wishes; so his infantile ego fortified itself for the carrying out of the repression by erecting this same obstacle within itself. It borrowed strength to do this, so to speak, from the father, and this loan was an extraordinarily momentous act. The super-ego retains the character of the father, while the more powerful the Oedipus complex was and the more rapidly it succumbed to repression (under the influence of authority, religious teaching, schooling and reading), the stricter will be the domination of the super-ego over the ego later on – in the form of conscience or perhaps of an unconscious sense of guilt (PFL 11, 374).

Given *the necessity* of the repressing of the Oedipus complex, the child “erects” this obstacle, the father, “within itself,” to strengthen or steel itself for the task of repressing the Oedipus complex. If the father is ‘erected’ thus as obstacle, that at least provides the superego with the appropriate character: a forbidding and obstacle to the wishes of the child.

Now the question is, however, in what sense this helps the child, since the theory would account for the strange fact that the obstacle is built into the psyche of the child by explaining that it is a certain kind of *aid* to it, that it *fortifies* it.

Does it fortify it by making the repression inevitable? But it seems that it is internalized precisely because the child has already recognized the necessity, and merely fortifies itself for something it knows it has to do. (By contrast, on the theorizations previously considered, it would rebel by directing its aggressiveness against the father, or it would accept the necessity and prolong its love through identification.)

Since the internalized figure is just as much a stern forbidding as the (external) father, it does not seem as if the fortification would be like the fortification of *encouragement* that one gets from figures that share with one the pain of a necessary sacrifice and try, lovingly, to minimize the imagined pain of it. Indeed, given its similarity, if the internalized figure can be fortificatory, why

can the external one not be? For the same reason it is hard to understand this as a way of steeling oneself by continually running through this necessity in one's mind. That can be done even when the figure is external, and such an obsessive cogitation of the necessity is not equivalent to internalizing the figure of the father. Dreading and preparing oneself mentally for something unpleasant (for example, a marathon, or a public speech) does not amount to an internalization of the person that imposes it on one, but is simply the recognition of an externally imposed necessity quite unlike the internal commands that the superego is supposed to promulgate.

Freud says however: "It borrowed strength to [carry out the repression], so to speak, from the father, and this loan was an extraordinarily momentous act." If one understands the "so to speak" here as a signal that this is not to be taken literally, then the question of psychic energy is not answered. But if one takes this seriously as the assertion that the child gets a certain amount of psychic energy that then becomes the possession of the superego, then we have to believe that a magical transfer (a "borrowing" or "loan") from one organism to another has taken place (precisely a trap that Freud tries to avoid in *Civilization* by explaining that the energy is *the child's aggression* in its *reaction to* the father's aggression.)

Freud, however, provides yet another theory of the origin of the aggressiveness of the superego.

It is worth quoting first part of the paragraph that precedes this new theory, both because it responds to a question raised again in *Civilization* and the *New Introductory Lectures* (namely, why the superego is more strict in those who are more virtuous), and because it repeats the view that the superego arises from the rebounding of aggression:

It is remarkable that the more a man checks his aggressiveness towards the exterior the more severe – that is aggressive – he becomes in his ego ideal. The ordinary view sees the situation the other way round: the standard set up by the ego ideal seems to be the motive for the suppression of aggressiveness. The fact remains, however, as we have stated it: the more a man controls his aggressiveness, the more intense becomes his ideal's inclination to aggressiveness against his ego. It is like a displacement, a turning round upon his own ego. But even ordinary normal morality has a harshly restraining, cruelly prohibiting quality. It is from this, indeed, that the conception arises of a higher being who deals out punishment inexorably (PFL 11, 395-396).⁶²

Just thereafter, Freud writes:

I cannot go further in my consideration of these questions without introducing a fresh hypothesis. The super-ego arises, as we know, from an identification with the father taken as a model. Every such identification is in the nature of a desexualization or even of a sublimation. It now seems as though when a transformation of this kind takes place, an instinctual defusion occurs at the same time. After sublimation the erotic component no longer has the power to bind the whole of the destructiveness that was combined with it, and this is released in the form of an inclination to aggression and destruction. This defusion

would be the source of the general character of harshness and cruelty exhibited by the ideal – its dictatorial ‘Thou shalt’ (PFL 11, 396).

This new hypothesis occurs in a discussion of the question why, in melancholia, “the superego can become a kind of gathering-place for the death instincts” (PFL 11, 395). And this entire discussion is a continuation of a theme that is central to the book, that concerns the relations between the id, the ego and the superego. The view elaborated is that the ego, in its very attempt to obtain control of the id, comes to be subordinated to the id by way of the superego, which Freud says is part of the id:

From another point of view it may be said that this transformation of an erotic object-choice into an alteration of the ego is also a method by which the ego can obtain control over the id and deepen its relations with it – at the cost, it is true, of acquiescing to a large extent in the id’s experiences. When the ego assumes the features of the object, it is forcing itself, so to speak, upon the id as a love-object and is trying to make good the id’s loss by saying: ‘Look, you can love me too – I am so like the object.’

The transformation of object-libido into narcissistic libido which thus takes place obviously implies an abandonment of sexual aims, a desexualization – a kind of sublimation, therefore. Indeed, the question arises, and deserves careful consideration, whether this is not the universal road to sublimation [...] (PFL 11, 369).

The idea is therefore that at the moment of this desexualisation, that is, of the withdrawal of the erotic attachment to the father, the death instincts are no longer held in check by them (“the erotic component no longer has the power to bind the whole of the destructiveness that was combined with it”), and, in “the form of an inclination to aggression and destruction,” these death instincts give to the superego (“the ideal”) its “general character of harshness and cruelty,” “its dictatorial ‘Thou shalt’.” In the process of trying to gain control of the id – by withdrawing the erotic cathexes – the ego ends up in submission to a part of the id, i.e., the internalized father, the superego (the “gathering-place” of the newly emancipated death instincts).

Of all the views thus far canvassed, this may be the most elegant resolution of the various constraints, but it too appears to be seriously flawed. Freud says that the superego is part of the id. He says:

The ego ideal is therefore the heir of the Oedipus complex, and thus it is also the expression of the most powerful impulses and most important libidinal vicissitudes of the id. By setting up this ego ideal, the ego has mastered the Oedipus complex and at the same time placed itself in subjection to the id. Whereas the ego is essentially the representative of the external world, of reality, the super-ego stands in contrast to it as the representative of the internal world, of the id. Conflicts between the ego and the ideal will, as we are now prepared to find, ultimately reflect the contrast between what is real and what is psychical, between the external world and the internal world (PFL 11, 376).

And, in considerations that link this book to *Totem and Taboo*, and in what is an elaboration of the theory of phylogenesis and inheritance, he writes:

The super-ego, according to our hypothesis, actually originated from the experiences that led to totemism. The question whether it was the ego or the id that experienced and acquired these things soon comes to nothing. Reflection at once shows us that no external vicissitudes can be experienced or undergone by the id, except by way of the ego, which is the representative of the external world to the id. Nevertheless it is not possible to speak of direct inheritance in the ego. It is here that the gulf between an actual individual and the concept of a species becomes evident. Moreover, one must not take the difference between ego and id in too hard-and-fast a sense, nor forget that the ego is a specially differentiated part of the id. The experiences of the ego seem at first to be lost for inheritance; but, when they have been repeated often enough and with sufficient strength in many individuals in successive generations, they transform themselves, so to say, into experiences of the id, the impressions of which are preserved by heredity. Thus in the id, which is capable of being inherited, are harboured residues of the existences of countless egos; and, when the ego forms its super-ego out of the id, it may perhaps only be reviving shapes of former egos and be bringing them to resurrection (PFL 11, 378).⁶³

But if the superego is part of the id, the id cannot love the father as part of the ego. Again – an old question – if the ego internalizes the father so that it becomes the love object of the id, why should the father become the gathering place of the death instincts? Why should these death instincts not express themselves in some other way than by accumulating around *an object of love*? Why, for instance, are they not directed at other people in the external world (so that the child successfully repressing the Oedipus complex becomes suddenly aggressive towards others)? If, on the other hand, the reason why they gather around the father is that he is an aggressive figure, since he commands the withdrawal of erotic cathexes, why is he internalized as an object of love?

Furthermore, Freud says, in the last paragraph of the book, that the id *cannot* show the ego either love or hate (PFL 11, 401). If the superego is part of the id, how, then, could the superego, part of the id, show the ego the necessary hostility and reproof when it has done something morally wrong? And if the superego can – as it must be able to, or it could not be the superego – show the ego hate, why could it not show it love; could this not correspond to the self-satisfied feeling of a good or clear conscience?

I cannot discern the relation between this view that the father is internalized as a way for the ego to make itself loved by the id and the other view (of this book) that the father is set up inside the child as a means of fortification, for the same reasons as with the previously considered views: I cannot see how the id or ego could love this internalised object commanding that it give up its love.

However, I would suggest that Freud offers this theory from fortification because of the problems with the view that internalization is a means of continuing an erotic relation. The former theory has the advantage of avoiding the question why an internalized love object would be aggressive and a gathering point of the death instincts, since on the fortification theory it is internalized *precisely as*

an obstacle (to steel the child for the effort of repression). It is therefore *unlikeable* and an appropriate place for the death instincts to gather. Now, however, we seem to face the obstacle avoided by the theory from the internalization of a love object. As a love object one might well obey its commands *out of love*, but when a disliked figure is internalized (to steel oneself), one is likely to be, it seems to me, aggressive towards it in turn, exactly as one is towards the external authority.⁶⁴

Conclusion

Perhaps the reader will think that trying to follow Freud's theory through all these twists is a pointless task, and that I should instead simply stop by listening to what Lacan says of the myth of the father, namely that "It is a myth that has all the properties of a myth. That is to say that it doesn't explain anything, anymore [sic] than any other myth" (1992:143). But if I agree that it does not explain what Freud sets out to explain, I believe that it (as well as what does not depend on the myth of the primal murder) does help us clarify what is needed, what it is hard to get, and why it is hard to get it.

It is necessary to explain the institution of the superego in the interior of the psyche of the subject (since it is understood as the interior representative of an external authority), and for this it is necessary to have recourse to a process of internalization, which takes the form of a theory of identification/incorporation. But the subject must identify with those it *loves*, since it would be difficult to understand why there would come about the incorporation of those one dislikes or towards whom one is indifferent. But the superego is the severe disapprover. It is therefore necessary to understand it as aggressive, and to understand what the source of this aggression, understood as psychic energy, might be. A fundamental tension thus arises between the imperative of incorporation and the supposed aggressivity of the superego, which is not, I have argued, satisfactorily resolved by Freud. Though he weaves his way through various permutations of identification and aggression, all of these testifying to his full awareness of the difficulties, internalized objects of love are not apt for the aggressive function of the superego.

Consequently, it is necessary to insist upon the originary ambivalence of love as hate (aggressivity), which, however, cannot be strictly maintained when it comes to describing concrete relations, since something that were really *simultaneously* love and hate would not be intelligible in terms of either category. As a result, in any particular version of Freud's theory, it is one or the other, or neither, that does the precise work of installing the superego. When it is a question of prolonging the love, it is obviously love that is most efficacious, as it is when the brothers' returning love brings about the institution of the prohibitions, and when the superego comes to be as a way for the ego to obtain the love of the id. When the superego is set up in the subject through the suppression of an aggressive impulse whose aggressive energy is diverted to the superego, it is aggression that does the work, as it is when an authoritarian figure is internalised for the purposes of fortification, or when the superego gets its place so that the child can have the satisfaction of degrading it in its place in the ego. (In some cases, as in the marginal case of the self-justification, it is neither love nor aggression, but *a fortiori* not both.)

Because Freud must somehow make the superego out of both love and aggression, identification itself has to, at least sometimes, be thought of as ambiguous or bivalent. Thus, in the case of the brothers of the primal horde devouring must be understood as an act of love. I have noted the slippage that occurs between the two senses of identification: wanting to *be like* the father slips into *taking the father's place*. (“A little boy will exhibit a special interest in his father; he would like to grow like him and be like him, and take his place everywhere. We may say simply that he takes his father as his ideal” [PFL 12, 134].)

Indeed, much of what is unacceptable in Freud's picture stems from the very notion of identification or internalisation (internalisation through identification). (Even though sometimes, as in the fortification theory, internalisation is not through identification, these are very closely related processes in general in the theories I have considered.)

There are, I would suggest, two moments in Nietzsche's extended narrative that would be candidates for a theory of internalization, though it is only in the narrative beyond section 16 that we can find them, for on Nietzsche's view, there is no relation between those who are forced to turn their instincts against themselves and the founders of the state who make this necessary (in section 16). “One does not reckon with such natures [“the conqueror and master race” that forcibly confines people into a ‘state’]; they come like fate, without reason, consideration or pretext; they appear as lightning appears, too terrible, too sudden, too convincing, too “different” even to be hated” (*GM* II:17). (To this small extent Assoun may be justified in saying that there is no relation to the paternal authority in Nietzsche. See my note 44.) The “*Verinnerlichung des Menschen*” (*GM* II:16) (the internalization undergone by human beings) could occur, it would seem, even if the confinement of these semi-humans were the work of some natural disaster.

The other two moments – which I will here do little more than mention, merely in order to contrast them with Freud's views, for they will be discussed in detail later – are, first, the moment at which the Christian reads into existence as such, *and by extension into his/her own being*, a flaw or fault. The second moment is that in which the priest convinces his ward that s/he is the cause of her/his suffering (and not someone else towards whom s/he bears a *ressentiment* potentially destructive for the whole community). In neither case, however, is this strictly an internalization of *an authority figure*. To the extent, however, that individuals do act as the community commands, the theory Nietzsche provides concerns a centuries long training, through pain and punishment. In this sense, the idea of internalized authority *figures* is Freud's and not Nietzsche's. Internalization in Nietzsche means not the internalization of a figure but rather the *backward- and inward-going* of a pressing *drive* (to make suffer or to enjoy seeing suffer) that would otherwise be ‘vented’ or worked off on another. (Freud's notion of internalisation comprises both senses.) It is significant for understanding these specific differences that there is a *general* and very important difference between Freud and Nietzsche: for Nietzsche the general model of guilt is *debt* (something owed or owing in general), while for Freud it is rather – given the absolute privilege of the parental instance – the frowning and recrimination of an alarming *personage*.

As a consequence of this conception of internalisation, Freud's views have an extremely reifying character. That is, the ego and the superego, are thought of by Freud too much as homunculi, are

too substantialised or personified, such that he can write: “The super-ego torments the sinful ego with the same feeling of anxiety and is on the watch for opportunities of getting it punished by the external world” (PFL 12, 318); or that the ego is “menaced by three dangers: from the external world, from the libido of the id, and from the severity of the superego” (PFL 11, 397); or that “nothing can be hidden from the super-ego, not even thoughts” (PFL 12, 317).⁶⁵ It is at best only slightly less hypostasized than in this passage from Kant:

The consciousness of an internal tribunal in man, before which his thoughts accuse or excuse him, is what is called Conscience.

Every man has Conscience [sic], and finds himself inspected by an inward censor, by whom he is threatened and kept in awe (reverence mingled with dread); and this power watching over the law, is nothing arbitrarily (optionally) adopted by himself, but is interwoven with his substance. It follows him like his shadow, however he may try to flee from it. He may indeed deafen himself by pleasure or by business, or he may lull himself into a lethargy; but this is only for a while, and he must inevitably come now and then to himself: nor can he hinder himself from ever and anon awakening, whereupon he hears his dreadful and appalling voice. In the last stage of reprobation man may indeed have ceased to heed him, but not to hear him, is impossible (1886:254).⁶⁶

Given the over-reification and the model of identification, the problem of the superego becomes the problem of projecting the shadow of one soul on another. Identification thus comes to be thought of not merely as a matter of emulation or imitation but rather on the model of incorporation and devouring (including when, as in the case of children now, there is not a literal devouring of the father). Part of what explains these strange and damaging ideas is, I would suggest, that Freud seems committed to short-circuiting free and rational choice by a direct action of drive or libido or affect. Morality comes to inhabit the child by *the direct affective influence* of father or mother.

I can make the point clear through a contrast with Kant. Kant writes in the *Groundwork*:

[We] cannot do morality a worse service than by seeking to derive it from examples. Every example of it presented to me must first itself be judged by moral principles in order to decide if it is fit to serve as an original example that is, as a model: it can in no way supply the prime source for the concept of morality. Even the Holy One of the gospel must first be compared with our ideal of moral perfection before we can recognize him to be such (1948:76).

The function of identification in Freud, however, would be to give the child a morality by the introduction of precisely an example, a *paragon*: given a certain libidinal tie, *a figure* is set up in the psyche that now functions as an *embodiment* or *personification* of morality. This means however that the question of the justifiability of moral imperatives becomes irrelevant or marginal, since the reason we hold these moral beliefs is not because they are moral, or can be justified, etc.,

but because they happen to be embodied in the person or persona from whom, by a kind of human counterpart of the imprinting that occurs in goslings, one gets to have the morality one has.

Derrida confirms at least one aspect of this interpretation of Freud when he claims that psychoanalysis makes no place for or, more strongly, can give no place to, moral judgements. Derrida is interested in Freud's thesis, in his response to Einstein, that one must find *indirect* methods for neutralising the tendency to war: one can oppose Eros to Thanatos by cultivating two types of emotional tie: love, in the first place – though this is very difficult – and, in the second place, an exploitation of the tendency of human beings to follow leaders and chiefs who must therefore be educated so that they can guide those whom they lead (a “dictatorship of reason” [PFL 12, 359]). Having outlined these two strategies, Derrida writes:

Even though Freud does not say it, certainly not in this way, this concept of the indirect seems to me to take into account, in the mediation of the detour, a radical discontinuity, a heterogeneity, a leap into the ethical (thus also into the juridical and political) that no psychoanalytic knowledge as such could propel or authorize. On the subject of the polarity love/hatred (which out of politeness toward Einstein he compares to the polarity attraction/repulsion), Freud says clearly in fact that, like the polarity preservation/cruel destruction, it must not be hastily submitted to ethical judgments evaluating “good and evil” [...].⁶⁷ It is not for the psychoanalyst as such to evaluate or devaluate, to discredit cruelty or sovereignty from an ethical point of view. First of all, because he knows that there is no life without the competition between the forces of two antagonistic drives. Whether one is talking about the cruelty or the sovereignty drive, psychoanalytic knowledge as such has neither the means nor the right to condemn it. In this regard, it is and must remain, as knowledge, within the neutrality of the undecidable. Whence what I call the “*états d'âme*,” that is, the hesitation, the confused mental state, or the soulsearching of psychoanalysis. To cross the line of decision, a leap that expels one outside psychoanalytic knowledge as such is necessary (Derrida 2002:273).

Freud accordingly writes: “It is my opinion that the main reason why we rebel against war is that we cannot help doing so. We are pacifists because we are obliged to be for organic reasons. And we then find no difficulty in producing arguments to justify our attitude” (PFL 12, 361). (There is not no justification, then, but it is no more than a *post hoc* rationalisation.)

On Kant's view, morality precedes and exceeds particular human beings, while on Freud's view persons precede morality; and just as Kant disallows testing morality by persons, so Freud would seem to disallow the testing of persons by morality, since morality or a morality is embodied or literally personified in the figure that is internalized.⁶⁸ Such is at least what is suggested by the theorisations of the superego that I have considered.⁶⁹

Freud certainly proceeds rigorously here, for psychoanalysis would like to explain human beings on the basis of certain fundamental drives, and as long as the suppression of these drives (erotic ones or aggressive ones) – i.e., morality – is acknowledged as an undeniable occurrence in human life, an explanation of how they might be suppressed is called for. But since everything is to be

explained on the basis of these drives, and since there are no other psychical or organic forces to oppose them, one has to account for *their suppression* through *them alone* (whence the recourse to love and aggression in the explanation of the formation of the superego).

I have argued that Freud's offerings in this area are menaced by serious problems, but that by no means concludes the contribution of Freud to this thesis. His further contribution is threefold.

I will later argue (in my discussion of Nietzsche's views) that Freud deserves credit for being one of the very few who (like Kafka in "Report") accredit the personal dimension, the dimension of love, in the formation of moral character, even if I argue for another mode in which such personal relations contribute to the moral life.

Furthermore, Freud's definition of guilt has, I will argue in the next chapter, important implications for a better understanding of that emotion, even if the promise of that insight is neglected or betrayed by Freud himself, not least in the fundamental decision to conceive the superego, the cause of guilt, as fearsome. Taking Freud's definition of guilt seriously makes unnecessary any reference to a superego (or conscience) as such, and also shows why it is misleading to think of this agency, for the purposes of understanding guilt, as *tormenting, aggressive, authoritarian, punishing*, etc. If, as Freud says, guilt "expresses itself as a need for punishment," then we may think of this need as a need of the ego's, or, in non-Freudian terms, quite simply as *my – conscious – need*, a need *of mine*, and *not* the desire of a partly unconscious agency of my psyche which seeks opportunities for tormenting an ego too ardently seeking the love of the id.

Third, I believe that the discussion of the brothers' returning love indeed tells us something about the nature, and perhaps even the causality, of guilt (though I will only get to that in my discussion of Christianity in Chapter Seven).

In fact, one very important clarification that we arguably owe to Freud is contained precisely in the vacillation between love and aggression. On the one hand, morality is for Freud a matter of command and cruelty (as is often the case when Freud mentions Kant's categorical imperative – and Nietzsche too says of "good old Kant" that his "categorical imperative smells of cruelty" [*GM* II:6]). On the other hand, Freud often associates morality with love and Eros.⁷⁰ This vacillation points us towards the question of what in morality concerns love (or at least a certain tenderness) and what aggression. I hope to say something useful about this in the sequel, *à propos* the distinction I wish to draw between guilt and conscience.

CHAPTER FOUR

The Cosmological Bases of a Moral Emotion: Guilt among the Ancient Greeks

You have a particularly beautiful, very rare way of quietly, contentedly, approvingly smiling, a way of smiling that can make the person for whom it is meant entirely happy. I can't recall its ever having expressly been my lot in my childhood, but I dare say it may have happened, for why should you have refused it to me at a time when I still seemed blameless to you and was your great hope? Yet in the long run even such friendly impressions brought about nothing but an increased sense of guilt, making the world still more incomprehensible to me.

– **Kafka**, *Letter to his Father*

Having shown the overlap between the views of Freud, Kafka and Nietzsche, and having identified serious problems in Freud's attempt to develop a theory of the superego, I believe that the way out of the impasse I think I have located in Freud is to return to the basic question of the nature of guilt. I will try to show that if we attend carefully to a certain formulation by Freud, namely that guilt expresses itself as a need for punishment, we can avoid a deep error in thinking about guilt that Freud himself falls prey to in his central vision of an anxious and fearful ego before a domineering and threatening superego. The mistake is very common and, I will show later, also proves damaging to Nietzsche's own picture of guilt.

I take as the occasion for getting clearer about guilt Bernard Williams's discussion of the question of the presence or absence of guilt among the ancient Greeks. While it is somewhat idiosyncratic for me to approach the issue of guilt via a question about the ancient Greeks, it may be defended on a few grounds. First, it addresses the question – absolutely fundamental to both Freud (in the phylogenetic aspect of his view) and Nietzsche's genealogy of guilt – of the *historicity* of guilt, and allows us to formulate certain views on the conditions or circumstances which predispose to the emergence of guilt as a social and emotional category of greater or less importance. (One will often hear guilt associated with Catholicism, for instance, but what exactly that association consists in, if anything, remains dark.) Second, precisely because one thinks that there is no place or little place for guilt in the Greek world, one is forced to ask why that might be, and in paying closer attention to the absence or presence of certain factors which make the concept of guilt less socially useful, we get a clearer sense of the preconditions and circumstances of guilt.

I believe I show in the end that even though the Greeks do not have a concept that corresponds neatly to our notion of guilt, there is a consistent metaphysics of guilt *very* like ours – of pricks and stings and sharp pains generally – but that the smaller space that guilt has for them can be partly explained (for I do not believe that my account is exhaustive⁷¹) by the fact that there is a more mainstream view – a religious view shared by the poets and tragedians – of cosmic and automatic punishment for miscreance (in contrast to the modern West, in which you will face punishment if

you are caught by the relevant authorities). In short, I think I show that the relative absence of guilt can be (partly) explained by cosmological factors, but that it is indeed possible to find considerable evidence of guilt among the Greeks, if one approaches the texts with the correct (Freudian) concept of guilt.

Williams's Hypothesis

In the chapter of *Shame and Necessity* entitled "Shame and Autonomy" Bernard Williams argues against progressivists that the ancient Greek conception of the moral self had certain advantages over that of the modern West in which a certain – Kantian – picture of the moral self as "characterless" (1994:94-95) is central. Williams argues that not guilt (guilty *feeling*, it must be emphasized, not objective guilt, *culpa*, culpability) but shame "embodies conceptions of what one is and of how one is related to others" (94). Thus "only shame" (94) can help us to understand our relations to our misdeeds and our victims. He argues, however, that in the "shame culture" of the Greeks there was a place for guilt: "(something like) guilt was placed under a broader conception of (something more than) shame" (92). He infers the existence of guilt from the fact that there was a place in Greek culture for forgiveness, reparation and indignation, which, he thinks, "speaks more effectively to guilt than to shame" (90-91). He does not think that we should abandon our understanding of Greek culture as a shame culture, however. There was a place for guilt in Greek culture, but the Greeks did not draw the same contrast between guilt and shame that we do. He offers the hypothesis that the Greeks, who are said not to have a concept that corresponds to our guilt, used their word *aidôs*, which is conventionally translated as shame, to refer to experiences of guilt also (90).

Williams's argument that *aidôs* refers also to guilty feeling begins with a kind of survey of the uses of the concept of shame among the Greeks. Williams points out that 'shame' translates *aidôs* in all these manifestations for us. But, says Williams, we have in addition a word, 'guilt,' where the Greeks have none, and "some people think that this difference between us and the Greeks is ethically very important" (88). "We must ask," says Williams, "whether this is so," and first we must ask how they are related. Williams denies that "we set up an extra verbal marker within one and the same psychological field, in order to pick out some particular applications of what would otherwise be shame – its applications to one's own actions and omissions, perhaps" (89). There are "real psychological differences between them" (89).

"The immediate point," he writes,

is that if these distinctions between shame and guilt are even roughly correct, it looks as though *aidôs* (and the other Greek terms) cannot merely mean 'shame', but must cover something like guilt as well. [...] [*Nemesis*], the reaction that was appropriate in the Homeric world to breaches of *aidôs*, could include anger, indignation, and resentment as much as contempt or avoidance. The idea of reparation is prominent in Homer [...] and the need for it, for gestures that compensate and heal, must surely be recognised in any society if the notion of holding oneself responsible is to have any content. Along with that recognition, there goes the thought that a victim is owed compensation, or has a right to it [...]. In the Greek world

there was room, too, for forgiveness. It is often thought that forgiveness speaks more effectively to guilt than to shame: if the people who have been wronged forgive me, then perhaps the case is withdrawn from the internal judge, but their forgiveness has less power to repair my sense of myself. But forgiveness was as familiar to the Greek world as in ours and was seen as an appropriate and commendable reaction, for several different kinds of reasons (90-91).

But this does not mean that Homeric society was not a shame culture, nor that the contrast between the modern West and Homeric society “has been based simply on a mistake about a word.”

Even though some reactions in those societies were structured in the same way as our reactions of guilt, they were not simply guilt if they were not recognised as such; just as shame is not the same when it does not have guilt as a contrast. What people’s ethical emotions are depends significantly on what they take them to be. The truth about Greek societies, and in particular the Homeric, is not that they failed to recognise any of the reactions that we associate with guilt, but that they did not make of those reactions the separate thing that they became when they are separately recognised as guilt (91).⁷²

“In not isolating a privileged conception of moral guilt,” he says, “and in placing under a broader conception of shame the social and psychological structures that were near to what we call ‘guilt’, the Greeks, once again, displayed realism, and truthfulness, and a beneficent neglect” (94-95).

I will argue that shame could never comprehend guilt, and that, taking his departure from a mistaken conception of guilt, Williams looks for guilt where shame is, and looks in the wrong place. This is why he does not find any direct evidence of guilt: all he can provide are vague indications that certain things – indignation, reparation, and forgiveness – are present, and that therefore there will have been “(something like) guilt” (92). He does not furnish any examples of uses of *aidôs* in situations in which it is plausible to think that guilt is being experienced.

I believe that with a claim as large as that the Greeks had no distinct conception of guilt there should be some indication of how such a great difference between us and the Greeks might be explained. I shall try to provide some starting points for such an explanation.

I will say more later concerning indignation, reparation and forgiveness. Let me begin, however, by setting out the general case against Williams’s hypothesis.

Although there will be certain overlaps of shame and guilt (overlaps which Williams [88] exploits in proposing that the Greeks comprehended guilt under shame) it is also true that *one can feel ashamed without feeling guilty*. The shame one should feel if one found oneself suddenly disrobed in public should contain no hint of guilt at all. This is an uncontroversial point, acknowledged by Williams, in whose conception shame comprehends and exceeds guilt; it is therefore easily the case that certain manifestations of shame will have no reference to guilt.

Williams would find it harder to acknowledge that there can be feelings of guilt without shame since, if this is so, it becomes very difficult indeed to imagine a conception of shame that would coherently comprehend *both* shame *and* experiences of guilt where no shame is involved. However, one can indeed feel guilty *without feeling ashamed*. There are various possibilities here:

a. The Shorter Oxford, in its elucidation of 'guilt', has the following example: "The guilt Wharton felt in fighting free of Lucia, cannot easily be dismissed."

There need be no reference to shame to make this description of Wharton intelligible.

b. Wharton calls Lucia to get her to pick him up with her car. On the way she has an accident and is badly injured. Wharton feels guilty.

It may be irrational for Wharton to feel guilty, but that need not concern us, as long as we are granted that someone in Wharton's position could well feel guilty. Given, therefore, that Wharton feels 'bad', it is guilt he feels and not shame.

c. You have stolen some money. Nobody knows this, and nobody can ever know that it was you who stole it. Someone else gets the blame for it, and they are punished and ostracised. You know that you will never be discovered, but you feel guilty that someone else has been punished for your crime. You *may* feel ashamed (although there is little reason to think you would), but you would not *have to*.

d. A phenomenon that seems to have flourished particularly (one might think) in the modern moral consciousness is our moral regard for animals. It is commonplace to feel guilt about the maltreatment of animals, but there is no question of shame before animals. Of course, it is possible that one might feel ashamed under the knowing gaze of other *people*; but under the gaze of the animal, shame, unlike guilt, should not arise at all.

Could the Greek concept of shame have been so comprehensive as to take account of these varieties of guilt? The Greek conception, says Williams (1994:92), "brings (something like) guilt under a wider conception of (something more than) shame," but in order to be able to take account of these examples of guilt without shame, it seems that the Greek conception of shame would have to be *so much* "more than" shame that we should have little chance of recognizing it as shame. There is a structural difference between guilt and shame that Williams's demarcation of the differences does not acknowledge and that I will try to bring into focus in my attempt to track down examples of guilt in the part of the Greek experience available to us.

It should already be clear, however, that if *aidôs* were to be used by the Greeks to refer to one of these instances of guilt without shame, it is likely that the translations of Greek texts that we have before us would have prompted the recognition that "*aidôs*" could not properly be translated by our word and our concept of shame. The translation would have said "shame" where we would have expected it to say "guilt." But instead of positing a difference of conceptuality between us and the Greeks we would in such a case be much more likely to have said merely that the translation of "*aidôs*" by "shame" is a *bad translation* and that it should have been translated by guilt instead. Williams's examples are of cases in which shame is appropriate where guilt too is not ruled out, but such examples are not hard to find either among the Greeks or in the modern West. He does not however give us examples of the use of *aidôs* for guilt without shame. If he had, though, he would be faced with the problem of explaining why we should say that their conception

of shame was broader than – that is, different from – ours (that they “[bring] (something like) guilt under a wider conception of (something more than) shame”) when we would have had the much more ready and simple explanation that the Greeks possessed the concept of guilt and that we were simply mistaken to have taken their word “*aidôs*” to mean shame exclusively.⁷³ Williams does sometimes take this latter line that suggests that we might in some contexts simply translate ‘*aidôs*’ as ‘guilt’, but he is more committed to making the conceptual and philosophical point that the modern understanding of guilt that makes it “morally self-sufficient” comes out of a “false picture of the moral life” in which the moral self is “characterless” (94), and that “shame [embodying conceptions of our relations to others, etc.] can understand guilt, but guilt cannot understand itself” (93).⁷⁴

Why Convicts Don’t Feel Guilty

That sketches the disagreement with Williams. I would now like to give some indications of the complexity of guilt. This discussion also prepares the ground for subsequent parts of the chapter.

In the *Genealogy* Nietzsche attempts to refute a view of punishment prevalent in his day – according to which punishment has the effect of arousing the feeling of guilt – and gives an analysis of the relation between guilt and punishment:

It is precisely among criminals and convicts that the sting of conscience is extremely rare [...]. Generally speaking, punishment makes men hard and cold; it concentrates; it sharpens the feeling of alienation; it strengthens the power of resistance. [...]

If we consider those millennia *before* the history of man, we may unhesitatingly assert that it was precisely through punishment that the development of the feeling of guilt was most powerfully *hindered* – at least in the victim upon whom the punitive force was vented. For we must not underrate the extent to which the sight of the judicial and executive procedures prevents the criminal from considering his deed, the type of his action *as such*, reprehensible: for he sees exactly the same kind of actions practised in the service of justice and approved of and practised with a good conscience: spying, deception, bribery, [...] torture, murder [...] – all of them actions which his judges in no way condemn and repudiate *as such*, but only when they are applied and directed to certain particular ends (*GM* II:14).⁷⁵

In Nietzsche’s view guilt is most scarce when punishment is most abundant because punishment makes men not guilty but stubborn. Furthermore, the one punished is not convinced of the ‘immorality’ of the act for which he is punished since the prosecution itself resorts, in the name of justice, to the very same acts.

I would suggest that there is another reason (that has important consequences for the discussion of guilt and the Greeks) why punishment is not of much utility in cultivating a feeling of guilt. Nietzsche, I will argue, is correct that punishment will tend to discourage guilt, but he is only partially right about why this is the case.

The feeling of guilt is impossible without self-reproach. The feeling of guilt is in effect the admission that were one to be accused of that about which one is feeling guilty, one would be accused justly and appropriately. In this context it is important that a sense of guilt can be out of proportion to the injury, so that one person can feel very guilty for a very slight injury to someone, while another does not feel guilty about a very serious injury. But there would be no sense in a scenario in which one recognises that one feels guilty but feels that one is, in one's own eyes, *in no way* at fault, to blame, or somehow responsible. To feel guilty is necessarily to feel guilty about something (that one has done, or thought, or said – or is), even if one may have to look hard to find out exactly what that is.⁷⁶

Now accusation and conviction are generally followed by some reparation. The form taken by reparation is usually punishment, although punishment is far from being the necessary form. A literal reparation, if it is possible, would count, and so would various other forms of making amends. (This discussion will not make much of this distinction between reparation and punishment, and if I speak of punishment rather than reparation that is simply an acknowledgement that reparation *most often* nowadays takes the form of punishment, either because it is genuinely difficult to settle upon a reparation or because of an unwillingness to imagine alternatives to punishment. One can make reparation to others, and since that involves some sacrifice of oneself or one's interests, that shades into punishment – and one can also try to make amends by making oneself suffer when more straightforward forms of reparation are not available: when I expose myself to suffering out of guilt, I am trying to *pay back* for, or trying to redeem, the pain I have caused. In that way self-punishment shades into reparation.⁷⁷) If one is accused, and *if one accuses oneself*, therefore, one is in most cases also afraid that some punishment looms. From these facts one concludes that guilt is fear of punishment, and that the threat of punishment strengthens the 'bad conscience': if guilt is fear of punishment, the threat of punishment should nourish the feeling of guilt.

But that is a mistake. The quality of guilt is palpably quite different from that of fear. Freud says in *Civilization* that the "sense of guilt" "expresses itself as a need for punishment" (PFL 12, 316). On this model, guilt would function like hunger, in the sense that the feeling of guilt is an unpleasant emotion (as hunger pangs are) and one's condition can be ameliorated through punishment. One in some sense accuses oneself, and feels the need to confess, or be punished, or to make amends in some way.

In fact, therefore, punishment alleviates guilt, and punishment is therefore, as Nietzsche is right to say, not a good means for instilling guilt.⁷⁸ Since needs disappear when the need has been seen to, where there has been punishment, there should no longer be guilt. (Guilt may of course linger despite punishment. But then it must be because the one punished does not feel that the punishment has been adequate to the misdeed. If the guilt-ridden person firmly believes that the punishment has been sufficient, he should not continue to feel guilty.)

Nietzsche's reasons are thus shown to be not exactly wrong, but secondary. Nietzsche says that the criminal fails to see his deed as reprehensible because the same type of deed is practiced with a good conscience in the service of justice. This is perhaps true; but more fundamentally, those that

others forcibly punish cannot have a need for punishment and will not call punishment on themselves.

But if guilt is a felt need for punishment, or for something that hurts or costs the one who feels that they have done wrong, would there not *also* be fear? I see no reason to deny this. Having stolen the ribbon and blamed someone else for the theft, I may feel, a few days afterward, that I did something reprehensible, and I should confess. *That is the feeling of guilt.* Now, however, that I think about how much pain there will be, or the precise quality and nature of the cost, I recoil from my desire to confess. Even if I would be relieved if I were punished, only the insane would not dread the punishment, which will be fearful (or cost much), for if it were not (or did not), it could not have the meaning that it has as an atonement. But this does not mean that guilt is fear; it precisely means that guilt is *not* fear, for my fear of the punishment *cancels* the guilty feeling that *calls* for punishment; my guilt will not remain if it is discouraged or drowned out by the fear.

Fear requires that punishment have appeared on the horizon in some way, but if there is need, at the moment that this need appears, there cannot be fear. If the fear came first there would have to be a threat or a danger of punishment, and in that case there would be *no necessity for, and no possibility of, need*. In many cases of guilt there is no possibility at all of being found out. In such instances, which can be fully understood by means of Freud's gloss⁷⁹, punishment will *only* descend if one calls it upon oneself through one's *own* guilty call for punishment. There is therefore nothing to fear at all *until* one asks for it. Likewise, in none of the examples adduced earlier (Wharton, involuntary misdeeds, animals) is there any fear, and in some of them one has not done anything for which they would dream of punishing you⁸⁰, and yet they are complete examples of guilt. Guilt may lead to a *secondary* fear *parasitic* on the guilty feeling, but the guilty feeling is not itself the feeling of fear.⁸¹

In fact there is a curious feature of the experience of guilt that will play a large part in the analysis of this chapter. It makes a huge difference whether it is I who call for punishment, or another. If I am accused by others, *even if I accept in my secret heart that I am to blame*, I will not necessarily feel guilty, but if *none* accuse me (and, consequently, none are calling for my whipping), *then* I have a chance of feeling guilty. It is therefore not sufficient to say *only* that when I feel guilty, I reproach myself – it is necessary to say that *I am free to reproach myself precisely because no-one else reproaches me*. It is thus not as Velleman says, that

Guilt arises only when the sense of indefensibility yields a sense of being defenceless against negative responses of some kind, variously thought to include blame, resentment, retaliation, or punishment, though their precise nature remains to be specified by a philosophical account of the emotion. One feels defenceless against these responses in the sense of having no claim or entitlement to be spared from them, because they are warranted. One thus feels defenceless in a normative sense (2006:157).

One can be “defenceless in a normative sense,” i.e., fully believe of oneself that one has done something indefensible or unjustifiable, and admit to oneself that others would be right to punish you, and *yet* have the psychological compulsion to *defend* oneself. Guilt arises when one (*de jure*)

thinks one has done something worthy of reproach – but (*de facto*) *no-one happens* to be reproaching you for it. It is for this reason that it can be worse when someone whom one has hurt does not get angry or does not berate you, but suffers it in silence, or, indeed, forgives you. If they did fight back, you would be tempted to fight back in turn, but when they do not fight back, your maleficence becomes conspicuous and you are the only one left to formulate the reproaches against you.

I should clarify that I am not committed to the view that the *phenomenology* of guilt corresponds to *the feeling that one needs punishment*. Freud's formula provides us with *the structural key* to guilt, i.e., with a way to articulate guilt with structures that are not confined to the interiority of the individual soul, and such articulations are crucial if one is attempting to locate guilt when, as in the case of the ancient Greeks, one does not have access to the feelings themselves.

Automatic Punishment and Speculative Guilt

It follows from the thesis that guilt is need for punishment that in a situation in which *punishment is automatic*, in which punishment follows a misdeed in a law-like way, so that one is sure one will be punished sooner or later, there can be little opportunity for guilt. Where, in such a situation, one would expect guilt to arise, it should be comprehensively pre-empted.

In Sophocles' *Antigone*, for example, Creon feels no guilt, and cannot be made to feel any, at his entombment of Antigone. Teiresias lays before Creon the alternative of repentance, for which it is not yet too late, but Creon is not to be bent from his purpose and repentance is not forthcoming. He is merely stirred to heights of rage against Teiresias. Only when Teiresias has failed to provoke him to remorse and Teiresias has himself been insulted and reveals to Creon his fate, and Creon, still reluctant to relinquish his pride, has deliberated with the Leader of the old Theban citizens who make up the chorus, does Creon resolve to release Antigone. When he finally takes some blame, it is only for his son's death and for the death of his wife, not for Antigone's death.

We look for guilt here in vain. We imagine the circumstances under which Creon *might* have presented the spectacle of guilt. We imagine that Antigone has perished, that Creon's son and his wife are unscathed, that he dwells with them in peace, as if none of what occurs in the play has occurred. We then imagine that Creon, on dark and silent nights, remembers the figure of the girl whom he consigned to a tomb, and he remembers, we imagine, the bitter emotions that devised such a cruel and ironic torment. We imagine that on these nights Creon is moved, however briefly, to the guilt of the guilty. But that does not happen. Creon's fate interrupts our imaginings and his guilt; he has paid the price of her death. His suffering is sealed, foretold, a fact before the fact, for which he has only to wait, the short-lived salvation that Teiresias held out to him having irrevocably lapsed. Once it has done so, it is left merely for Teiresias to foretell what Creon will soon enough discover anyway: "The chariot of the sun will not race through so many circuits more, before you have surrendered one born of your own loins, your own flesh and blood, *a corpse for corpses given in return (nekun nekrôn amoibon antidous esêi)*" (1064-1067; 1984:115). What he owes he will have to give back. But because the punishment of fate, the pack of 'Erinyes' to whom Teiresias refers by name (1075; 1984:115)⁸² (who will be an important part of our analysis),

follows on Creon's error with irresistible necessity, there is no question of, or space for, guilt (guilty feeling).

Until he suffers, he will not admit that he has erred. When he suffers, it is already too late for this admission. Antigone says: "Once I suffer, I will know that I was wrong (*Pathontes an suggnoimen êmartêkotes*)" (926; 1984:106). "Very well:" she says, "if this is the pleasure of the gods,/ once I suffer I will know that I was wrong./ But if these men are wrong, let them suffer nothing worse than they mete out to me –/ these masters of injustice" (925-928; 1984:106).

In a world in which the proof of error is the suffering it generates, the notion of guilt has a minor office to fulfil. Guilt can make sense only in a world in which such a cosmology no longer convinces, a world like ours, in which there is no immediate criterion of felony, in which suffering has to be deliberately instituted and is not a part of the natural order of things. Indeed, our closest approximation to the sort of suffering to which Antigone refers is the experience of the 'sting of conscience' which we (sometimes) feel when we have done something we ought not to have done.

Because suffering and error are correlated, guilt is very elusive in the Greek world. But there is nevertheless a space in this world in which things could be otherwise: the Greeks *speculate* and indulge the counterfactual as we have indulged it above in Creon's case. Antigone speculates in the appropriate way when she reveals some of her motivation to Creon. I am prepared, she tells him, to undergo whatever you have in store for me. That I can bear. But if I *speculate* about *what would have happened* if I had let my mother's son rot, I realise that that *would have been* an unbearable agony:

So for me, at least, to meet this doom of yours
is precious little pain (*par' ouden algos*). But if I had allowed
my own mother's son to rot, an unburied corpse –
that would have been an agony (*keinois an êlgoun*)! This is nothing (*Toisde d'ouk
algunomai*) (465-468; 1984:82).

In a heated exchange earlier in the play between Creon and a sentry, in which the issue is whether the covering up of Polyneices' corpse is the work of the gods, as the leader of the chorus suggests, or of the sentry himself, Creon is not surprisingly furious at the thought that the burial is the work of the gods and believes the sentry did it himself, for money. The exchange continues:

Sentry: Please, may I say a word or two, or just turn and go?
Creon: Can't you tell? Everything you say offends me (*aniarôs legeis*).
Sentry: Where does it hurt you, in the ears or in the heart? (*En toisin ôsin ê 'pi têi psuchêi daknê*; [*Daknein* is "to hurt," but it is more particularly to *bite* or *sting*].) (315-317; 1984:74).

Though neither case allows us to say with absolute certainty that it is guilt that hovers about these speculations, guilt would seem a very eligible candidate. Shame is not at all at issue in the case of Creon, and if one wants to insist that it is shame that is at issue in the case of Antigone (shame

before her mother and the other dead), one has to say why in that case the more natural ‘*aidôs*’ has been eschewed in favour of *algos* (pain).

In Aeschylus’ *Libation Bearers* and *Eumenides*, the Erinyes that hound Orestes in accordance with their duty are so irrepressible that Orestes never has a chance to express any guilt, although it is made clear at various points in the play that Orestes has fulfilled the conditions necessary to be exonerated from the blood-guilt with which he has been polluted.⁸³ The curse of the mother sets to work almost as soon as he has murdered Clytaemnestra; no sooner has Pylades given Orestes the olive branch with which to begin the rites of purification than he begins to see the Erinyes. They are all about him, and one is not rewarded with any expression of guilt. What was stated earlier respecting punishment (that guilt decreases when punishment looms) holds equally here, where the punishment takes the unusual form of the terror inspired by the Erinyes in fulfilment of Clytaemnestra’s curse. However, the play does make space for guilt. Again precisely in speculation and precisely where descending Furies or a punishing fate does not descend according to cosmic law, where curses do not take the place of moral accounting and where not even a secular law is in place to offer the necessary requite, there is envisaged a moment that never takes place, and guilt is allowed to surface for an instant.

Orestes is rendering his account of himself to Athena in the *Eumenides*, and he depicts the circumstances of his matricide and of the murder of Agamemnon:

What an ignoble death he died
 when he came home – Ai! my blackhearted mother
 cut him down, enveloped him in her handsome net –
 it still attests his murder in the bath.
 But I came back, my years of exile weathered
 killed the one who bore me, I won’t deny it,
 killed her in revenge. I loved my father, fiercely.
 And Apollo shares the guilt [This is not our feeling of guilt] –
 he spurred me on, he warned of the pains I’d feel (*algê prophônôn antikentra kardiai*,
 foretelling/warning of pain, as a goad/spur to the heart)
 unless I acted, brought the guilty down (458-467; 1979:252).

This matter of *antikentra* and of the *kentron* – goads or spurs – will come up again. But the present echo in Aeschylus of Sophocles’ ‘*algos*’ is to be noted.⁸⁴

In speculation, then, guilt may be found, because speculation escapes the system of the Greek cosmology, which makes little place for a need for punishment.

That is not however the only way in which it can be eluded. It could be eluded if the need for punishment can be called up by what will not be punished automatically. But what would this be if everything that deserves to be punished is punished automatically? That which does not deserve to be punished but for which one can *feel* one needs to be punished. If such situations exist in the Greek experience then these are likewise spaces where we ought to be able to find guilt. The

excessive Achilles, it turns out, is appropriately excessive in his love also when, in the *Iliad*, in mourning for Patroclus, he remembers an idle promise he made to Patroclus' father:

Thus Achilles groaned among his Myrmidons. He thought with a pang of the idle words (*halion epos*) he had let fall one day at home in his attempts to reassure Patroclus' noble father. 'I told Menoetius,' he said, 'that I would bring him back his son to Opos from the sack of Ilium, covered with glory and laden with his share of plunder. But Zeus makes havoc of the schemes of men; and now the pair of us are doomed to redden with our blood one patch of earth, here in the land of Troy. [...] So then, Patroclus, since I too am going below, but after you, I shall not hold your funeral till I have brought back here the armour and the head of Hector, who slaughtered you, my noble-hearted friend. And at your pyre I will cut the throats of a dozen of the high-born youths of Troy, to vent my wrath on them for killing you (18.323-337; 1967:345).

Achilles' grief is occasioned by a promise that he realises was 'idle', words to comfort Menoetius on the occasion of Patroclus' departure, the sort of words with which we are all familiar when, to cajole someone into letting their child or their partner go out for the night, we say, indeed idly, "Don't worry; we'll get him back safe and sound," words which are not meant to carry the binding force of a promise.

We would call this guilt, we would say that Achilles feels guilty about these words uttered idly. The force of this judgement does not at all depend on the notion of shame. Achilles will not be ashamed in the eyes of Menoetius, for the latter could not have interpreted Achilles' words as 'real,' 'serious' promise. The words are uttered idly; Achilles did not mean them, literally. But *Achilles* feels accountable for the promise he made, which he now realises he cannot make good on, even though he himself cannot see it as a real, serious promise. Achilles takes it upon himself to reproach himself for what would not be seen as blameworthy by anyone but him. It is not one of his brothers-in-arms who levels the accusation; in that case one imagines Achilles recoiling, refusing culpability and responsibility. As it is, no-one is in a position to accuse: Menoetius is far away and he probably would not hold Achilles to his words; Patroclus is dead; and the accusation is exaggerated, such that no-one but Achilles could blame himself with it.

Achilles' reaction to his own accusation is a reaction familiar to the language and the pragmatics of guilt: he will make amends; he will avenge Patroclus' death. If he owes Menoetius the glory of Patroclus, which he can no longer accomplish, he will instead see to it that his death is avenged by the execution of a dozen of the young nobility of Troy and the head of Hector.

That we have been led to the vocabulary of pain (in the *Antigone* and the *Eumenides*) is not too surprising. It is very natural to think and speak of guilt as a sort of pain (sting, pang; bite, the *morsus* from which "remorse" comes). It is much more comfortably imagined that the Greeks thought of and referred to guilt as a species of pain than that *aidôs* did the same work. If one must have some *one* word to dignify with this function, it seems as though *algos* is a plausible candidate, although it would appear (as is the case for us when we do not have recourse to our convenient 'guilt') that this word cannot bear the sole burden. There is in addition a certain

metaphorics⁸⁵, again one which does not appear to us alien, of, let's say, sharp pains and instruments for the production of sharp pains (pricks, stings, pangs, bites, goads, spurs⁸⁶). *Algos*, in any case, does not have the exclusivity of *aidôs*, and it would therefore make it less mystifying that the Greeks could have had a word or a register with which to refer to guilt without its having drawn much attention. It avoids the problems of translation that *aidôs* presents, and it avoids the major problem with the *aidôs* hypothesis, that there are clearly cases of guilt involving no shame – it is more difficult to think of cases of guilt where there is no pain.

Why the Greek Gods Should Feel More Guilty than Other Greeks

Guilt flourishes where there is little chance that a penalty will be exacted, or where others are not placed to accuse, whether because culpability has not been established, or because the blameworthy character of an event is not suspected, or, perhaps, because others are just as guilty as the one they might accuse. Where others accuse, self-reproach becomes superfluous. Guilt is the feeling that one needs punishment, but one does not have to feel this need when others are there to furnish this call.

I said earlier that punishment has the effect of eliminating guilt. That thesis implies this one, at least to the extent that accusation tends to imply punishment.⁸⁷

We have also seen that the place of punishment may be taken up by fate, whether at the behest of the gods or less immediately through the curses of injured human beings. If the workings of fate or of the curse leave no place for guilt, guilt would have to be sought, were it possible, where fate and the curse have no or at least a less wide jurisdiction. In the Greek cosmology, this would be in the domain of the gods. If the gods are immune from the lashings of fate, the place of guilt is not taken up as it is among mortals. If there remains place for guilt, therefore, one is likely to find it in the company of the immortals.

Nietzsche's discussion in the *Genealogy* resonates interestingly with this suspicion. He writes of the Greek relation to the "bad conscience" and of the "nobler uses" to which the Greeks put their gods. The Greeks, he says, used their gods "to ward off the 'bad conscience.'" Even in the case of Aegisthus, Nietzsche says, the reason for evil is "foolishness, *not* sin." He goes on:

Even this disturbance in the head, however, presented a problem: "how is it possible? [...]" "He must have been deluded by a *god*," they concluded finally, shaking their heads . . . This expedient is *typical* of the Greeks . . . In this way the gods served in those days to justify man to a certain extent even in his wickedness, they served as the originators of evil – in those days they took upon themselves, not the punishment but, what is *nobler*, the guilt (*GM* II:23).

Quite in line with Nietzsche's thesis here, we are often reminded by Aeschylus that it was at the bidding of Apollo that Orestes did the deed, and one of the occasions on which we are reminded is, in the *Libation Bearers* (ll. 899-903), when Orestes is in danger of not carrying through his resolution to murder his mother.⁸⁸ Orestes does the bidding of Apollo and he is somewhat, therefore, excused from guilt. (By no means entirely, however: the play concerns precisely his

blood-pollution and his suffering for his crime.) It is partly on account of this fact also that it is difficult to find expressions of guilt in the *Oresteia* – at least among mortals.

Among the immortals things might be, I am suggesting, different. Not only are the Greek gods immune to fate, there is also no-one in a position to accuse them and by implication threaten them with punishment. (One may of course *blame* them, but that is something different. One blames falling rocks for road-damage but one does not accuse them.)

If we turn to the prosecution of the immortals we can consider the following exchange from the *Eumenides*, involving the Chorus of Erinyes and Clytaemnestra, who has been murdered by her son to avenge the murder of Agamemnon by Clytaemnestra and Aegisthus, her lover. She has just registered her disgrace among the dead for the murder which she herself committed. The Erinyes are asleep and Clytaemnestra tries to awaken them:

The Ghost of Clytaemnestra: You sleep too much, no pity for my ordeal.

Orestes murdered his mother – he is gone.

[The Furies begin to moan.]

Clytaemnestra: Moaning, sleeping – onto your feet, quickly.

What is your work? What but causing pain?

Sleep and toil, the two strong conspirators,
they sap the mother dragon's deadly fury –

[The Furies utter a sharp moan and moan again, but they are still asleep.]

Furies: Get him, get him, get him, get him –
there he goes.

Clytaemnestra: The prey you hunt is just a dream –
like hounds mad for the sport you bay him on,
you never leave the kill.

But what are you *doing*?

Up! don't yield to the labour, limp with sleep.

Never forget my anguish.

Let my charges hurt you, they are just;
deep in the righteous heart they prod like spurs

(*algêson hêpar endikois oneidesin,*
tois sôphrosin gar antikentra gignetai,

Let your insides ache because of my just reproaches,
which, for those with feelings, are as sharp as goads.) (121-136; 1979:236).⁸⁹

Clytaemnestra hopes that they will smart inwardly with her reproaches (*oneidesin*). She does not seem to think that just anybody would be able to feel such pain. Only those 'with feelings' (*tois sôphrosin*) would feel whatever it is that Clytaemnestra is trying to stir up in the Erinyes. She moreover ties the justness of her reproaches to their capacity to give one a feeling as of a sharp goad.

What is she trying to stir up? We must choose between guilt and pity, it seems. For it is possible that Clytaemnestra is attempting to bring them to a consciousness of her suffering, and that it is this which will raise them to action. If that were the case, however, one wonders why she should choose reproaches as the means to her end. To evoke pity, one does not censure; one does not want to antagonise; one shows oneself injured, and defenceless. The Erinyes, in neglecting their duties to her, wrong her, and it is to the injustice of this dereliction that she here indignantly awakens them. Moreover, in order to evoke pity one can represent oneself as more severely injured than one is, whereas if the point is to make someone feel guilty, only *just* reproaches will do, since they will not feel guilty unless they take responsibility for (reproach themselves with) that which one is trying to make them feel guilty about.

Further on, the Erinyes, now no longer asleep, say:

The accusation came upon me from my dreams
 (*emoi d' oneidos ex oneiratôn molon*),
 and hit me (*etupsen*), as with goad (*kentroî*)
 in the mid-grip (*mesolabei*) of his fist
 the charioteer (*diphrelatou*) strikes,
 but deep, beneath lobe and heart
 (*hupo phrenas, hupo lobon*).
 The executioner's cutting whip is mine to feel
 (*mastiktoros daiou damiou*, the dreadful public scourger)
 and the weight of pain is big, heavy to bear
 (*baru to peribaru kruos echein*) (155-161; 1968:10).

The *Eumenides* is at one level the story of how the modality of the curse gives way to the modality of justice, the story of how the old gods, the Erinyes, are displaced by the new, Athena, who founds the Areopagus, and who offers the Erinyes a new office to fulfil. Until the compromise offered by Athena, they remain unbending and apparently unstoppable, even by the gods, in their determination or their threat to poison the land and infect all that grows on it, 'leaf or child'. If this is indeed an indication of their obstinacy and the impunity that allows it, there seems to be very little that the Erinyes need fear, and it is *only in their dreams* that they will fear the whipbearer.

Given that, all that Clytaemnestra can goad them with (note the *kentron* and the *antikentron*, the goad or spur) are her reproaches (*oneidos*) that they neglect their duty to the mother. Coming to them in a dream, in which they feel the sharp point of the charioteer's goad in the heart and liver, it would seem that it is through their *guilt* that Clytaemnestra's call has the effect that she desires.

It is precisely here, in other words, where there is little chance that they will be moved to the appropriate action by any other agency (by some more than merely dreamt lash, for example, or by the will of some more powerful god, or by some other physical threat), that it is necessary for Clytaemnestra to make the only appeal left to her, the appeal to the feeling of guilt, which, as we know, is not completely ineffectual as a motivation.

It is no coincidence that our next example concerns another god, and not just any other god⁹⁰. In the *Iliad*, Zeus sees the immortal horses grieve for Patroclus, their trainer and driver:

Firm as a gravestone planted on the barrow of a dead man or woman, they stood motionless in front of their beautiful chariot with their heads bowed to the earth. Hot tears ran from their eyes to the ground as they mourned for their lost driver, and their luxuriant manes were soiled as they came tumbling down from the yoke-pad on either side of the yoke. The Son of Cronos when he saw their grief was sorry (*eleêse*) for them. He shook his head and said to himself: 'Poor beasts! Why did we give you, you who are ageless and immortal, to King Peleus, who is doomed to die? Did we mean you to share the sorrows of unhappy men? For of all creatures that breathe and creep about on Mother Earth there is none so miserable as man. One thing I *will* not have: Prince Hector shall not drive you and your splendid chariot (17. 434-449; 1967:327-328).

The guilt concerning animals that I mentioned in the course of the discussion of guilt without shame is certainly at stake here. Zeus blames himself, or those with whom he conspired, for the gift of these immortals to Peleus, a mortal. He blames himself for the suffering that these horses must now bear in the human world. Here there is no question of the reproach of others, of *nemesis*, or of shame. This is a conversation between Zeus and himself; no other need be present, real or imagined, external or internalized, mortal or immortal, for him to feel as he does.

And again, it is not merely pity that he feels; that would be all we would be able to say if there was not this crucial factor of self-reproach, and the feeble attempt at reparation (he will see to it that Prince Hector does not drive them).

As argued earlier, one is less likely to feel guilty, even when one *accepts* blame, when there are others available to lash out with accusation, and to insist on reparation or imply it by their accusation. For then there is no need for one to demand reparation of oneself. This is why it is not mere coincidence that an important area for evidence of guilt is among the gods – Zeus and the Erinyes, for here there are none to accuse and reprimand.

But one might object that Clytaemnestra *does* reprimand the Erinyes. This objection is correct, of course, but we do not place Aeschylus' curious *mise-en-scene* correctly if we are satisfied with that. Clytaemnestra indeed makes reprimanding noises, but it is not her that the Erinyes hear. What they receive is transfigured by dream, and it is *in dream* that the Erinyes feel in anticipation the executioner's scourge (and not quite Clytaemnestra's voice). This is a very peculiar staging of the scene indeed, since there is only a very slight difference between their hearing the actual Clytaemnestra and the Clytaemnestra of their dreams. And yet Aeschylus chooses to let them be affected by the words that we hear coming from a Clytaemnestra that we do not see (the Clytaemnestra in their dream), while all the while we see another – the real – Clytaemnestra reproaching the sleeping Erinyes. Why should Aeschylus have chosen such an elaborate and peculiar staging of the effect of Clytaemnestra's words? I suggest that it becomes very difficult, in fact *impossible*, to offer an explanation of it unless one reads it in the light of the indications I have provided concerning the mechanism of guilt. The Erinyes, who may not be threatened even by

Athena, whom no-one and nothing can dissuade from their task once they have resolved on it, will only awaken to their duty if they take it upon themselves to fulfil it. It is guilt that goads them to it, and this is how they come to be galvanised into the tasks of their ministry. But for this to be the case a direct reprimand, a wakeful face-to-face with Clytaemnestra will not do, since this would have the effect of pre-empting guilt. If Clytaemnestra is to offer a reprimand, therefore, and if this reprimand is to have the effect of arousing guilt in the Erinyes, *it will have to be mediated by dream*. I concede gladly that this little scene is a piece of genius, but if we think that guilt was somehow fundamentally foreign to the Greeks, then we have to consider it a miracle.

In a remarkable passage in the *Odyssey*, Odysseus sees the shade of Epicaste (Jocasta).

Then I met Oedipus' mother, the lovely Epicaste. She in her ignorance committed the sin of marrying her son. For Oedipus killed his father and took his mother to wife. But the gods soon let the truth come out. For Oedipus they then conceived a cruel punishment: they left him to suffer the tortures of remorse as king of the Cadmeians in his beloved Thebes. (*All' ho men en Thêbêi poluêratôi algea paschôn/ Kadmeiôn ênasse theôn oloas dia boulas.*) But Epicaste, obsessed by anguish at her deed, hanged herself with a long rope she made fast to the roof-beam overhead, and so came down to the Halls of Hades, the mighty Warden of the Gates, leaving Oedipus to suffer all the horrors that a mother's curses can inflict (*tôi d' algea kallip' opissô/ polla mal', hossa te mêtros Erinyes ekleousi*) (11. 271-280; 1946:178).

My interest in this passage is not confined to the reference to the Erinyes. What is remarkable is that in the line describing Oedipus's punishment, Oedipus is said to have been left unchallenged; he remains king of Thebes. But that is not because the gods neglect his punishment. On the contrary, they *design*, they think it through, they decide, and it is *through their 'deadly designs'* (*oloas boulas*) that Oedipus comes to be *left to rule as always* over Thebes, and suffer his pains (*algea*).

Rieu translates the simple "*algea*" as "the tortures of remorse." In the later and better known Sophoclean development of the myth, Oedipus puts out his eyes, because he cannot bear to encounter the gaze either of those who are alive or of those who are dead.⁹¹ That reaction leads us more directly into the territory of shame. But Homer, unlike Sophocles, leaves it to us to imagine the nature of the tortures that Oedipus was left to suffer at the hands of the gods and their *laissez-faire*, and it does seem that Rieu's 'tortures of remorse' would figure among these pains. Given assumptions about the 'shame-culture' of Homer, one would imagine as a matter of course, in defiance of Rieu, that Oedipus would have to deal with shame, and shame, perhaps, above all. But if that is true one has to wonder why, in Homer's narrative, Oedipus does not think it the best course to get as far away from Thebes as possible, as he does in Sophocles' treatment⁹², and one might also wonder that he is not led to put out his eyes as in Sophocles. I do not deny that Oedipus ought to feel shame and that Sophocles' version extends the myth in an unsurprising direction. In order for it to be so extended, however, certain circumstances must change: if it is shame he feels, it is logical that Oedipus would want to deprive this shame of its conditions by abdicating and removing himself from the spectatorship of others; accordingly, it becomes plausible that he should be moved to gouge out his own eyes, to deprive himself of the sight of those who see him.

In Homer's description here, however, Oedipus does not take these measures, and we seem to be encouraged to think that the device of the gods works precisely through Oedipus' guilt, a guilt kept alive precisely because the gods deliberately leave him unpunished and without reprimand. The force of Homer's description is that the design of the gods is ruinous and a matter of conscious decision that appeals precisely to nothing else than the native punishments of Oedipus' own heart. They *deprive* him of the privilege of their reproaches which would obviate, according to my analysis, feelings of guilt. (Analogously, when Athena replaces the Erinyes with a court of justice, she replaces one kind of punishment with another. Secular justice replaces the suffering brought on by the mother's curse.) Shame, on the other hand, is unlike guilt in this way. It is not discouraged but aggravated by the presence of the other's gaze; and had the gods resolved on punishment through shame they would have had to multiply the condemnations, and taunts and whistles.

Of course, we cannot conclude from this that Homer thought of guilt in *precisely* the ways that we do. Nevertheless something rather different from shame is at issue here, and the example is evidence that the recognition of guilty feeling was substantial enough that the Greeks could *calculate with it* as a form of punishment, and just here where fate is eluded and the gods do not immediately dispatch some more obvious retribution for Oedipus.

Williams argues that since indignation, reparation and forgiveness are appropriate to breaches of *aidôs*, and since they are associated with guilt, it is plausible that *aidôs* referred not merely to shame but also to guilt. The most immediate thing to be said is that this is a tenuous link: what evokes shame even among us can also evoke indignation, can be followed by forgiveness and calls for reparation. To have made racist remarks or have participated in racist regimes, to take just one example, could be the source of guilty feeling as much as shame, but the fact that they can provoke indignation, forgiveness or calls for reparation does not mean that those who did these things felt guilty rather than only ashamed. Their presence proves nothing about the presence of guilty feeling. But more interestingly, I hope I have shown that it is not the mere presence of these things that matters. If there is reparation, guilty feeling should disappear, just as it should disappear if there is punishment. If there is indignation (which is usually accompanied by accusation, prosecution and the threat of punishment) there should likewise not be guilty feeling. The brute presence of reparation and indignation, which Williams takes to be evidence for the presence of guilty feeling (in the absence of any *direct* evidence), should mean, according to my analysis, that there is no guilty feeling.

Forgiveness is even more interesting. Williams says: "In the Greek world there was room, too, for forgiveness. It is thought that forgiveness speaks more effectively to guilt than to shame: if the people who are wronged forgive me, then perhaps the case is withdrawn from the internal judge, but their forgiveness has less power to repair my sense of myself." (Williams 1994:90-91). The idea here is that while one is unforgiven one feels guilty and when one is forgiven one should cease to feel guilty. But if this is a relatively normal case in which one is accused and generally beset by the indignant, one will be, if I am right, less guilty when they accuse and threaten to prosecute and punish, and, if one oneself accepts that one is culpable of whatever they forgive one for, then it is once they forgive, rather than before, that one has a chance to feel guilty. The "internal judge" sets to work when the external judges are removed, precisely because the external

judges make the “internal judge” superfluous. One must therefore ask what happens *after* the forgiveness and whether the person who is forgiven accepts responsibility in the first place; no conclusions can be drawn from the mere fact of the forgiveness alone. (“Internal judge” is Williams’s phrase. After the considerations of the last chapter, I would not use it freely, and if I talk of an internal judge here, I *merely* mean *me* as a judge of *my own* actions and person.)

The following quotations are taken from Homer. They are of some interest in the light of the importance of shame for Bernard Williams’s inquiry into the question of guilt.

In the second book of the *Odyssey*, Homer renders the conversation between Telemachus, son of Odysseus, and the suitors, the parasites on Odysseus’ household waiting for Penelope’s hand:

“Antinous,” the wise young prince replied, “it is quite impossible for me to cast out the mother who bore me and who brought me up [...]. Think, first, what I should have to pay Icarus if I took it into my head to send my mother back to him. Again, when that father of hers had done his worst to me (*ek gar tou patros kaka peisomai*), the gods would step in and let loose on me the avenging Furies that my mother’s curses would call up as she was driven from home (*alla de daimôn/ dôsei, epei mêtêr stugeras arêset’ erinus/ oikou aperchomenê*). And finally my fellow-men would cry shame upon me (*nemesis de moi ex anthrôpôn essetai*). You may take it, then, that I shall never give the word. No; if a feeling of shame has any place in your own hearts, then quit my palace and feast yourselves elsewhere, eating your own provisions in each other’s houses. But if you think it a sounder scheme to destroy one man’s estate and go scot-free yourselves, then eat your fill, while I pray to the immortal gods for a day of reckoning, when *I* can go scot-free, though I destroy you in that house of mine” (2. 129-145; 1946:40-41).

It is a question of shame, of *erinus*, and of *nemesis*. Indeed, Williams (1994:80, and note 16) mentions precisely this episode in his discussion of *nemesis*. Although *nemesis* is the correlative of shame rather than guilt⁹³, Williams attempts to make the case that since *nemesis* can be a reaction of ‘righteous rage’ or ‘indignation’, there is reason to think that *nemesis* and its ‘correlative’, shame, is here conceived in a way that comprehends guilt. From my point of view, such a conclusion is not unacceptable: there are possible overlaps of guilt and shame, but these are by no means enough if one wishes to also recognise and take into account the differences between guilt and shame. What is noteworthy here, however, is the *variety* of this catalogue. First there is the matter of Penelope’s father, whose wrath Telemachus will have to suffer. Second, there are the curses of the mother, fulfilled by the *erinus*. Third, there is the censure of other men, their *nemesis*, their cry of shame. A modern would quite naturally say, in this instance, that in addition to the fear of his grandfather, and in addition to the rebukes of his fellows, *and because he could not live down the guilt*, he will not give the word. But the *erinus* intervenes to make any reference to guilt unnecessary. If Telemachus had no reason to fear the curses, if, for example, he thought them merely superstitious, there might be cause for guilt. In this case, however, there is none.

Compare this passage with a positively modern one, a poem by Primo Levi. The interest of this passage for us is largely contained in the curious coherence of guilt and the curse. Here, today, in

the modern West, when the curse has mostly fallen out of the armoury with which we prosecute misdeeds, we find it appearing precisely in places where guilt is thoroughly appropriate.

For Adolf Eichmann

... And you have come, our precious enemy,
Forsaken creature, man ringed by death.
What can you say now, before our assembly?
Will you swear by a god? What god?
Will you leap happily into the grave?
Or will you at the end, like the industrious man
Whose life was too brief for his long art,
Lament your sorry work unfinished,
The thirteen million still alive?

Oh son of death, we do not wish you death.
May you live longer than anyone ever lived.
May you live sleepless five million nights,
And may you be visited each night by the suffering of everyone who saw,
Shutting behind him, the door that blocked the way back,
Saw it grow dark around him, the air fill with death (Levi 1992:24).⁹⁴

The mother's curse and the *erinus* occupy the same structural place as guilt does for us, which is why Orestes, a prime candidate, provides no expressions of guilty feeling. I would not argue that the Erinyes are a symbolic representation of guilt: they are to be taken quite literally, even if as things which Orestes sees and no-one else, as long as they are horrible and punish with their horror. It is as really experienced by Orestes that they displace guilt by furnishing the punishment whose abundance deprives Orestes of the need for punishment. But they are also agents who fulfil the mother's curse, and may provide other punishments over and above the (mere) horror of a waking dream. In this poem, Levi has recourse to a curse precisely where guilty feeling is unlikely or too weak. As in the cases of speculation and of Achilles' 'irrational' guilt, this is a situation where punishment can no longer function normally (i.e. as it does every day in the West). In this case it is not because punishment descends automatically, or because the person at stake (like the Greek gods) cannot be punished, or because this is not something for which the person (like Achilles) is culpable. Rather, it is because there is no normal punishment that would be the equal of Eichmann's culpability. And just here, where normal punishment is derailed, the appeal to a kind of horrific and unfortunately impossible intensification of guilty feeling is acute and powerful (precisely because it bears witness to a lack of recourse). There is another point of interest for us. There is an echo of the suffering that the gods mete out to Oedipus in this *olōa boula* of Levi: he does not wish that a rock crush Eichmann: he wishes that, left alone, he might suffer the guilty vision of the shades of those that he has made suffer. He wishes him a long life, as the gods let Oedipus live out his life drenched in the experience of guilt.

Guilty or Not Guilty?

There is little to recommend Williams's hypothesis that *aidôs* comprehends both shame and guilt, other than the general possibility that sometimes an event can cause one to feel both, and much that speaks against it, above all the structural differences between guilt and shame.⁹⁵ It is the reference to punishment and atonement that allows us to illuminate these differences. In the case of guilt there is an essential relation to punishment, and the character of this relation I have described, following Freud, as a need. Guilty feeling requires that punishment be absent at the point at which guilt is felt. Guilty feeling can consequently decrease if there are demands that one be punished, or if there is accusation which implies prosecution and punishment, or, simply, if punishment is imminent and certain. Shame, on the other hand, increases with the laughter, taunts, knowing looks and winks of others, and is not diminished by punishment. (This is related to the fact that guilt is often *dischargeable*: that is, one can do something to make up for it. There is no correlate in the case of shame. In the case in which one knows one has not done something but others think one has, one can be ashamed that one is seen in that way, but one can be rid of the shame by proving that one is in fact blameless. This is however not to discharge the shame through atonement; it is rather to remove the cause of the shame, for now no-one thinks that one has acted shamefully.) It is not possible to feel guilty for something you believe you were not to blame for – even if all the world thinks that you are to blame. You may be afraid, and you may be worried and anxious, and indignant (at their injustice), etc., but you cannot feel guilty. (It is of course possible that they could make you feel guilty, but again, they will succeed at this only if they get you to believe that you are to blame – for example by convincing you that you in fact had a hand in the controversial event.) Shame presents quite a contrast in this, for in the case of shame one need not share the views (about what is or is not shameful) of those before whom one feels ashamed; one can feel ashamed even if one does not share their views. One can think it acceptable, even morally important, not to wear designer labels, and yet be ashamed when one's friends laugh at one's cheap clothing.

Even though the Greek cosmology obviates guilty feeling with the assurance of an automatic punishment (Fate or the curse), expressions of guilt can find a place in situations of speculation (including in a warning about guilt you will come to feel if you do not do what you are being urged to do), or in cases where one is not guilty but feels guilty, or where someone takes the blame where the blame is not really theirs (Achilles, who won't be punished by the gods or fate, because he has done nothing *objectively* wrong). Fate can also be eluded when we are dealing with those (the Gods) that are less subject to its lash, and expressions of guilt have accordingly been found among the gods. These examples of guilt are quite distinct from shame, and it is only in a few of them that shame might also be involved.

Since shame and guilt are structurally divergent, if the Greeks had an experience of guilt at all – and I believe I have given direct evidence that they did – they could not have done without the contrasts between guilt and shame. To the extent that the Greeks clearly had an understanding of guilt, they referred to it as pain (*algos*, *algea*) while they clearly recognised it (as the Oedipus example shows) as a very specific kind of pain (just as we can). But they also employed a certain pain vocabulary, a metaphors really, of sharp pains, bites, stings, goads and spurs, which to us (I

take it) appears perfectly natural and apt in the context of guilt. (The goad – the *kentron* – is a particularly important metaphor given the belief we seem to share with them in the motivating force of guilt [cf. the case of Apollo's warning to Orestes or the dream of the Erinyes], a force that one could begin to explain by its character as a felt need to make reparation.)⁹⁶

For the rest, I have attempted to understand why, given what guilt is, manifestations of guilt *should* be expected to be rarer among the Greeks than they are in the modern West. I do not believe that I have provided a full answer to this question here, but I hope I have located at least *one* of the things that needs to be said about this, namely, that a cosmology of automatic punishment is not a fertile ground for the flourishing of guilty feeling, and, given this cosmology, guilty feeling will flourish only if that cosmology is eluded in such ways as I have specified.

CHAPTER FIVE

The Memory of the Will:

Sovereignty and the Social Straitjacket

The good and the good conscience. – Do you think that every good thing has always had a good conscience? – Science, which is certainly something good, entered the world without one, and quite destitute of pathos, but did so rather in secret, by crooked and indirect paths, hooded or masked like a criminal and at least always with the *feeling* of dealing in contraband. The good conscience has as a preliminary stage the bad conscience – the latter is not its opposite: for everything good was once new, consequently unfamiliar, contrary to custom, *immoral*, and gnawed at the heart of its fortunate inventor like a worm.

– Nietzsche, *Human, All Too Human* (Assorted Opinions and Maxims, 90)

Introduction

In this chapter I begin to examine Nietzsche's theory of guilt and conscience, which has formed the backbone of this thesis but has not so far received a treatment adequate to its complexity. Thus far, I have attempted to show how Kafka and Freud provide a certain complex iteration of it, but I now turn to clarifying and interrogating it on its own terms as a way of understanding guilt and conscience.

On the whole I will be arguing that Nietzsche's conceptualisation and theorisation of guilt and the bad conscience fails. The present chapter is the first of three in which the complex and highly ramified thoughts of the second essay of the *Genealogy* will be submitted to a close examination, and in it I attempt to clarify the relation of the sovereign individual to the history of the straitjacket, and I argue that the theory of subjection on the basis of the morality of mores is implausible. In Chapter Six I argue against the theory of the origin of the bad conscience in the turning of one's instincts against oneself (section 16 of the *Genealogy*). I argue in Chapter Seven that Nietzsche's positioning of Christianity within this history of bad conscience as its most extreme form misconstrues both the nature of guilt and the nature of Christianity in its relation to guilt.

The present chapter concerns what Nietzsche calls "the sovereign individual." Nietzsche's argument is surprising and interesting. The long work on the soul by what he calls the morality of mores, or the morality of custom, leads to the development of the bad conscience and guilt – bad fruits – but it also leads to the development of a good fruit, the sovereign individual. I will defend Nietzsche's thought that the same process *could* lead to the development of both. The sovereign individual is the one with the right to make promises, and, I will argue, what is right about Nietzsche's theory is the insight, which I will attempt to make more explicit than Nietzsche does, that the capacity to *promise* and the capacity to *obey* are at bottom the same capacity. I will argue against Nietzsche, however, that what such a theory cannot account for is the plasticity of the

human being even as we find that animal at present. In other words, if the human being is as thoroughly moulded by the morality of mores as Nietzsche seems to think, then, indeed, there may be creatures that are both highly obedient and highly reliable in keeping their promises (so that they have a right to promise); but if such a theory were true these creatures would have to be almost automatic in their behaviour, and, in fact, *unable* to devise paths for themselves. To put it in Kantian terms (and this chapter is also concerned with the closeness of Nietzsche to Kant), if autonomy means that the person is both sovereign and subject at once, Nietzsche's theory would allow us to understand how we can be good subjects – and good *followers* of laws – but not how we can be sovereign and good *makers* of laws, that is, have enough autonomy of thought and will that we can determine for ourselves the paths we are to follow. I believe that what betrays Nietzsche here is an overly instinctualist, determinist and fatalist conception of thought and behaviour. I urge instead that we might find a more plausible way of accounting for our compliance to social norms in the sociology of Norbert Elias, which would allow us to think, first, that human societies can change much more and much more rapidly than in Nietzsche's millenarian scale (which of course suits his campaign against Christianity), and that individual human beings are shaped (to a large extent), not so much by a more or less unified and uni-directional history that has made them what they are (such that one would have to remake them to unmake them) through a long breeding by the morality of mores – but rather by the *present* pressures within any given society, which not only put certain choices before them and foreclose others as a result of their structure (a knightly life is much less *viable* now than it was in mediaeval times), but also regulate the affective life of people (perhaps above all through anxiety and shame) by developing in individuals a *knowledge*, or in any case an *acute consciousness*, of the kind of reactions that are likely to follow certain types of behaviours. To put it starkly: if I am in general more polite than an Assyrian archer of 500 B.C., it is not because the morality of mores has between then and now moulded human beings (or a particular herd of them) to be more polite (or obedient), but because the *present* structure of the society I have been born into is such that the kinds of virtues that would *then* have made the archer admirable and successful have much less of a place *now*, and because I have learnt from quite early on in *my life* (rather than that of the species, or of the globalised world, or of South Africa) that if I were to display those virtues (belligerence, willingness to shoot arrows at people, etc.) not only would I be unfit for the kinds of opportunities present in contemporary society, but I would also bring upon myself certain reactions, the anger or disappointment of, or ostracisation by, others. The awareness of the probability of these reactions causes in me certain inhibitory feelings (not to say “emotions”), like anxiety and shame. (These reactions matter to me both when they come from those I love or like or admire, *and* when they come from those to whom I am less emotionally attached, whether because these reactions are themselves unpleasant or because they may lead to undesirable outcomes like firing from a job, or not being able to go to a certain bar. Of course, in the case in which they come from loved ones, these reactions cause me that much more anxiety or shame.) If we take seriously Nietzsche's notion of breeding, we have to think, as Nietzsche seems to, that certain reactions are bred into us over generations, and, if that is the case, it should be possible to feel differently only if we are *re-bred* in a *contrary* direction. By contrast, on the view I am advocating, such feelings would fail to be evoked if one were merely to learn that such reactions would not in fact follow. Importantly, on my preferred view one does not have to have recourse to any view on which an external authority has to be internalized or in which certain No's have to be ‘burnt in’. (“Man

brennt Etwas ein,” Nietzsche writes [GM II:3], and he speaks of “burning a will, a critique, a contradiction, a contempt, a No into” “a hard, recalcitrant, suffering material”⁹⁷ [GM II:18].) These sanctions can remain radically external. Furthermore, you yourself need never agree that the specific things that do evoke such negative reactions should evoke those reactions in others, but one will still feel anxiety and shame as long as one has a certain regard for those who might thus react, or a certain prudential stake in their not reacting thus. All the ‘internalization’ that there need ever be, therefore, is not of particular moral or ethical or societal norms or precepts or rules, but rather *an attachment* – whether prudential or emotional – to particular persons or particular communities. Nietzsche – perhaps quite naturally, given his radical individualism – pays almost no attention to this sort of positive personal attachment in any of his books, but one finds it at a crucial point in Kafka’s “Report”, and it is of course central to Freud’s view. It does not however play quite the role for Freud as it plays in the view I am espousing, since the factor of “fear of loss of love,” and related worries, which play an important role in Freud, are overshadowed by the theory of the superego, which requires the internalization of particular figures as a punishing agency in the psyche.

The Morality of Mores (The Morality of Custom): The Bad Conscience of the Individual as Such

Nietzsche’s conception of a “morality” is in the first place a certain set of mores and customs propounded by a collective (a state, a tribe, a community). He writes in *Human, All Too Human* (99):

The ground for any kind of morality can then be prepared only when a greater individual or collective-individuality, for example society, the state, subjugates all other individuals, that is to say draws them out of their isolation and orders them within a collective. Morality is preceded by *compulsion*, indeed it is for a time itself still compulsion, to which one accommodates oneself for the avoidance of what one regards as unpleasurable. Later it becomes custom, still later voluntary obedience, finally almost instinct: then, like all that has for a long time been habitual and natural, it is associated with pleasure – and is now called *virtue*.

If one’s desire is in accord with a particular morality, one acts with a clean, clear, untroubled conscience, but one will have a bad conscience if one’s desire goes against this morality.

On this picture, there is conscience as soon as there is desire, for the baseline desire or set of desires is in accord with the customary morality, and that desire – and not of the rationality of the categorical imperative, for example, or even a utilitarian calculation – is what opposes any other desires one may have, for example a desire for one’s own benefit rather than the benefit of the community (whose customs these are). The morality of custom or of mores consists in that one wants to do what that community demands, and one has a bad conscience if one wants to do something else. In section 9 of the third essay of the *Genealogy*, Nietzsche says:

All good things were formerly bad things; every original sin has turned into an original virtue. Marriage, for example, seemed for a long time a transgression against the rights of the community; one had to make reparation for being so immodest as to claim a woman for oneself [...]. The gentle, benevolent, conciliatory, and compassionate feelings – eventually so highly valued that they almost constitute “the eternal values” – were opposed for the longest time by self-contempt: one was ashamed of mildness as one is today ashamed of hardness (Cf. *Beyond Good and Evil*, section 260⁹⁸). Submission to *law*: how the consciences of noble tribes all over the earth resisted the abandonment of vendetta and were loath to bow before the power of the law! “Law” was for a long time a *vetitum*, an outrage, an innovation; it was characterised by violence – it *was* violence to which one submitted, feeling ashamed of oneself.

At *Daybreak* 9, Nietzsche asserts that “morality is nothing other (therefore *no more*) than obedience to customs, of whatever kind they may be,” and that customs are “the traditional way of behaving”; that “[in] things in which no traditions commands, there is no morality”; that “[the] free human being is immoral because in all things he is *determined* to depend upon himself and not upon a tradition: in all the original conditions of mankind, ‘evil’ signifies the same as ‘individual,’ ‘free,’ ‘capricious,’ ‘unusual,’ ‘unforeseen,’ ‘incalculable,’”; that tradition is “a higher authority which one obeys, not because it commands what is *useful* to us, but because it *commands*.” He says:

Everywhere that a community, and consequently a morality of custom exists, the idea also predominates that punishment for breaches of custom will fall before all on the community [...]. The community [...] feels the individual’s guilt above all as *its own* guilt and bears the punishment as *its own* punishment [...]. Every individual action, every individual mode of thought arouses dread; it is impossible to compute what precisely the rarer, choicer, more original spirits in the whole course of history have had to suffer through being felt as evil and dangerous, indeed through *feeling themselves to be so*. Under the dominion of the morality of custom, originality of every kind has acquired a bad conscience [...].

The free desire of the individual is subversive to the group. To the extent that the individual has desires that do not accord with the community, they experience their own desire as discomfort and pain, not because they see the desire of the community from a distance or from the outside, but because what the community desires is also what *they* desire, in themselves, and it is therefore from themselves that they suffer. They are, at the point of this pain, an unfortunate embodiment of desires that pull in opposite directions: if they happen to want something that is an expression of their freedom and self-assertion, they will feel that, in anxiety and dread, as a ‘*vetitum*’. Nietzsche writes in *Beyond Good and Evil*:

Inasmuch as at all times, as long as there have been human beings, there have also been herds of men (clans, communities, tribes, peoples, states, churches) and always a great many people who obeyed, compared with the small number of those commanding – considering, then, that nothing has been exercised and cultivated better and longer among men so far than obedience – it may fairly be assumed that the need for it is now innate in the average man, as

a kind of *formal conscience* that commands: ‘thou shalt unconditionally do something, unconditionally not do something else,’ in short, ‘thou shalt.’ [...] The strange limits of human development, the way it hesitates, takes so long, often turns back, and moves in circles, is due to the fact that the herd instinct of obedience is inherited best, and at the expense of the art of commanding. If we imagine this instinct progressing for once to its ultimate excesses, then those who command and are independent would eventually be lacking altogether; or they would suffer secretly from a bad conscience and would find it necessary to deceive themselves before they could command – as if they, too, merely obeyed. This state is actually encountered in Europe today: I call it the moral hypocrisy of those commanding (*BGE* 199).

What conscience means here may be understood through an illustration from Mark Twain, in which what matters is not whether one is morally right from some mondial or extramundane vantage, but whether one is in accord with whatever norms are endemic to one’s immediate community or nation or state. Huck Finn has a bad conscience about being an agent in, or the agent of, Jim’s escape:

Well, I can tell you it made me all over trembly and feverish, too, to hear him, because I begun to get it through my head that he *was* most free and who was to blame for it? Why, *me*. I couldn’t get that out of my conscience, no how nor no way. It got to troubling me so I couldn’t rest; I couldn’t stay still in one place. It hadn’t ever come home to me before, what this thing was that I was doing. But now it did; and it stayed with me, and scorched me more and more. I tried to make out to myself that *I* warn’t to blame, because *I* didn’t run Jim off from his rightful owner; but it warn’t no use, conscience up and says, every time, ‘But you knowed he was running for his freedom, and you could a paddled ashore and told somebody.’ That was so – I couldn’t get around that noway. That was where it pinched (1904:125).

(However, just when Huck seems to have decided to his own relief to give Jim up to someone and two men with guns in search of runaway slaves ask him whether the man on the raft is white or black, this access of conscience still does not stop Huck from lying to protect Jim: “I didn’t answer up prompt. I tried to, but the words wouldn’t come. I tried for a second or two to brace up and out with it, but I warn’t man enough – hadn’t the spunk of a rabbit. I see I was weakening; so I just give up trying, and up and says: ‘He’s white’” [128].)

Nietzsche’s manner of conceptualizing the issue is that morality is a set of commands, of societal rules and policies and mores, no matter what the content is and irrespective of whether these rules are good or bad: morality is first of all more and custom, *ethos*.⁹⁹ If killing is regarded by society as good, one will have a clear conscience in killing. If society thinks it bad, one will have a bad conscience if one kills.

Of course, however, the coincidence of their desire with the demand of the community is not simply a happy coincidence: the community *commands*, tradition commands, and enforces and

punishes. It thus enters the body of the subject, shapes her desires, from the outside, by means of punishment and pain.

The worse man's memory has been, the more fearful has been the appearance of his customs; the severity of the penal code provides an especially significant measure of the degree of effort needed to overcome forgetfulness and to impose a few primitive demands of social existence as present realities upon these slaves of momentary affect and desire (*GM II:3*).

A morality at first goes against the desire of those whom the collective wishes to subject to it, but their desire is displaced in a history of penal pain, and replaced by another desire that accords with that morality. A phase of pure force (the penal code and its measures) is followed by a phase of custom that is in turn followed by a phase of free obedience. And this is itself followed by a phase in which it becomes pleasurable and habitual and natural, so that there is no longer even any question of obedience or disobedience, since what was once heteronomous has become the apparently free desire of an apparently free subject in its privacy and individuality.¹⁰⁰ (See the passage quoted above *HH 99*.)

In this form the question of the conscience is simply the question of how the desire of the individual is formed by the collective so that it comes to coincide with the desire of the collective, and the question of the conscience inserted into this armature now becomes the question how punishment, or at least compulsion, becomes *superfluous*. For the desire of the collective is at first borne up by compulsion, as Nietzsche says, in the form, one presumes, of force and punishment, but at the end of this process of history, in which morality has become virtue, and what the law wants is what the individual wants, what the individual wants she wants *irrespective of the punishment* meted out by the collective. This process is thus as a whole the process in which punishment becomes obsolete.

Herd-Individual 'Morality' and Higher Morality

The task of nature, says Nietzsche, is to breed an animal with the right to make promises. He tells us in section 2 of the second essay that this "presupposes as a preparatory task that one first *makes* men to a certain degree necessary, uniform, like among like, regular, and consequently calculable." He immediately tells us not only that "man was actually made calculable" by the "morality of mores and the social straitjacket" but also that the immense and long labor of this morality of mores "finds [...] its meaning, its great justification" in the fact that men were thus made calculable. In the same section he introduces the notion of the sovereign individual, and in a claim that I would like to take very seriously, he says that the "ripest fruit" of this process is this sovereign individual. The sovereign individual is thus *produced by* the morality of custom. Section 16 of the second essay must be read with this in mind.

To go by section 2 then, the proto-state delineated in section 16 inaugurates the morality of custom; the state is "the social straitjacket."

Now while “morality” is on the one hand the morality of custom, what displaces that morality is likewise a morality. But these would still only be two possible moralities among others: “*Morality today in Europe is herd-animal morality*: – so only, as we understand it, one kind of human morality beside which, before which, after which many others, above all *higher* moralities are possible or ought to be” (BGE 202). What is it that links all these moralities to each other? Is there some concept of morality that can comprehend all of these at once?

Morality is here not only the set of virtues to which a people submit or are made to submit. When he speaks (GM, Preface, 5) of the “*value of morality*,” Nietzsche understands this as “the value of the ‘unegoistic,’ the instincts of pity, self-abnegation, self-sacrifice, which Schopenhauer had gilded [and] deified,” and when Nietzsche understands morality as worthy of question, what he finds interesting is the self-denial that these Schopenhauerian virtues seem to have in common. One denies oneself when one is unegoistic and when one sacrifices oneself; and pity too is self-denial since it is also an unegoistic putting aside of the self in favour of some other person, community, etc. (The question of self-denial should therefore be broadly understood, as including the question – the question of nihilism in effect – of how we come to deny existence in general.)

But if morality in general allows for something more than a herd morality, if the morality that we now live is counterproductive and nihilist, and if a higher morality is possible, then how can we understand all morality as a denial of ourselves?

Presumably, what is required is a distinction between two types of morality, that one against which Nietzsche rails and which involves a nay-saying, and that which is also possible, the higher morality, which, presumably, involves no nay-saying. That would, however, be a false picture. It would be a mistake to think that all nay-saying is for Nietzsche a cause or symptom of nihilism. Not only because even the morality against which he rails is *productive* of what may be *affirmed*; but also because any morality is a form-giving and every form-giving a restriction and a naysaying. At the point at which Nietzsche provides his hypothesis concerning the origin of the bad conscience among the prisoners of the state who lacerate themselves, he says:

But thus began the gravest and uncanniest illness, from which humanity has not yet recovered, man’s suffering *of man, of himself* – the result of a forcible sundering from his animal past, as it were a leap and plunge into new surroundings and conditions of existence, a declaration of war against the old instincts upon which his strength, joy, and terribleness had rested hitherto.

But he goes on:

Let us add at once that, on the other hand, the existence on earth of an animal soul turned against itself, taking sides against itself, was something so new, profound, unheard of, enigmatic, contradictory, *and pregnant with a future* [Zukunftsvolles] that the aspect of the earth was essentially altered. Indeed, divine spectators were needed to do justice to the spectacle that thus began and the end of which is not yet in sight – a spectacle too subtle, too marvelous, too paradoxical to be played senselessly unobserved on some ludicrous planet!

From now on, man is *included* among the most unexpected and exciting lucky throws in the dice game of Heraclitus' "great child," be he called Zeus or chance; he gives rise to an interest, a tension, a hope, almost a certainty, as if with him something were announcing and preparing itself, as if man were not a goal but only a way, an episode, a bridge, a great promise.— (GM 2:16).

Nietzsche also insists against Dühring that justice is not born of *ressentiment*, is not equivalent to revenge, is not in the service of the reactive instincts, but is, on the contrary the fruit of the strong, aggressive, active instincts. Law is a means of struggle rather than the means of ending struggle. He says:

To speak of just or unjust *in itself* is quite senseless; *in itself*, of course, no injury, assault, exploitation, destruction can be 'unjust', since life operates *essentially*, that is in its basic functions, through injury, assault, exploitation, destruction and simply cannot be thought of at all without this character. One must indeed grant something even more unpalatable: that, from the highest biological standpoint, legal conditions can never be other than *exceptional conditions*, since they constitute a partial restriction of the will of life, which is bent upon power, and are subordinate to its total goal as a single means: namely, as a means of creating *greater* units of power (GM 2:11).

A morality (a nay-saying) is not destructive merely in virtue of being a nay-saying, and a higher morality than the current one would therefore *not* have to be *something other than a nay-saying* in order to be a higher morality.

The penultimate section of the second essay, a crucial one in which Nietzsche sets out a certain hope, is unintelligible without this conception of morality and law as form-giving and creative.

I end up with three question marks; that seems plain. 'What are you really doing, erecting an ideal or knocking one down?' [...]

But have you ever asked yourselves sufficiently how much the erection of *every* ideal on earth has cost? How much reality has had to be misunderstood and slandered, how many lies have had to be sanctified, how many consciences disturbed, how much 'God' sacrificed every time? If a temple is to be erected *a temple must be destroyed*: that is the law – let anyone who can show me a case in which it is not fulfilled!

We modern men are the heirs of the conscience-vivisection and self-torture of millennia: this is what we have practiced longest, it is our distinctive art perhaps, and in any case our subtlety in which we have acquired a refined taste. Man has all too long had an 'evil eye' for his natural inclinations, so that they have finally become inseparable from his "bad conscience." An attempt at the reverse would *in itself* be possible – but who is strong enough for it? – that is, to wed the bad conscience to all the *unnatural* inclinations, all those aspirations to the beyond, to that which runs counter to sense, instinct, nature, animal, in

short all ideals hitherto, which are one and all hostile to life and ideals that slander the world. To whom should one turn today with *such* hopes and demands? (*GM* 2:24).

The Gods and Traditions Inside Oneself: The Iconoclast's Bad Conscience

But in the transition from one morality to another there is always a work on desire, on desire as conscience (for Nietzsche takes conscience, as I have argued, as the name for a set of commands-become-desires that oppose another set of desires).

The passages on the strategies with which innovators in the grip of the morality of mores manage their consciences are perhaps the clearest expression of this aspect of Nietzsche's view. In *Daybreak* and the *Genealogy*, he describes the dread felt by innovators (sometimes in philosophy, sometimes in politics or other fields) in their desire to propagate ideas that went contrary to the morality of mores. They had to "overcome the gods and tradition in themselves, so as to be able to *believe* in their own innovations" (*GM* III:10). In *Daybreak* he says that madness is one of the important guises that made the lives of these "innovators" (philosophers, but also political, priestly, legal and literary innovators) possible, not only for their communities but also for themselves. Nietzsche explains that madness is chosen for this purpose, because it is "something [...] as uncanny and incalculable as the demonic moods of the weather and the sea and therefore worthy of a similar awe and observation"; "[something] that bore [...] the sign of total unfreedom [...], that seemed to mark the madman as the mask and speaking-trumpet of a divinity"; "[something] that awoke in the bearer of a new idea himself reverence for and dread of himself and no longer pangs of conscience" (*D* 14). All the ascetic practices (*D* 14) are a means to this madness that dispels doubt in oneself: "I am consumed by doubt," they say, "I have killed the law, the law anguishes me as a corpse does a living man: if I am not *more* than the law I am the vilest of all men" (*D* 15).¹⁰¹

These persons thus adapt *the law to themselves*. It is furthermore, however, a matter of adapting *themselves* to themselves, by putting themselves in awe of themselves, in order to force their souls into the line of *a new conscience* that opposes the old. To this extent it is a matter of adapting themselves to the law that is to come, and for which, though they are its harbingers, they themselves are not prepared. The ascetic practices are thus meant to make them, in their own eyes, the mouthpiece of a divinity, to give them themselves the impression of unfreedom and incalculability, so that they may begin to see themselves as merely the medium of something greater, in which they can have a confidence they do not have in themselves.

This is therefore a movement *away* from subjection to one law for the sake of reconciliation to another, initially dreadful, law that begins with these innovators themselves. Asceticism under these circumstances therefore does not belong among *adaptations* to the law, for while there is indeed a mismatch between the desire of the ascetic and that of the law, there is no movement in the direction of *decreasing* this mismatch (which is what is required in the semi-animals of the proto-state). Rather these innovators give themselves the confidence and the right to revolt against the existing law, and so give themselves a *good* conscience in *destroying* it.

But in this they have to fight not a law that exists outside and that threatens them from outside, but the law as it is recalled to them by their own painful consciences.

The *Genealogy* should not be read, I would suggest, without keeping in mind this general conception of the relation between conscience and morality (as morality of mores). Moralities follow one another, and the price of one is the destruction of the previous one, and the transition from one morality to another is *suffered* through, in the manner in which the first philosophers suffer their questioning of their morality. One must suffer the attempt at a breakthrough because the new will strike the conscience attuned to the old as a temptation that fills one with dread. The human being is pliable, however, and those ‘no’s’ that constitute the conscience today, those commandments in following which we feel comfortable and in disobeying which we feel the sting of conscience, can tomorrow, having been replaced with commandments that are their contraries, become those which it brings pleasure to disobey and displeasure to obey. It is in virtue of this pliability and this hope that Nietzsche can call human beings, those animals that move, in virtue of their confinement in the state, toward an “end [...] which *is not yet in sight*” and that constitute “a spectacle too subtle, too marvelous, too paradoxical to be played senselessly unobserved on some ludicrous planet.” It is only read in this way that we can understand why Nietzsche’s says of *us who continue to live under a morality that he excoriates*, that we are henceforth “among the most unexpected and exciting lucky throws in the dice game” and that it is “as if” “something were announcing and preparing itself [with man], as if man were not a goal but only a way, an episode, a bridge, a great promise.”

The Obedience of the Promise, and the Freedom of the Sovereign

I count the overcoming of compassion among the *noble* virtues: I wrote about one instance as ‘The Temptation of Zarathustra’, when a great cry of distress reaches him and compassion, like one last sin, wants to ambush him and lure him away from *himself*. Keeping control here, keeping the *heights* of his task untainted by the much baser and more short-sighted impulses at work in the so-called selfless actions, this is the test, perhaps the last test, a Zarathustra has to pass – the real *proof* of his strength . . .
– Nietzsche, *Ecce Homo* (‘Why I Am So Wise’, 4)

In sections 1 and 2 of the second essay, the large scale story is set out. At the end of section 1, after having set out the necessity of forgetting, Nietzsche explains that this animal, the human being, which “needs to be forgetful,” “has bred in itself an opposing faculty, a memory, with the aid of which forgetfulness is abrogated in certain cases – namely in those cases where promises are made.” This is “an active *desire* not to rid oneself [of an impression], a desire for the continuance of something desired once, a real *memory of the will*: so that between the original “I will,” “I shall do this” and the actual discharge of the will, its *act*, a world of strange new things, circumstances, even acts of will may be interposed without breaking this long chain of will.” Among other things,

it is necessary for this capacity to promise, and this “memory of the will,” that “Man himself must first of all have become *calculable, regular, necessary*, even in his own image of himself, if he is to be able to stand security for *his own future*, which is what one who promises does!”

Section 2 continues: “This precisely is the long story of how *responsibility* originated.” For promises and for responsibility, a memory, a memory *of the will* would be necessary, and the human being must be made regular and calculable.

The task of breeding an animal with the right to make promises evidently embraces and presupposes as a preparatory task that one first *makes* men to a certain degree necessary, uniform, like among like, regular, and consequently calculable. The tremendous labor of that which I have called “morality of mores” (*Dawn*, sections 9, 14, 16) – the labor performed by man upon himself during the greater part of the existence of the human race, his entire *prehistoric* labor, finds in this its meaning, its great justification, notwithstanding the severity, tyranny, stupidity, and idiocy involved in it: with the aid of the morality of mores and the social straitjacket, man was actually *made* calculable.

The *meaning* and *justification* of the great prehistoric labour of the morality of mores is to breed an animal with the right to make promises. And the “ripest fruit” of this long history is what Nietzsche calls the ‘sovereign individual’:

If we place ourselves at the end of this tremendous process, where the tree at last brings forth fruit, where society and the morality of custom at last reveal *what* they have simply been the means to: then we discover that the ripest fruit is the *sovereign individual*, like only to himself, liberated again from morality of custom, autonomous and supramoral (for “autonomous” and “moral” are mutually exclusive), in short, the man who has his own independent, protracted will and the *right to make promises* – and in him a proud consciousness, quivering in every muscle, of what has at length been achieved and become flesh in him, a consciousness of his own power and freedom, a sensation of mankind come to completion.

Nietzsche’s account would thus be one in which the sovereign individual and the one with the bad conscience are fruits (to use his metaphor) of the same tree. In addition to the man of bad conscience, there is now an individual that can have its *own* desires (or at the very least its own *will*), can, that is, will against the desires that coincide with the morality of mores. If that morality demands, as it will (since it is the morality of the collective), that the sovereign individual will the good of the herd, then the sovereign is the one who is *capable*, as the one that “has the right to make promises,” of willing *against* his nature (i.e., the desires of his second nature) and the one who has the certainty that he will carry out his will despite the fact that he wills both against the herd *and* against his own collectivised soul. This theory can already be found in germ in *Beyond Good and Evil* (published a year before the *Genealogy*):

What is essential “in heaven and on earth” seems to be, to say it once more, that there should be obedience over a long period of time and in a single direction: given that, something

always develops, and has developed, for whose sake it is worthwhile to live on earth; for example, virtue, art, music, dance, reason, spirituality – something transfiguring, subtle, mad, and divine. The long unfreedom of the spirit, the mistrustful constraint in the communicability of thoughts, the discipline thinkers imposed on themselves to think within the directions laid down by a church or court, or under Aristotelian presuppositions, the long spiritual will to interpret all events under a Christian schema and to rediscover and justify the Christian god in every accident – all this, however forced, capricious, hard, gruesome, and anti-rational, has shown itself to be the means through which the European spirit has been trained to strength, ruthless curiosity, and subtle motility, though admittedly in the process an irreplaceable amount of strength and spirit had to be crushed, stifled, and ruined (for here, as everywhere, “nature” manifests herself as she is, in all her prodigal and indifferent magnificence which is outrageous but noble) (*BGE* 188).

Just as here “strength, ruthless curiosity, and subtle motility” “develop” out of the “long unfreedom of the spirit, the mistrustful constraint in the communicability of thoughts,” and so forth, in the *Genealogy* the right to make promises develops from the training in obedience. Common to both accounts is discipline, unfreedom, obedience – the “expelling” of “a tremendous quantity of freedom” and the consequent development of beauty and value, and things in general full of future.

The fact that Nietzsche even considers such a seemingly paradoxical account, in which freedom is produced by a long training in constraint, is remarkable, and it is important to appreciate the force of this account.

The brilliance of Nietzsche’s analysis lies in the fact that it is the same process by which obedience is bred that leads to the capacity to make promises. This is because to promise is to be able to obey oneself, when one freely lays upon oneself a certain goal as a task. This is why it “presupposes as a preparatory task that one first makes men to a certain degree necessary, uniform, like among like, regular, and consequently calculable.” One has to become someone who *can be reckoned on* to reach a goal once that goal has been set. The greater one’s capacity to obey oneself, the more one can be reckoned on. But this capacity to obey is at the same time the power to stand firm against obstacles that stand in the way of carrying out the command that one has been given (by oneself), just as in the case of the proto-state one has to have the capacity to obey the laws that one has promised to live by. In that way there is a non-opposition, even a coincidence, of the *right to promise* and the *capacity to obey*.¹⁰² Each must be present for the other to be possible: the promise to live together (with all it entails: obedience to law, refraining from cruelty, etc.) is the promise to obey certain rules. But every promise is at bottom a promise to obey, in the sense that it is the undertaking to comply with some prescribed action or template of actions, whether mandated by another agent or authority or voluntarily given by oneself to oneself.¹⁰³

Nietzsche specifies in this way the conditions under which promises are made:

To ordain the future in advance in this way, man must first have learned to distinguish necessary events from chance ones, to think causally, to see and anticipate distant

eventualities as if they belonged to the present, to decide with certainty what is the goal and what the means to it, and in general be able to calculate and compute. Man himself must first of all have become *calculable, regular, necessary*, even in his own image of himself, if he is to be able to stand security for *his own future*, which is what one who promises does! (*GM II:1*)

He accordingly describes the sovereign individual (*GM II:2*) as: “autonomous and supramoral (for ‘autonomous’ and ‘moral’ are mutually exclusive)”; “the man who has his own independent, protracted will and the *right to make promises*”; “a consciousness of his own power and freedom”; an “emancipated individual, with the actual *right* to make promises, this master of a *free* will” – who is contrasted with “all those who lack the right to make promises and stand as their own guarantors.” The sovereign individual has “mastery over himself” and “mastery over circumstances, over nature, and over all more short-willed and unreliable creatures”; he is “The ‘free’ man, the possessor of a protracted and unbreakable will”; he is “bound to honor his peers, the strong and reliable (those with the *right* to make promises) – that is, all those who promise like sovereigns, reluctantly, rarely, slowly”; he is among those “who give their word as something that can be relied on because they know themselves strong enough to maintain it in the face of accidents, even ‘in the face of fate’”; he has a “proud awareness of the extraordinary privilege of *responsibility*, the consciousness of this rare freedom, this power over oneself and over fate.”

Given that he has promised and given himself a command that has now to be obeyed, the sovereign has a confidence that he will see it through, just as one is a good servant when one can be relied on to carry out the will of one’s master. What *threatens* the keeping of the promise is all that might make someone distrust your ability to keep it, which is again just what would make someone a bad servant: the interference of one’s own inclinations in those cases in which one’s own interests do not simply fit with doing what has been promised, or one’s own laziness or forgetfulness or distractability or tendency to procrastinate, or one’s physical or mental incapacity to overcome circumstantial impediments to the completion of the task. The a priori force of the promise, its no-matter-what, precisely says that one will be able to disregard or be able to overcome whatever may stand or come to stand in one’s way in carrying one’s commission to completion.

This presupposes two things.

One thing it presupposes is what we call discipline, the ability to *hold oneself to* the promise when, as is the case with promises (as contrasted with contracts, say, or even threats), no-one else will, or can, or even wishes to, hold you to it. This requires that one have the capacity to resist the various pressures to betray the promise, whatever these be, the pleasure promised by the doughnut or sex, the money, and so on.

The second thing that it presupposes – although this should perhaps be first in order of importance – is that one must not bend to the temptation *to make a promise in the first place*, when the chances of keeping it are objectively low, whether because of one’s knowledge of one’s own lack of discipline or because of the real, objective, difficulty of seeing something through to completion.

This is why Nietzsche describes the sovereign as someone who promises “reluctantly, rarely, slowly,” as opposed to those who *can't resist* making promises, i.e., those for whom the benefit of making promises that they either cannot keep or have no intention of keeping is very large (as with political campaign promises, for example).

One of the essential requirements of the promise is thus this discipline, this ability to withstand *the temptation* to promise.

Brian Leiter (2011), committed to the view that Nietzsche denies the existence of the will, has to read this entire section of the *Genealogy* on the sovereign individual as ironic or, in any case, in a deflationary way. It is certainly beyond doubt that Nietzsche explicitly and insistently denies the existence of a will, including in this passage from the notebooks:

Weakness of the will: this is a metaphor which can be misleading. For there is no will, and hence neither a strong will nor a weak one. Multiplicity and disaggregation of the impulses, lack of system among them, results as ‘weak will’; their coordination under the dominance of a single one results as ‘strong will’ – in the first case it is oscillation and the lack of a centre of gravity; in the second precision and clarity of direction (*LN* 266; *KSA* 13:394).

It is true, therefore, that there is a difficulty here, since Nietzsche indeed denies the reality of will. On the other hand, this section on the sovereign individual cannot be dismissed. As I have tried to show, part of the motivation of a large part of the second essay is provided by this sovereign individual: it is, *together with the man of bad conscience*, a product of the long development of the morality of mores. Secondly, if Nietzsche denies the existence of a will as *causa sui*, too much of his philosophy relies on valuations concerning the praiseworthiness of actions and on notions relating to responsibility to claim that he simply dismissed willing in general.

Even in the quotation just given what Nietzsche is denying is the existence of the will as such, a naked, solitary thing, but he is not denying a certain other conception of the will as a kind of resultant of a certain relation among impulses. Otherwise the passage would have to be seen as a flat contradiction, as follows: “For there is no will, and consequently neither a strong nor a weak will. [But there is] a ‘weak will’.”¹⁰⁴ In *The Antichrist* Nietzsche clearly states his position:

Formerly man was presented with ‘free will’ as a dowry from a higher order: today we have taken even will away from him, in the sense that will may no longer be understood as a faculty. The old word ‘will’ only serves to designate a resultant, a kind of individual reaction which necessarily follows a host of partly contradictory, partly congruous stimuli: the will no longer ‘effects’ anything, no longer ‘moves’ anything (*A* 14).

The rest of this section is intended to show that there is a certain conception of freedom of will that Nietzsche would allow and must allow since not only in this section on the sovereign individual, but, as we will see, in other places, Nietzsche does have recourse to the notion of strength of will and related notions of responsibility. Indeed, it is the *Genealogy* itself that aids us in understanding the notion of freedom of will that Nietzsche subscribes to. Nothing in what I am about to say

requires that Nietzsche be committed to a notion of will as *a metaphysical singularity* that is the *sole* and *sufficient* cause of action.

Given that Nietzsche denies that there is a will, let us understand by will here only that which is at stake in “weakness of will” or “strength of will,” and not as something that is the originator of action. Will here means will as *willpower*, and for now this may be taken as merely a metaphorical indication of the general direction I will take.

Now it is important that in section 18 of the second essay, Nietzsche identifies freedom and power. There he writes:

the *instinct for freedom* (in my language, the will to power) (*jener Instinkt der Freiheit [in meiner Sprache geredet: der Wille zur Macht]*).

One sees this identification in a more disguised form when Nietzsche speaks of an “*instinct for freedom*” (section 17 – Nietzsche’s italics) and “instincts of freedom” (section 16). These are “all those instincts of wild, free, prowling man,” namely:

Hostility, cruelty, joy in persecuting, in attacking, in change, in destruction (*GM II:16*).

How should we understand this identification or this synonymy according to which what we would normally call *freedom* Nietzsche calls *will to power*?

To understand it, it is necessary to make a detour into the notion of sovereignty so centrally at stake in the portrait of the sovereign individual. Jacques Maritain tells us that the ideas of *independence* and *power* are essential to the notion. At first the notion refers to kings, but is then applied to bodies politic. Of this context Maritain writes:

The *body politic* has a right to full autonomy, including, first, to full *internal* autonomy (or with respect to itself) and, second, full *external* autonomy (or with respect to the other bodies politic). The full *internal* autonomy of the body politic means that it governs itself with comparatively supreme independence (or greater than that of any part of it) so that no one of its parts can, by usurping government, substitute itself for the whole and infringe upon its freedom of action. [...]

The full *external* autonomy of the body politic means that it enjoys comparatively supreme independence with regard to the international community, that is, an independence which the international community – as long as it remains merely moral, and does not exist as political society and therefore has no political independence of its own – has no right and no power forcibly to make lesser with respect to itself (1950:350).

There are thus two relevant relations: its relation to parts of itself, and, on the other hand, its relation to other bodies politic. In both cases it is independent of them. But this independence expresses itself as the condition that neither one or some of its parts nor other bodies politic have

power over it. It certainly cannot be usurped, it is certainly not under their rule, and it is thus independent of them. Freedom in the sense of independence in the case of any given person – for example, the sovereign individual – would thus mean being *independent*, in these *three* senses, of the power of *others* and *of parts of oneself*. In the case of parts of itself, it is a matter of power over them, and in the case of other bodies politic, it is a matter of independence from their rule.

One therefore should not understand what freedom means, and what freedom of the will means, without understanding it in this conceptual context of command, power, and independence. The following passage from *Beyond Good and Evil* (BGE 19) is crucial:

Third, the will is not only a complex of sensation and thinking, but it is above all an *affect*, and specifically the affect of the command (*jener Affect des Commando's*). That which is termed “freedom of the will” („*Freiheit des Willens*”) is essentially the affect of superiority (*Überlegenheits-Affekt*) in relation to him who must obey: “I am free, ‘he’ must obey” – this consciousness (*Bewusstsein*) is inherent in every will; and equally so the straining of the attention (*jene Spannung der Aufmerksamkeit*), the straight look that fixes itself exclusively on one aim, the unconditional evaluation that “this and nothing else is necessary now,” the inward certainty that obedience will be rendered (*jene innere Gewissheit darüber, dass gehorcht werden wird*) – and whatever else belongs to the position of the commander (*zum Zustande des Befehlenden*). A man who *wills* –, commands something within himself that renders obedience (*befiehlt einem Etwas in sich, das gehorcht*), or that he believes renders obedience.

But now let us notice what is strangest about the will (*das Wunderlichste am Willen*) [The *Notebooks* read: *das Wesentlichste am „Willen”*, the most essential aspect of ‘will’.] – this manifold thing for which the people have only one word: inasmuch as in the given circumstances we are at the same time the commanding *and* the obeying parties (*zugleich die Befehlenden und Gehorchenden*), and as the obeying party (*als Gehorchende*) we know the sensations of constraint, impulsion, pressure, resistance and motion (*die Gefühle des Zwingens, Drängens, Drückens, Widerstehens, Bewegens*), which usually begin immediately after the act of will (*sofort nach dem Akte des Willens*), inasmuch as, on the other hand, we are accustomed to disregard this duality (*diese Zweiheit*), and to deceive ourselves about it by means of the synthetic concept “I,” a whole series of erroneous conclusions, and consequently of false evaluations of the will itself, has become attached to the act of willing – to such a degree that he who wills believes sincerely that willing *suffices* for action (*Wollen genüge zur Aktion*). [The *Notebooks* say that he believes “his will itself is the actual and sufficient motor (*das eigentliche und ausreichende mobile*) for the whole action (*zur gesamten Aktion*).”] Since in the great majority of cases there has been exercise of will only when the effect of the command (*die Wirkung des Befehls*) – that is, obedience; that is, the action (*also der Gehorsam, also die Aktion*) – was to be *expected* (*erwartet werden durfte*), the *appearance* (*der Anschein*) has translated itself into the feeling (*das Gefühl*), as if there were a *necessity of effect* (*als ob es da eine Nothwendigkeit von Wirkung gäbe*). In short, he who wills believes with a fair amount of certainty that will and action are somehow one (*dass Wille und Aktion irgendwie Eins seien*); he ascribes the success, the carrying out of the

willing (*das Gelingen, die Ausführung des Wollens*), to the will itself (*dem Willen selbst zu*), and thereby enjoys an increase of the sensation of power (*geniesst dabei einen Zuwachs jenes Machtgefühls*) which accompanies all success (*welches alles Gelingen mit sich bringt*). [The *Notebooks* read: *welches alles Befehlen mit sich bringt*, which all commanding brings with it.]

“Freedom of the will” (*„Freiheit des Willens“*) – that is the expression for the complex state of delight (*jenen vielfachen Lust-Zustand*) of the person exercising volition (*des Wollenden*), who commands (*befiehlt*) and at the same time (*zugleich*) identifies himself with the executor of the order (*mit dem Ausführenden als Eins setzt*) – who, as such (*als solcher*), enjoys also the triumph over obstacles (*den Triumph über Widerstände mit genießt*), but thinks within himself (*bei sich urtheilt*) that it was really his will itself (*sein Wille selbst*) that overcame them (*der eigentlich die Widerstände überwinde*). In this way the person exercising volition adds the feeling of delight of his successful executive instruments (*die Lustgefühle der ausführenden, erfolgreichen Werkzeuge*), the useful “under-wills” or under-souls (*„Unterwillen“ oder Unter-Seelen*) – indeed, our body is but a social structure composed of many souls (*ein Gesellschaftsbau vieler Seelen*) – to his feelings of delight as commander (*seinem Lustgefühle als Befehlender*).

The almost identical passage from *Notebooks* (LN 36-37) has the following continuation:

This tangled nest of feelings, states and false assumptions (*Gefühlen, Zuständen und falschen Annahmen*), which the common people designate with one word and as one thing, because it is there suddenly and at once (*weil es plötzlich und auf „Ein Mal“ da ist*) and is among the very most frequent (*allerhäufigsten*), consequently most ‘well-known’ (*folglich „bekanntesten“*) experiences: the will as I have described it here – who can credit that it has never been described before? (LN 37; KSA 11:606-607).

In *Beyond Good and Evil*, the continuation – which further justifies my reconstruction of Nietzsche’s view of willing on the model of political sovereignty – reads:

L’effet c’est moi: what happens here is what happens in every well-constructed and happy commonwealth; namely, the governing class (*die regierende Klasse*) identifies itself with the successes of the commonwealth (*mit den Erfolgen des Gemeinwesens identifiziert*). In all willing it is absolutely a question of commanding and obeying, on the basis, as already said, of a social structure composed of many “souls” (*eines Gesellschaftsbaus vieler „Seelen“*) Hence a philosopher should claim the right to include willing as such (*Wollen an sich*) within the sphere of morals – morals being understood as the doctrine of the relations of supremacy under which the phenomenon of “life” comes to be. –

Freedom of what is called the will would be the pleasurable feelings both of the commander confident of being obeyed and of the successful execution of the command by the sub-will, i.e., that factor in the soul that, in contrast to that which commands, *obeys* and carries out and actually effects changes in the world.¹⁰⁵ In the first place, therefore, will, ‘volition’, is not one thing and is

even not a thing at all; if anything corresponds to it, it is the commanding or the act of command. In the second place, it is non-simple: it is not the will itself or alone – not even *the commanding alone* – that effects anything: it is rather the *co-operation* of command *and* “successful executive instruments” (“under-wills or under-souls”), that is, of command and that *obedience to the command* which makes the ‘willing’ a success. To feel that one *has* a will is to feel the pleasure of successful command¹⁰⁶ – which, however, does not mean that “willing suffices for action” since willing itself, the mere command, does not suffice for action. Presumably one would not feel the same, to the extent of not feeling that one *has* a will, if one’s will (one’s command) was always met with failure; and therefore everything depends on the co-ordination of command and execution. But when the executive function of the soul is co-ordinated with the command – that is, successfully executes what is commanded – the commanding slice of the soul believes itself the willer and effector, and the acting individual considers herself to have a *free* will: “‘Freedom of the will’ [...] is the expression for [a] complex state of delight”; this is the ‘delight’ “of the person [...] who commands and at the same time identifies himself with the executor of the order – who, as such [i.e., as the executive function] enjoys also the triumph over obstacles, but thinks within himself that it was really his will itself that overcame them.” The feeling that one wills, i.e., the feeling that one is a successful actor and effector, is *a composite* of the feeling of successful command *and* successful execution, or *successful obedience* of a command.¹⁰⁷

In the case of the promise freedom – freedom as power – would amount to the successful keeping of the promise, which entails a twofold power, “the power over oneself and over fate” (*GM* II:2). Freedom of the will means the freedom to carry out what one wills (commands); and that means in effect a being immune to, or a being beyond or *independent* of the command of one’s instincts, i.e., that part or those portions of oneself that countermand/s the promise considered as a command one has given oneself. But it also means being independent of the various circumstantial factors that have their origin in something other than the acting subject, that Nietzsche here refers to as “stimuli.” These are things one would normally react to in certain ways that in the context of the promise would result in its betrayal, so that, for the sake of the promise, one must *not* react to them as usual. The one with the right to make promises would have to maintain against them a sovereign *adiaphoria*, as Nietzsche defines it here:

A strong nature manifests itself by waiting and postponing any reaction: it is as much characterized by a certain *adiaphoria* as weakness is by an involuntary countermovement and the suddenness and inevitability of “action.”– The will is weak – and the prescription to avoid stupidities would be to have a strong will and to do *nothing*.– *Contradictio*.– A kind of self-destruction; the instinct of preservation is compromised.– The weak harm themselves.– That is the type of decadence (*WP* 28).

Or here:

The same expedient – castration, extirpation – is instinctively selected in a struggle against a desire by those who are too weak-willed, too degenerate, to impose moderation upon it: by those natures which need La Trappe, to speak metaphorically (and not metaphorically –), some sort of definitive declaration of hostility, a *chasm* between themselves and a passion. It

is only the degenerate who cannot do without radical expedients; weakness of will, more precisely the inability *not* to react to a stimulus, is itself merely another form of degeneration. Radical hostility, mortal hostility towards sensuality is always a thought-provoking symptom: it justifies making certain conjectures as to the general condition of one who is excessive in this respect. – That hostility, that hatred reaches its height, moreover, only when such natures are no longer sufficiently sound even for the radical cure, for the renunciation of their ‘devil’. Survey the entire history of priests and philosophers, and that of artists as well: the most virulent utterances against the senses have *not* come from the impotent, *nor* from ascetics, but from those who found it impossible to be ascetics, from those who stood in need of being ascetics . . . (TI, Morality as Anti-Nature, 2).

Nietzsche claims to be the first to have sketched such a conception of the will, but, point by point, we can find the conception already in Kant.

First, virtue is a matter of a freedom that is the consciousness of power and mastery – and one should note also Kant’s association of it with ‘nobility’; the reference to apathy as strength is to be noted too, since this corresponds to Nietzsche’s “adiaphoria.”

The doctrine of virtue, which, Kant says, “finite *holy* beings (which cannot even be tempted to the violation of duty)” do *not* have, is an “autocracy” of practical reason in that

it includes a consciousness – not indeed immediately perceived, but rightly concluded from the moral categorical imperative – of the *power* to become master of one’s inclinations which resist the law (Kant 1909:293-294; 1914: 382)¹⁰⁸.

Two things are required for internal freedom: to be *master* of oneself in a given case (*animus sui compos*), and to have *command* over oneself (*imperium in semetipsum*), that is to *subdue* his emotions and to *govern* his passions. With these conditions the *character* (*indoles*) is *noble* (*erecta*); in the opposite case it is ignoble (*indoles abjecta serva*) (Kant 1909:318; Kant 1914:407).

XVI. *Virtue requires, first of all, Command over Oneself.* [...] Virtue therefore, in so far as it is based on internal freedom, contains a positive command for man, namely, that he should bring all his powers and inclinations under his rule (that of reason); and this is a positive precept of command over himself which is additional to the prohibition, namely, that he should not allow himself to be governed by his feelings and inclinations (the duty of apathy [“considered as strength,” he says just after this passage]); since, unless reason takes the reins of government into its own hands, the feelings and inclinations play the master over the man (Kant 1909:319; Kant 1914:408).

(Spinoza writes in the *Ethics*: “I assign the term ‘bondage’ to man’s lack of power to control and check the emotions. For a man at the mercy of his emotions is not his own master but is subject to fortune, in whose power he so lies that he is often compelled, although he sees the better course, to pursue the worse” [2002:320].)

Second, there is the self-sufficiency attained in this situation of freedom, which mirrors the independence and emancipation of the sovereign individual, and, also, the conception of freedom as feeling (or, at least, as “resembling” feeling): Kant writes in the *Critique of Practical Reason*:

From this we can understand how the consciousness of this faculty of a pure practical reason produces by action (virtue) a consciousness of mastery over one’s inclinations, and therefore of independence on them, and consequently also on the discontent that always accompanies them, and thus a negative satisfaction with one’s state, i.e. *contentment*, which is primarily contentment with one’s own person. Freedom itself becomes in this way (namely indirectly) capable of an enjoyment which cannot be called happiness, because it does not depend on the positive concurrence of a feeling, nor is it, strictly speaking, *bliss*, since it does not include complete independence on inclinations and wants, but it resembles bliss in so far as the determination of one’s will at least can hold itself free from their influence; and thus, at least in its origin, this enjoyment is analogous to the self-sufficiency which we can ascribe only to the Supreme Being (Kant 1996:144).

One might also note here the contentment, which should be compared with the sovereign individual’s knowledge of himself as mankind come to completion, etc. But more importantly, Nietzsche says (I have quoted the passage already), “Multiplicity and disaggregation of the impulses, lack of system among them, results as ‘weak will’; their coordination under the dominance of a single one results as ‘strong will’ – in the first case it is oscillation and the lack of a centre of gravity; in the second precision and clarity of direction” – and that too is mirrored in Kant’s claim that “by strength of mind we understand the strength of purpose of a man, as a being endowed with freedom, and consequently so far as he is master of himself (in his senses) and therefore in a healthy condition of mind.” Similarly, when he claims above that “virtue requires [...] command over oneself,” he also says that “reason declares through the notion of virtue that a man should *collect* himself (*mann solle sich fassen*) (1909:319, Abbott’s emphasis; 1914:408).” (What Kant does *not* say, however, is that the bliss consists in a feeling of power *over oneself* [GM II:2]. I will return to that thesis of Nietzsche’s in the next chapter.)

An Automatic Autonomy

Nietzsche’s argument has something to recommend it then, when read in the light of the notion of sovereignty as I have suggested this concept be understood. The capacity to promise is developed in the same movement in which there develops a capacity to obey, and the freedom of the sovereign individual consists in the strength of the *adiaphoria* by which one resists both the very temptation to promise and, once one has promised, what might thwart the fulfilment of the promise. His sovereignty consists in *not being subject to* external and internal forces; but since freedom is power, independence from these forces is equivalent to having command over them, including in the resistance to them in the *adiaphoria*.

But the right to promise, the power over oneself and over fate, is ultimately located in *obedience* to a command that one gives oneself in the form of a promise, and it is important to recognise the

high regard in which Nietzsche holds the contribution of law and obedience to historical culture, and indeed to nature (or to culture *as* a phenomenon *of* nature in its basic operation). Section 11 of the second essay says that life “essentially works” through “harm,” “oppression,” “exploitation,” and “destruction”; that these are its “basic functions” and that it “cannot be conceived at all without these characteristics.” “[From] the highest biological standpoint, conditions of law” are “partial restrictions on the basic will to live, which is set on power – they are subordinate to the total purpose of this will as its individual means, that is, as means to create a larger unit of power.” I have also already quoted section 188 of *Beyond Good and Evil*, in which he says that if there is obedience over a long time, “something always develops, and has developed, for whose sake it is worthwhile to live on earth; for example, virtue, art, music, dance, reason, spirituality – something transfiguring, subtle, mad, and divine.” He says both here and in the notebooks that the strictures of the Church led to an acuteness of mind in Descartes, Pascal and others, and that “the European spirit” is “trained to strength, ruthless curiosity, and subtle motility” on account of the Church (*LN* 34[92]). He also says here (against anarchists and utilitarians) that

all there is or has been on earth of freedom, subtlety, boldness, dance, and masterly sureness, whether in thought itself or in government, or in rhetoric and persuasion, in the arts just as in ethics, has developed only owing to the “tyranny of such capricious laws”; and in all seriousness, the probability is by no means small that precisely this is “nature” and “natural” – and *not* that *laissez aller*! (*BGE* 188).

And he says, again in *Beyond Good and Evil*: “One last fundamental difference [between noble and slave]: the longing for freedom, the instinct for happiness and the subtleties of the feeling of freedom belong just as necessarily to slave morality and morals as artful and enthusiastic reverence and devotion are the regular symptom of an aristocratic way of thinking and evaluating” (*BGE* 260).

But granted that obedience and the form giving of law is productive, and granted that obedience and the capacity to promise are developed in tandem, how does one that has been schooled to the bone in the values of the community come to think and *will* – command – for itself? Granted that autonomy is the capacity to obey oneself, why would the sovereign not be at the same time the *most obedient*? That is, given that Nietzsche thinks that the bad conscience and the sovereign individual are fruits of the same tree, what entitles Nietzsche to *the contrast* between the sovereign individual and the man of the bad conscience? This is ultimately the more general question what entitles him to the contrast (in *Beyond Good and Evil* 202-203) between “*types*”: on the one hand, the socialists and anarchists who want to take herd morality even further and, on the other hand, the “philosophers and commanders” of the future who would overturn those values.

No doubt the answer is that the new philosophers and commanders can command rather than merely obey. But if we now know that good promisers are good obeyers, since the ones who obey are the ones who keep their promises and in that sense have the right to make promises – the ones who are ‘calculable’ or reliable – we do not yet know where the capacity *to command* would come from, that is, to be autonomous in the sense in which Nietzsche *contrasts* it to a Kantian autonomy in his description of the sovereign individual: “the ripest fruit is the *sovereign individual*, like only

to himself (*nur sich selbst gleiche*), liberated again from morality of custom (*von der Sittlichkeit der Sitte wieder losgekommene*), autonomous and supramoral (*übersittliche*) (for ‘autonomous’ and ‘moral’ are mutually exclusive [*denn „autonom“ und „sittlich“ schliesst sich aus*]).” On the one hand, therefore, the sovereign individual must have the right to make promises, and must therefore be *as obedient as the best specimen of the herd*. But on the other hand, he must be like only to himself and not conform to the pattern of the man of the herd; he must be free, emancipated (*Freigewordne*), have his own independent will (*eigenen unabhängigen [...] Willens*). ‘Emancipated’, ‘independent’, here do not mean *generally* free or *metaphysically* free; Nietzsche writes “*again* free,” “*wieder losgekommene*” – having gotten free *again*, i.e., from *some specific thing*, namely the herd or community. (The previous time we were free in that way was, presumably, *before* the grid of the morality of custom was imposed on us, that time when we were free to exercise our urge to cruelty in the wild.)

On the one hand, then, in explaining how the sovereign individual, as the one with the right to make promises, *could* have been the fruit of the morality of custom, it is necessary to use the *Kantian* notion of autonomy. But when Nietzsche dreams of a sovereign individual that has gotten rid of the shackles of the herd, the notion of autonomy is beyond the morality of mores (*übersittliche; das von der Sittlichkeit der Sitte wieder losgekommene* [GM II:2]). It is the dream of an individual *made* by the herd (and its morality of mores) *but also free* of it, a likeness-to-oneself-only, a uniqueness and sovereignty free, free again, of the mastery of the morality of custom.

How (assuming, for a moment that we can credit the determinism involved in the theory of the morality of mores) could such a being emerge from a centuries long training in obedience? Is it at all possible that one can become *autonomous* through (the) *heteronomy* (of the morality of mores)?

It appears as if the kind of autonomy that would be the result of the morality of mores would be, as an autonomy from training, an autonomy from habit. “[A] few ideas are to be rendered inextinguishable, ever-present, unforgettable, ‘fixed,’ with the aim of hypnotising the entire nervous and intellectual system with these ‘fixed ideas’ – and ascetic procedures and modes of life are means of freeing these ideas from the competition of all other ideas, so as to make them ‘unforgettable’” (GM II:3), and he writes: “that which here [in the Europe of the time] believes it knows, that which here glorifies itself with its praises and reproaches, calling itself good, that is the instinct of the herd animal, man, which has scored a breakthrough and attained prevalence and predominance over other instincts” (BGE 202). It is therefore not – and Nietzsche would not have it be – an autonomy in the Kantian style, an autonomy from free and rational deliberation, but a calculability or reliability of the creature as such, and thus a kind of *automatic autonomy*. For Nietzsche seems bent (like Freud) on the devaluation and subordination of reason. He says in section 14 of *The Antichrist*: “to us consciousness, or ‘the spirit,’ appears as a symptom of a relative imperfection of the organism, as an experiment, a groping, a misunderstanding, as an affliction which uses up nervous force unnecessarily – we deny that anything can be done perfectly so long as it is done consciously.” Likewise he says in the *Genealogy* (16) that “all [the] instincts” of those that are corralled into the first state, instincts “well adapted to the wilderness, to war, to prowling, to adventure,” are “suddenly [...] disvalued and ‘suspended’,” and that these people

felt unable to cope with the simplest undertakings; in this new world they no longer possessed their former guides, their regulating, unconscious and infallible drives: they were reduced to thinking, inferring, reckoning, co-ordinating cause and effect, these unfortunate creatures; they were reduced to their “consciousness,” their weakest and most fallible organ.

And he writes in the notebooks:

what creates a morality or a law-book, the deep instinct for the fact that only *automatism* can enable perfection in living and creating . . .

But now we have reached the opposite point, indeed we have *wanted* to reach it – conscious to the most extreme degree, man and history seeing through themselves . . .

– in practical terms this makes us furthest from perfection in being, doing and willing: our desire, our will even to knowledge is a symptom of a tremendous decadence . . . We strive for the opposite of what is willed by *strong races, strong natures*

– understanding is an *ending* . . .

That science is possible in this sense, as it’s practised today, proves that all life’s elementary instincts, instincts of *self-defence* and *protection*, have ceased to function – we are no longer accumulating, we are squandering the capital of our forebears, even in our way of *knowing* – (LN 267).

Instead of this automatism inculcated, accumulated over time, what prevails today is a vacillation and indecisiveness. (But how could that occur?) In *Beyond Good and Evil* he writes: “For the sceptic, being a delicate creature, is frightened all too easily; his conscience is trained to quiver at every No, indeed even at a Yes that is decisive and hard, and to feel as if it had been bitten” (208).

In the new generation that, as it were, has inherited in its blood diverse standards and values, everything is unrest, disturbance, doubt, attempt; the best forces have an inhibiting effect, the very virtues do not allow each other to grow and become strong; balance, a center of gravity, and perpendicular poise are lacking in body and soul. But what becomes sickest and degenerates most in such hybrids is the *will*: they no longer know independence of decisions and the intrepid sense of pleasure in willing – they doubt the ‘freedom of the will’ even in their dreams (208).

This is that “multiplicity and disaggregation of the impulses” and “lack of system among them” of the “weak will” in contrast to the “coordination” of impulses “under the dominance of a single [impulse]” that characterises the “strong will” – “oscillation” and “lack of a centre of gravity” in one case and “precision and clarity of direction” in the other.¹⁰⁹

Nietzsche writes in *The Antichrist* that the codification of old ways of living has its “rationale [...] in the intention of gradually making the way of life recognised as correct [...] unconscious: so that a complete automatism of instinct is achieved – the precondition for any kind of mastery, any kind of perfection in the art of living” (A 57). But if autonomy or mastery were the result of training (for instance, he speaks at section 200 of *Beyond Good and Evil* of “self-control” and “self-outwitting” being “inherited or cultivated”), if the ability to be decisive comes from a long induration and

habituation, from living in one way for a long time, what this amounts to, whether one talks in terms of a dominant impulse or of the burning in of No's, is that though the creature was previously able to behave in a multitude of ways, those options have been reduced, for there has now grown a certain tendency in the soul to behave in *only some* of these ways. In fact, therefore, what is achieved through such a "*calculability*" is not precisely autonomy: it is rather the *deadening* or *muting* of certain drives in favour of another or others, so that there is no longer any *necessity of deciding* between them because there is no longer the possibility of conflict between them: they have either been muted or they are under the dominance of a single impulse.¹¹⁰ This is the formation of a will (assuming a will could be so formed) in which all willing is eradicated.

What thus emerges from this theory of the will, in which the will is the strong will as opposed to the weak will, is the question whether *habit, training, custom*, can make one free. Kant writes: "Habit (*habitus*) is a facility of action and a subjective perfection of the *elective will*. But not every such *facility* is a *free habit* (*habitus libertatis*); for if it is *custom* (*assuetudo*), that is, a uniformity of action which, by frequent repetition, has become a *necessity*, then it is not a habit proceeding from freedom, and therefore not a moral habit" (1909:318; 1914:407).

Nor can a command be directed at someone who *has no choice* but to do what you command in any case. Without the possibility of resistance (of 'the sub-will') there cannot be a strong will, for there would be no foil against which its strength might show up.

This is why, *contrary* to the praise of uniformity and long habituation above, Nietzsche sometimes thinks that it is *better not* to be uniform. In those cases, it is a certain *clash* of impulses that is emphasised. In such passages what is important to him is not an extirpation of sensuality but an ability to draw on it as well as *resist it precisely while* it remains forceful and healthy. Nietzsche's ideal human beings are those in whom there is an unquiet soul, one that is neither *devoid* of sensuality nor *overruled* by it.

For there is no necessary antithesis between chastity and sensuality; every good marriage, every genuine love affair, transcends this antithesis. Wagner would have done well, I think, to have brought this *pleasant fact* home once more to his Germans by means of a bold and beautiful Luther comedy, for there have always been and still are many slanderers of sensuality among the Germans; and perhaps Luther performed no greater service than to have had the courage of his *sensuality* (in those days it was called, delicately enough, "evangelical freedom"). But even in those cases in which this antithesis between chastity and sensuality really exists, there is fortunately no need for it to be a tragic antithesis. At least this holds good for all those well-constituted, joyful mortals who are far from regarding their unstable equilibrium between "animal and angel" as necessarily an argument against existence – the subtlest and brightest among them have even found in it, like Goethe and Hafiz, one *more* stimulus to life. It is precisely such "contradictions" that seduce one to existence . . . (GM III:2).

The "fortunate," the "victorious," the "lucky hit," the "happy, well-constituted, powerful in soul and body" (GM III:14), is precisely the one in whom the deadening of an automatic autonomy *does*

not occur, since he must be the kind of being that finds in himself a will to something that runs counter to the herd will in which he has been socialised. But the sovereign individual too must be one in whom such a deadening has not occurred. For there is nothing sovereign in one who keeps the promise but who wins the battle against an instinct because that instinct is dead in her, so that the battle is won because the enemy does not turn up. There is nothing for her to struggle against, to *promise against*, if the drive which urges her against her promise has been killed. One cannot be sovereign if one did not have a conflict, if one were not fighting, among other things, oneself; one cannot have the feeling of the success of a commanding will if one cannot “[enjoy] the triumph over obstacles” and if one does not “know the sensations of constraint, impulsion, pressure, resistance and motion.” For if obedience is, as I have argued, essential to the promise, it is also true that promises, the assurance that despite your doubts I will do what I say I will, do not occur where there is absolute trust that I will carry through what I undertake to. Such trust can be given only to machines (leaving aside malfunction), and we humans, are mostly *neither* machines *nor* those, as in Nietzsche’s sketch above, who simply cannot resist their impulses and need “La Trappe.”

But it is also important to ask: how does Goethe *come to be* this lucky hit? How does it come about that in the midst of the herd, there is a black sheep who not only wants, against his deepest impulses, to be different, but *succeeds* in overcoming himself?

In another passage about Goethe, Nietzsche says not that *he just happens to be* a “totality” but that, wanting totality, “he strove against ... separation”; “he disciplined himself to a whole.” (That still admits of course that he was not whole to begin with.) Precisely because he is capable of “keeping himself in check,” he “dares to allow himself the whole compass and wealth of naturalness” – he “is strong enough for this freedom.” He is threatened by unfreedom, for he “bore within him [the] strongest instincts” of the eighteenth century, but overcomes it towards the “naturalness of the Renaissance” and is thus “emancipated” (in exactly the sense of freedom and sovereignty explained above):

Goethe – [...] a grand attempt to overcome the eighteenth century through a return to nature, through a going-up to the naturalness of the Renaissance, a kind of self-overcoming on the part of that century. – He bore within him its strongest instincts: sentimentality, nature-idolatry, the anti-historical, the idealistic, the unreal and revolutionary (– the last is only a form of the unreal). He called to his aid history, the natural sciences, antiquity, likewise Spinoza, above all, practical activity; he surrounded himself with nothing but closed horizons; he did not sever himself from life, he placed himself within it; nothing could discourage him and he took as much as possible upon himself, above himself, within himself. What he aspired to was *totality*; he strove against the separation of reason, sensuality, feeling, will (–preached in the most horrible scholasticism by Kant, the antipodes of Goethe); he disciplined himself to a whole, he *created* himself . . . [...] Goethe conceived of a strong, highly cultured human being, skilled in all physical accomplishments, who, keeping himself in check and having reverence for himself, dares to allow himself the whole compass and wealth of naturalness, who is strong enough for this freedom; a man of tolerance, not out of weakness, but out of strength, because he knows how to employ to his advantage what would destroy an average nature; a man to whom nothing is forbidden, except it be *weakness*,

whether that weakness be called vice or virtue . . . A spirit thus *emancipated* stands in the midst of the universe with a joyful and trusting fatalism, in the *faith* that only what is separate and individual may be rejected, that in the totality everything is redeemed and affirmed – *he no longer denies*. But such a faith is the highest of all possible faiths: I have baptised it with the name *Dionysus*.— (*TI*, Expeditions of an Untimely Man, 49).

It is not that Goethe is trained *to be* autonomous. It is not that there has already been bred in him a certain ordering of impulses, or a certain priority of certain impulses over others that amounts to a “balance, a center of gravity, and perpendicular poise” – and not that his “entire nervous and intellectual system” has been “hypnotised” with certain “fixed ideas” (*GM* II:3). Rather he has “within him” instincts that are precisely the opposite of what he wants, and his autonomy consists in being able to overcome them within his own lifetime.

We are squarely within the problematic of the conscience, which thus turns out to be of fundamental importance to Nietzsche (and not merely a matter confined to the *Genealogy*).¹¹¹ Goethe would in effect be a modern example of those innovators and philosophers who have to fight the morality of mores in themselves with ruses to persuade both others and themselves, except that Goethe does not have recourse to a ruse. Nietzsche conceives Goethe as in the first place a product of the eighteenth century, as these innovators are products of the morality of mores more generally, and like them, he has to fight, in the first place, against himself (against the eighteenth century in himself). He is the one who is “emancipated” from the eighteenth century as the sovereign individual is “emancipated” from the morality of mores more generally: indeed, Goethe-Dionysus might as well be understood *as* such a sovereign individual: not only can almost all that describes Goethe specifically be used as a description of the sovereign individual, but Goethe is the one who can dare weakness because he is strong enough, disciplined enough, to withstand it, as must also be the one with the right to make promises when, the promise having been made, he has the confidence and the freedom to expose himself to what, in others, would lead to a broken promise.

We can thus formulate a clearer and neat conception of the relation between Nietzsche’s and Kant’s conceptions of freedom. While there are internal antagonists in both, Nietzsche’s schema of sovereignty proposes to *add to* the internal forces of Kant’s pathological impulses (the passions, inclinations, etc.) *a new source* of internal obstacles – the *No*’s of the morality of custom that have ‘become instinct’. As the freedom of Kantian sovereignty was the overcoming of the animal impulses, so Nietzschean sovereignty amounts to ‘emancipation’ not only from the natural impulses of sensualism but *also* from the laws of society that have in time become the impulses of the soul. (*Who is strong enough for that?*, he asks.) To take just one example, he writes in *Beyond Good and Evil* (23), that the “power of moral prejudices has penetrated deeply into” psychological investigation:

A proper physio-psychology has to contend with unconscious resistance in the heart of the investigator, it has ‘the heart’ against it: even a doctrine of the reciprocal dependence of the ‘good’ and the ‘wicked’ drives, causes (as refined immorality) distress and aversion in a still

hale and hearty conscience – still more so, a doctrine of the derivation of all good impulses from wicked ones.

In this too he is anticipated by Kant who, however, obviously refuses the Nietzschean step away from the values of tradition (since these values are for Kant rational and moral and not merely the old values). Just after explaining that virtue “is not to be defined and esteemed merely as habit, and (as it is expressed in the prize essay of Cochius) as a long custom acquired by practice of morally good actions” (1909:294), he writes, in a “Remark”:

To virtue = $+a$ is opposed as its *logical contradictory* (*contradictorie oppositum*) the *negative lack of virtue* (moral weakness) = 0; but vice = $-a$ is its *contrary* (*contrarie s. realiter oppositum*); and it is not merely a needless question but an offensive one to ask whether great crimes do not perhaps demand more strength of mind than great virtues. For by strength of mind we understand the strength of purpose of a man, as a being endowed with freedom, and consequently so far as he is master of himself (in his senses) and therefore in a *healthy* condition of mind. But great crimes are paroxysms [...] (1909:294).

The question that Kant is refusing here is the question whether great crimes are not more admirable than great virtuousness, because the great crime requires a more difficult self-overcoming, the overcoming of the scruples within oneself, than the adoption of a virtuous attitude.

But to return to Goethe – where can the desire to overcome one’s instincts come from when the one who would desire this overcoming is ruled, from the inside, by such instincts? The corollary question must also be asked: if there is such a desire to overcome, *why should we believe that there has been such an internalisation of mores?* (Why, in short, should we believe that there is a conscience in Nietzsche’s sense?)

Fate and Determinism, Sickness and Health

Nietzsche recognises the problem. It is laid out in the very first of Zarathustra’s discourses. First, there is the camel, and then the lion, but,

My brothers, why is the lion required by the spirit? Why does the beast of burden, renouncing and reverent, not suffice?

To create new values (*Neue Werthe schaffen*) – not even the lion is capable of that: but to create freedom for itself for new creation (*Freiheit sich schaffen zu neuem Schaffen*) – that is within the power of the lion.

To create freedom for oneself (*Freiheit sich schaffen*) and also a sacred No to duty: for that, my brothers, the lion is required.

To take the right to new values (*Recht sich nehmen zu neuen Werthen*) – that is the most terrible taking for a carrying and reverent spirit. Indeed, it is preying, and the work of a predatory animal.

Once it loved “thou shalt” as its most sacred, now it must find delusion and despotism even in what is most sacred to it, in order to wrest freedom from its love (*dass er sich Freiheit raube von seiner Liebe*) by preying. The lion is required for this preying.

But tell me, my brothers, of what is the child capable that even the lion is not? Why must the preying lion still become a child?

The child is innocence and forgetting, a new beginning, a game, a wheel rolling out of itself (*ein aus sich rollendes Rad*), a first movement, a sacred yes-saying.

Yes, for the game of creation my brothers a sacred yes-saying is required.

The spirit wants *its* will (*seinen Willen will nun der Geist*), the one lost to the world now wins *its own* world.

Three metamorphoses of the spirit I named for you: how the spirit became a camel, and the camel a lion, and finally the lion a child. – (Z, First Part, On the Three Metamorphoses).

Creating the freedom to create the new (when one’s hands are tied): that is the problem posed by the history of the morality of mores. But how does the camel, produced over long millennia, act like the lion? How do tied hands untie themselves? I do not know if Nietzsche has the resources for an answer, but that is the nature of the problem. But the child too is necessary, and the question is now: how can the memorious camel forget like a child? (And the child does not exactly *forget*, after all.) We know the insistence on the active forgetting of *Genealogy*, and it is now possible to understand its necessity in the larger scheme: one would have to forget all that the camel has learnt, would have to undo oneself and remake oneself from scratch, since this learning is constitutive. *Actively* forget. *Actively forget* – even though we now act with the herd, like the herd, and for the herd – and feel like acting for the herd. Forget, while remembering what it is we are to make ourselves forget. How would we even form the will, or, which is worse, the desire, to forget? Unless it is that we are not all that tightly tethered to the herd after all. For if we are, then the wheel will never come to roll out of itself (or roll of itself), assuming, to begin with, that is even thinkable.

But Nietzsche recognises the problem even more explicitly in *Beyond Good and Evil*, 199. Claiming that “humanity” has for long been a “breeding-ground for the cultivation of obedience” and that, it is “reasonable to suppose that the average person has an innate need to obey as a type of *formal conscience*,” he says “the herd instinct of obedience is inherited the best and at the cost of the art of commanding.” “If we imagine this instinct ever advancing to its furthest excesses,” he writes,

then those who command and are independent would be lacking altogether; or they would secretly suffer from a bad conscience and would find it necessary to deceive themselves before they could command. This state is actually encountered in Europe today: I call it the moral hypocrisy of those commanding.” (See also *BGE* 202 and *D* 184.)

This is in effect the admission that the breeding so painstakingly described in the *Genealogy* has not quite led to the creation of a fully obedient being. What stops Nietzsche here from thinking that this breeding has advanced to its furthest excesses is, surely, at least the recognition that that would tie his hands completely, since there would be no possibility of emerging from that pit of

obedience. But he must also be prompted by the recognition that, in fact, *there is* commanding, even at present, and it is difficult to understand how that could be the case if obedience is so profoundly bred into us. Even if the commanders at issue here have to *trick themselves* by believing that in commanding they are obeying, that still leaves unanswered the question where this impulse to command would come from.¹¹² The same problem dogs Nietzsche's claims about the first philosophers and legislators, concerning whom this trope of a ruse against oneself also occurs. How does the morality of mores leave the will to command strong enough to emerge in spite of it? And if it is strong enough in them, why should it not be for us? If that is because they *see a need* for these innovations, then the urge to command or lack thereof is beside the point – one will command where one sees the need, and the cause of a lack of commanding would be the belief that innovations are not necessary, or a failure to see that they are, and not an inbred docility.

In effect Nietzsche is forced by his recognition that commanding still occurs to leave the answer to the pure chanciness of sickness and health: "The more normal sickness becomes among men – and we cannot deny its normality – the higher should be the honour accorded the rare cases of great power of soul and body, man's *lucky hits*; the more we should protect the well-constituted from the worst kind of air, the air of the sickroom" (*GM* III:14).

If we are reduced to this dependence on chance, however, the entire story of development that the *Genealogy* seeks to tell becomes superfluous, for if there are indeed commanders a theory of historically inbred obedience would be unnecessary and, indeed, false.

Nietzsche is thus ultimately not entirely decided whether it is purely a matter of chance, or of a deliberate breeding (or, perhaps, of a breeding whose *initiative* would be left to chance). In closing the second essay Nietzsche talks *on the one hand* of the possibility of our coming to have a bad conscience about all that we have hitherto valued (see also *BGE* 203).

We modern men are the heirs of the conscience-vivisection and self-torture of millennia: this is what we have practiced longest, it is our distinctive art perhaps, and in any case our subtlety in which we have acquired a refined taste. Man has all too long had an 'evil eye' for his natural inclinations, so that they have finally become inseparable from his 'bad conscience.' An attempt at the reverse would *in itself* be possible – but who is strong enough for it? – that is, to wed the bad conscience to all the *unnatural* inclinations, all those aspirations to the beyond, to that which runs counter to sense, instinct, nature, animal, in short all ideals hitherto, which are one and all hostile to life and ideals that slander the world. To whom should one turn today with such hopes and demands?

On the other hand, since today there is no-one to whom to turn with this demand, he makes the despairing reference to a fortuitous *health*, and a *beyond* (though he has just condemned the yearning for a beyond):

The attainment of this goal would require a *different* kind of spirit from that likely to appear in this present age: spirits strengthened by war and victory, for whom conquest, adventure, danger, and even pain have become needs; it would require habituation to the keen air of the

heights, to winter journeys, to ice and mountains in every sense; it would require even a kind of sublime wickedness, an ultimate, supremely self-confident mischievousness in knowledge that goes with great health; it would require, in brief and alas, precisely this *great health*!

Is this even possible today? –But some day, in a stronger age than this decaying, self-doubting present, he must yet come to us, the *redeeming* man of great love and contempt, the creative spirit whose compelling strength will not let him rest in any aloofness or any beyond, whose isolation is misunderstood by the people as if it were flight *from* reality – while it is only his absorption, immersion, penetration *into* reality, so that, when he one day emerges again into the light, he may bring home the *redemption* of this reality: its redemption from the curse that the hitherto reigning ideal has laid upon it. This man of the future, who will redeem us not only from the hitherto reigning ideal but also from that which was bound to grow out of it, the great nausea, the will to nothingness, nihilism; this bell-stroke of noon and of the great decision that liberates the will again and restores its goal to the earth and his hope to man; this Antichrist and antinihilist; this victor over God and nothingness – *he must come one day*.

(Nietzsche is also quite aware and worried that such people might “degenerate” – see *BGE* 203.)

On the one hand, the previous development holds out the possibility that one might wed the bad conscience to contrary ideals; on the other hand, that seems impossible, and one has, instead, only to hope for those who have the great health. On the one hand, the hope appears to be in the result of the long development of the morality of mores; on the other hand, it appears that the only hope would be in something much closer to those who preceded this development and so evaded it, the blonde beasts that impose unfreedom and indirectly give rise to the ideals and beauty that we have known in historical time. Nietzsche appears to be caught between having to affirm the previous development, and having to disown it completely, between being grateful to it for the gifts it brings us, and despairing of it for the docility to which it inures us.

But sometimes it is not a matter of an absolute opposition between those who obey and those who command, but a conception in which there is in many a conflict, a “war” and the difference between the good type and the bad type is the difference between those who want this war to come to an end and those who, like Goethe above, exploit the tension. So Nietzsche says at *BGE* 200 that when, in an age of “disintegration” (cf. the “disaggregation of the impulses” above), races “mix” “indiscriminately,” human beings come to have “in their bodies” “opposite, and often not merely opposite, drives and value judgements.” One such person might wish only for this “war they *are*” to come to an end; these only want peace and rest. *On the other hand*, this “war” can

have the effect of one more charm and incentive to life – and if, moreover, in addition to his powerful and irreconcilable drives, a real mastery and subtlety in waging war against oneself, in other words, self-control, self-outwitting, has been inherited and cultivated too – then those magical, incomprehensible, and unfathomable ones arise [...].

“[Both] types,” he says, “belong together and owe their origin to the same causes.”

Likewise, Nietzsche says (in a passage of a kind that, I would hazard, would be more unlikely in the earlier texts but is characteristic of late texts [*Beyond Good and Evil*, the *Genealogy*, and *The Antichrist*, especially]), in which the *No* and the *Yes* are not opposed but begin to intermingle):

Man has often had enough; there are actual epidemics of having had enough (as around 1348, at the time of the dance of death); but even this nausea, this weariness, this disgust with himself – all this bursts from him with such violence – that it at once becomes a new fetter. The No he says to life brings to light, as if by magic, an abundance of tender Yeses; even when he *wounds* himself, this master of destruction, of self-destruction – the very wound itself afterward compels him *to live*. – (GM III:13).

As a result, Nietzsche must say that the ascetic ideal is not “life against life” but life protecting (a “degenerating”) life, and what, given the general tenor of his books, should stun a reader:

That this ideal acquired such power and ruled over men as imperiously as we find it in history, especially wherever the civilization and taming of man has been carried through, expresses a great fact: the *sickliness* of the type of man we have had hitherto, or at least of the tamed man, and the physiological struggle of man against death (more precisely: against disgust with life, against exhaustion, against the desire for the ‘end’). The ascetic priest is the incarnate desire to be different, to be in a different place; and indeed this desire at its greatest extreme, its distinctive fervor and passion; but precisely this power of his desire is the chain that holds him captive so that he becomes a tool for the creation of more favorable conditions for being here and being man – it is precisely this *power* that enables him to persuade to existence the whole herd of the ill-constituted, disgruntled, underprivileged, unfortunate, and all who suffer of themselves, by instinctively going before them as their shepherd. You will see my point: this ascetic priest, this apparent enemy of life, this *denier* – precisely he is among the greatest *conserving* and yes-creating forces of life (GM III:13).

That these “*among the greatest*” “conserving and yes-creating forces of life” should be produced by what begins as a negation of life constitutes the entangling of *yes* and *no* that, in effect, makes it difficult to maintain a strict line between *yes* and *no*, and, ultimately, to say a simple “no” to the no-that-says-yes that is the ascetic ideal. From the epidemic of degenerating life there arises a new form of life, new affirmation, and new conditions for new growth. We have already seen this intertwining of the negative and the positive in the development of the sovereign individual from the morality of custom, which means, in effect, that *Christianity*, which decided the form of the morality of mores in the West for such a long time, *will have produced the sovereign individual*; the corralling of flighty semi-animals would have *produced* the creature with the right to make promises. This is no more, after all, the consequence of the thought of Zarathustra that if one affirms some piece of existence one affirms it all (Z, Fourth Part, *The Sleepwalker Song*, 10).

We are therefore ultimately referred to what is most fundamental in Nietzsche’s philosophy, which, as a philosophy of affirmation and of *amor fati*, must arrive in the end at the conclusion that, as Nietzsche recognises in *Ecce Homo*, *everything* has to be affirmed:

I was the first to see the real opposition: the degenerating instinct that turns against life with subterranean vengefulness (Christianity, the philosophy of Schopenhauer, in a certain sense already the philosophy of Plato, and all of idealism as typical forms) versus a formula for the highest affirmation, born of fullness, of overfullness, a Yes-saying without reservation, even to suffering, even to guilt, even to everything that is questionable and strange in existence (*EH*, “The Birth of Tragedy,” 2).

We should notice the strangeness of this passage, which seems to condense into a few lines what I am here arguing at such length – on the one hand a taking credit for having asserted the *opposition* between affirmation and negation, and, on the other hand, precisely an affirmation of the affirmation “even” of “everything that is questionable and strange in existence,” including “suffering” and “guilt.” With this affirmation of everything, one is forced to affirm even the “the degenerating instinct that turns against life with subterranean vengefulness,” and evidence of this affirmation is just what we see in the passages above. But that affirmation of the negative does not flow merely from the philosophical or methodological injunction (everything must be affirmed) but from a real recognition, in line with the view of the productivity of law discussed above, that such negative things have *actually produced* much that, aside from the injunction to affirm, *is worthy* of affirmation.

“Knowledge,” he says shortly thereafter, “saying Yes to reality, is just as necessary for the strong as cowardice and the flight from reality – as the ‘ideal’ is for the weak, who are inspired by weakness.”

If one says yes to “reality” – in accord with the determinism of the eternal recurrence in which everything is chained together and a yes to one thing is a yes to everything – does that not mean that one must say No to the ideal? The *future* is not yet real, nor is that about which one makes promises; the *beautiful* in art is precisely what one does not find in raw nature: “After all,” Nietzsche writes in the second essay,

what would be “beautiful” if the contradiction had not first become conscious of itself, if the ugly had not first said to itself: “I am ugly”?

This hint will at least make less enigmatic the enigma of how contradictory concepts such as *selflessness*, *self-denial*, *self-sacrifice* can suggest an ideal, a kind of beauty (*GM* II:18).

The affirmation of “reality” is either paradoxical – one must then affirm also the non-affirmation of the earth, etc. – or goes quite contrary to certain core commitments of Nietzsche’s, not only the overman beyond man that must be willed, but beauty, ideals, and willing and promising as such, as long as these are not yet real but are yet to come and yet to be willed – and, indeed, guilt or the bad conscience, in so far as these are a hankering after a state of affairs *contrary to* or *different from* that which in fact prevails. This affirmation of reality seems to go contrary to *creation*, which creates what is not already real, and contrary to the very basic metaphysics of the will to power, as evident in the case of law, as outlined by Nietzsche in section 12 of the second essay:

whatever exists, having somehow come into being, is again and again reinterpreted to new ends, taken over, transformed, and redirected by some power superior to it; all events in the organic world are a subduing, a *becoming master*, and all subduing and becoming master involves a fresh interpretation, an adaptation through which any previous “meaning” and “purpose” are necessarily obscured or even obliterated.

And, further:

It is not too much to say that even a partial *diminution of utility*, an atrophying and degeneration, a loss of meaning and purposiveness – in short, death – is among the conditions of an actual *progressus*, which always appears in the shape of a will and way to *greater power* and is always carried through at the expense of numerous smaller powers. The magnitude of an “advance” can even be measured by the mass of things that had to be sacrificed to it; mankind in the mass sacrificed to the prosperity of a single *stronger* species of man – that *would* be an advance.

In other words, Nietzsche’s affirmation of form-giving, of the imposition of new interpretations, and turning things to new purposes, of these as a fundamental biological or metaphysical condition, does not sit well with the essentially stagnant attitude of the *amor fati*. When Nietzsche talks of “[wedding] the bad conscience to all the *unnatural* inclinations, all those aspirations to the beyond, to that which runs counter to sense, instinct, nature, animal, in short all ideals hitherto, which are one and all hostile to life and ideals that slander the world,” he means by “world,” “earth.” But if there are no facts but only interpretations, and if the falsity of a belief is not necessarily an objection to it, and if the question is rather to what extent it makes life possible – what licences this positivist reference to reality and the rejection of ideals – even illusory ones – such as have made life on earth bearable, and, ultimately, greater – at least greater than it would have been if, given the suffering of those who create these ideals, one were to resign oneself to the fact of a boring, apparently senseless, and tedious existence? Thus, Nietzsche is also tempted by the following, contrary, affirmation: “My philosophy is inverted Platonism: the further from the truly existent, the purer, the more beautiful, the better” (quoted in Wagner 2006:102; *KSA* 7:199).

From one point of view, the weak rely on reality, while the strong create. From another point of view, the weak escape into the “ideal” while the strong can bear reality. But reality and the ideal are more closely imbricated than Nietzsche seems to want to acknowledge.¹¹³ Despite all that he does to call into question the strict oppositions between reality and ideal, and between strong and weak, there is an overriding tendency to conceive “the strong” as strong without any admixture of “weakness.” But, as I have been arguing, it may be, rather, necessary to admit that Goethe and Hafiz¹¹⁴ are, like everyone else, pulled in different directions, and that their greatness consists not in having a nature of a certain sort but rather in *how they negotiate* that divergence, and in what ways it is transfigured by them, as the ascetic priest reinscribes a world of suffering into a moral world order that makes suffering tolerable to many. After all, if, as Nietzsche says, “in an age of disintegration where the races are mixed together,” there are those who want an end to “the war that they are” and those – Alcibiades, Caesar, Frederick II, Leonardo da Vinci – whom this war

provokes to the challenge of “waging war with himself” (*BGE* 200), there is a war in *both* classes, and it is not the *war as such* that determines whether they receive Nietzsche’s praise or not, but *how* this “war” is confronted and what comes of the confrontation. And it may, even, be necessary to say what Nietzsche says here (although, in the rest of the entry, he appears to have dropped the thought):

Health and sickness are not essentially different, as the ancient physicians and some practitioners even today suppose. One must not make of them distinct principles or entities that fight over the living organism and turn it into their arena. That is silly nonsense and chatter that is no good any longer. In fact, there are only differences in degree between these two kinds of existence: the exaggeration, the disproportion, the nonharmony of the normal phenomena constitute the pathological state (Claude Bernard). (*WP* 29; *KSA* 13:250).

Nietzsche’s determinism, his fatalism, and his view that everything is connected to everything else, is also damaging. It manifests as a determinism of human evolution:

Inasmuch as ever since there have been human beings there have also been human herds (family groups, communities, tribes, nations, states, churches), and always very many who obey compared with the very small number of those who command – considering, that is to say, that hitherto nothing has been practised and cultivated among men better or longer than obedience, it is fair to suppose that as a rule a need for it is by now innate as a kind of formal conscience which commands: ‘thou shalt unconditionally do this, unconditionally not do that’, in short ‘thou shalt’. [...] The strange narrowness of human evolution, its hesitations, its delays, its frequent retrogressions and rotations, are due to the fact that the herd instinct of obedience has been inherited best and at the expense of the art of commanding (*BGE* 199).

What seems to be necessary to avoid these tensions is that one take up as a serious option the possibility that there is no opposition between the “lucky hit” and the ‘normally’ ‘sick’, and above all to give up this *deterministic fatalism*. Instead one might accept that instead of the human species being divided into the sick and the healthy, any given individual can will quite differently at different times and in different contexts. Instead of thinking that those in whom herd or Christian values have been bred must now have anti-Christian values bred into them, we might think that the human being is pliable, is not as thorough-bred as Nietzsche seems to imagine; and that those who profess to be Christian are not all that Christian; and that there are many ways of existing in the herd while having one’s eye firmly on oneself, just as many can be socialists from pure selfish ambition. One could likewise think that we could will and choose and promise *from the beginning*, and that we can both keep promises and break them, and sometimes make them only in order to break them. (As I have argued, one would not want to say that the sovereign individual has *no choice but* to keep his promise.) There would then no longer be a bad conscience that one condemns (“this ugly growth” [*GM* II:17]), while one affirms sovereignty. The sovereign himself has a nature that, even if not *sinful*, has to be thwarted, and even if the criteria for what needs to be thwarted may be different than in Christianity, say, this necessity itself is given. He has a bad conscience just when and just *because* he has a conscience, and his right to make promises consists precisely in the fact that he has a conscience, if not about not having kept a promise at

least about the possibility, which he must always dread, of failing (since he is not a machine) to keep a promise that he has made.

It would be a matter not only of insisting that there must be a revaluation of values, but of asking *what precisely*, in the values that in Nietzsche's eyes ought to be revalued, convinces us not to revalue them. It would be a matter of understanding what, in Christianity, for example, was and remains desirable or persuasive.

It is not after all that we cannot see what Nietzsche is getting at, or have a glimpse of what an alternative Nietzschean life might be like; it is rather, that right here and now, it is not clear and far from obvious that that is the kind of life we (in general) want. Rather, we do not see much that is wrong with the injunction not to murder or to lie, with avoiding suffering, with democracy and, even, anarchism. Instead of supposing that we cleave to these from their being bred into us, why might it not be that we have not (yet) been convinced or persuaded of the contrary, *or* that there remain certain *present* forces and *current* interests that cause us to cleave to them?

Nietzsche's profound instinctualism makes him cleave to the notion that it is not that a certain sector of humanity merely *think* that, for example, we should be democrats. The thinking here occurs before thought, and history does not take the shape of a history of ideas, for example, but of how certain thoughts, or certain tendencies of thought, become instinctual. Given that belief (and the associated and important belief in the herd instinct), and given Nietzsche's other commitment to the idea of a natural and original animality of human beings (in which they are, as the *Genealogy* tells us, flighty, forgetful, and possessed of a basic instinct to do violence to others), these two commitments can be reconciled only if one postulates a long history in which one set of instincts or basic behaviours gets exchanged for another. If the human being turns out to be peaceable and conscientious, that would not be as a result of a free and rational process of deliberation or decision, right here and now, but rather as a result of the entrenchment of new instincts, impulses, and habitual reactions. Precisely the insistence on pain, on custom, on the long history of inpsychation, in other words, on mechanisms in which human beings have the role of passive subjects being acted on by larger forces of moulding and training, prevents Nietzsche from raising the question what gives us a *present interest* in cleaving to the institutions of state, Church, democracy, or socialism, or to the values of equality and charity.

And since the natural human being in Nietzsche is the *individual human being*, the individual *instinctually* craving individual satisfactions, if there is a herd morality, that is only because of a historical and social development, within the herd and thanks to the herd, of a *collective individual*, an individual that now instinctively desires to act with the collective and for the collective. The long history of punishment is so central to the second essay because without it, one could not understand how an individual *instinctively* (automatically) individual should become the *individual instinctively collective* that takes the side of the collective against itself.

It is instructive to compare Nietzsche's position here with that of Marx and Engels, who also think that we have a certain herd-consciousness.¹¹⁵ For Marx and Engels, however, there is a progress

from a greater herd consciousness to a lesser thanks to the division of labour and crucially the development of the division between mental and physical labour in particular:

[...] on the other hand, man's consciousness of the necessity of associating with the individuals around him is the beginning of the consciousness that he is living in society at all. This beginning is as animal as social life itself at this stage. It is mere herd-consciousness, and at this point man is only distinguished from sheep by the fact that with him consciousness takes the place of instinct or that his instinct is a conscious one.

This sheep-like or tribal consciousness receives its further development and extension through increased productivity, the increase of needs, and, what is fundamental to both of these, the increase of population. With these there develops the division of labour, which was originally nothing but the division of labour in the sexual act, then that division of labour which develops spontaneously or "naturally" by virtue of natural predisposition (e.g. physical strength), needs, accidents, etc. etc. Division of labour only becomes truly such from the moment when a division of material and mental labour appears (1947:20-21).

At this moment, consciousness gains a certain autonomy: it will not merely reflect the conditions out of which it has been produced, but is now free to imagine conditions beyond the present.

However,

[...] even if this theory, theology, philosophy, ethics, etc. comes into contradiction with the existing relations, this can only occur because existing social relations have come into contradiction with existing forces of production; this, moreover, can also occur in a particular national sphere of relations through the appearance of the contradiction, not within the national orbit, but between this national consciousness and the practice of other nations, i.e. between the national and the general consciousness of a nation (as we see it now in Germany).

Moreover, it is quite immaterial what consciousness starts to do on its own: out of all such muck we get only the one inference that these three moments, the forces of production, the state of society, and consciousness, can and must come into contradiction with one another, because the division of labour implies the possibility, nay the fact that intellectual and material activity – enjoyment and labour, production and consumption – devolve on different individuals (20-21).

Nietzsche wants to believe both that we are ingrainedly obedient – *and* that we have the rights of a free consciousness and a free spirit. But one cannot have both. What is closer to the truth is 1. that we are not – or no longer – herd animals – *but* also 2. that we do not have any straightforward option of changing the conditions under which we live or of choosing a radically different form of life. But *within* the enclosure of these conditions consciousness has a certain freedom, and gives us a certain pliability such that on the one hand we can exercise the freedom to imagine other conditions and utopias (or supermen, for that matter) and to dream of an exit from these conditions, and, on the other hand, adapt to these conditions by consciously choosing how we will

insert ourselves into them (what career to choose, which of its rewards we want, which of its punishments to avoid, etc.). But these two functions of consciousness – the utopian-imaginary and the adaptive – are articulated with each other. We can imagine an alternative to these conditions (what Marx and Engels call ‘muck’) precisely because our consciousness is not welded to them. But precisely because it is not, we have to understand our relation to these conditions as a conscious and clever exploitation of them for what they offer us, and not merely as what turns us into obedient ants by sucking out of us our true, rampaging, animal nature.

Marx and Engels are more consistent than Nietzsche. While consciousness is never *fully* a herd-consciousness and is always consciously adapting to the conditions in which it finds itself (“at this point man is only distinguished from sheep by the fact that with him consciousness takes the place of instinct or that his instinct is a conscious one”) it nevertheless follows behind these material conditions. Consciousness will not by itself produce new conditions. The conditions, through an *internal* differentiation, themselves produce the new conditions. Marx and Engels bite the bullet of their determinism, and since there is no voice of a heroic consciousness urging us on to new conditions, the question how the camel could engender the lion (or the capitalist the communist) simply cannot arise in their case. The capitalist is shaped by her conditions as much as the communist is, and the private dreams of individual utopians are irrelevant to the march of material history because they are always in the rear-guard.

But my concern is not with the immense questions about the ability of consciousness to produce new conditions, or about how these conditions come about. Leaving aside the views of Marx and Engels (which I refer to only for this contrast with Nietzsche), the question that remains is how and why consciousness consciously and autonomously fits itself to the conditions that in fact prevail.

A Sketch of an Alternative Theory

If we give up the Nietzschean determinism of instinct or breeding, and the fatalism of sickness and health, we could nevertheless explain our compliance with social structures along the lines of a theory like that of Norbert Elias. (To leave no doubt, I am not at all under the illusion that I am presenting anything like a full-fledged theory. The point of its presence here is only to suggest how a theory could avoid the weaknesses of Nietzsche’s theoretical armature as it concerns the question of compliance with social norms.)

First of all, the scale of Elias’s theory is quite different from that of Nietzsche’s. Because Nietzsche’s polemic with Christianity looms so large, a great deal of the blame for what Nietzsche takes to be a deleterious development falls on it. But he would have some trouble accounting for the strong presence of a knightly temperament in much history since Christianity. Elias draws attention to the fact that cruelty – or what he calls aggressivity – is very present until very recently:

Whatever stage within this process of transformation may be represented by the Middle Ages, again, it may be enough to take as a point of departure the standards of the secular upper classes, the warriors, in order to illuminate the overall pattern of this development. The discharge of emotions in battle was perhaps not quite so violent in the Middle Ages as in the

earlier period of the Great Migrations. Compared with the standards of the modern age, it was overt and unrestrained enough (1978:230).

He gives many examples and concludes:

Save for a small elite, as Luchaire, the historian of French society in the thirteenth century, makes clear, robbery, pillage, and murder formed an integral part of the behavior standard of warrior society of that age, and there is no reason to believe that things were different in other countries. Eruptions of cruelty were not excluded from social intercourse. They were not socially stigmatized. Joy in the torture and killing of others was great, and it was a socially permitted delight. To a certain extent, the very structure of society pressed in this direction, making it necessary, and even seem appropriate, to behave in this manner (1978:232).

One also finds expressions of the joy of war later in the fifteenth century, “though it is a bit more restrained and less unequivocal than before” (1978:233), says Elias.

Second, since this “belligerence” coexists with Christianity, Elias says, importantly:

Religion, the awareness of the punishing and reward-giving omnipotence of God, by itself is never a “civilizing” or affect-subduing influence. Quite the contrary: religion is exactly as “civilized” as the human beings who practice it. And thus, because in this society emotions were expressed in a way we in our society can generally observe only among children, we call their manifestations and forms “childlike” (1978:238).

“Certainly,” he writes,

the knights felt themselves to be strongly Christian, and their lives were imbued with the ideas and rituals of that tradition of faith; but, in keeping with their different social and psychological situation, Christianity was also associated in their minds with a very different scale of values from that of the clerics who wrote and read books. For warriors it had a considerably different tone and tenor. It did not keep them from tasting the joys of the world; nor did it stop them from killing and plunder. That belonged to their social function, to their qualities of rank, of which they were proud. Not to fear death was a vital necessity for a knight. He had to fight (1978:235).

But why did the knight have to fight? “For the individual, the structure of this society and its tensions made it imperative: he had little choice” (1978:235). It is true that Elias too refers to “social taboos” that are “built” “into the fabric of instinctual life as self-restraints” (1978:238), but “it is *the structure of society* that requires and fosters a specific standard of affect-control” (1978:238 – emphasis added, D.M.), whether in this society or in ours. But to say that the structure of the society “requires and fosters” this “affect-control” is to say that if a person “did not hold his own in the interplay of passions, [he] might as well go into a monastery; for he was quite as lost in worldly life as one who, conversely, in subsequent society, and especially at court, would be

unable to bridle his passions, to conceal and ‘civilize’ his affects” (1978:238). The “restraint and transformation of aggression” are “fostered and made necessary by everyday life,” in what, *practically*, is required and proscribed in certain contexts. Elias’s discussion of the fact that the burning alive of cats as part of the festivities of St. John’s day – which now repels us – is instructive:

The repugnance toward such enjoyments that the mere report of this institution arouses in us – and which must pass for normal by present-day standards of affect-regulation – once again demonstrates the transformation of the personality structure. At the same time it reveals another aspect of this transformation with particular clarity: much of what once aroused pleasure arouses displeasure today. Now, as then, this is not simply a matter of individual sensations. Burning cats on St. John’s day was a social institution like boxing matches or horse races in our contemporary society. In both cases, the pleasures society affords itself are embodiments of a social standard of affectivity that encompasses all variations of the affect-patterning of individuals; and whoever steps outside the bounds of that social standard is considered “abnormal” like, for instance, someone who wanted to satisfy his desire in a sixteenth-century manner, by burning cats. This is precisely because, in our phase of civilization, the normal conditioning of people restrains the expression of pleasure in such activity via the inculcation of anxiety as self-constraint. And this is, obviously, the simple psychological mechanism whereby the transformation of people’s emotional life is effected: socially undesirable manifestations of pleasure-seeking drives are threatened and punished with measures that generate anxiety and *Unlust*. In that way, unpleasurable feelings that are socially generated battle with masked desire. It has been shown before from various aspects how in the course of a civilizing process the threshold of feelings of shame and revulsion advances. What has just been said refers to one of the mechanisms effecting this change (1978:241).

First, it is “not simply a matter of individual sensations,” i.e., of the line from which some individual descends and which determines how s/he reacts to certain things. But – second – it is important to note the precise levers (of the ‘conditioning’) highlighted by Elias: “the inculcation of anxiety as self-constraint”; “the simple psychological mechanism whereby the transformation of people’s emotional life is effected: socially undesirable manifestations of pleasure-seeking drives are threatened and punished with measures that generate anxiety and *Unlust*”; “unpleasurable feelings” “are socially generated”; the “advance” in the “threshold of feelings of shame and revulsion.”

The “nexus of social structure and personality structure” is in those everyday encounters of the individual, who must be “conditioned,” with those around him or her who meet certain expressions of “pleasure-seeking drives” with punishment or condemnation of a kind that would make one shameful about expressing such desires. At the most general level, what has to be generated is *anxiety*, as in this remarkable example:

Although Japanese mothers are unlikely to physically punish their children, they do employ a powerful means of sanctioning behavior. This takes a form that may be called “maternal

ostracism.” The mother pretends the child is no longer present, walks off, ignores any response the child may have, and through her behavior absolutely denies the child’s existence. In my four years of residing and conducting research in Japan I witnessed this drama on innumerable occasions in a diversity of locations, in my own residential neighborhood as well as in the restaurants, shopping centers, and other public places where I conducted my research. While this ostracism goes on, the child usually screams, cries, and appears desperately distraught. In many cases the mother will return home, locking a child outside of the house or apartment, where it will remain, screaming “Okaasan, Okaasan” (“Mommy, Mommy”). Since the child is defined as “nonexistent,” the mother is not really locking anyone out (Creighton 1990:298).

Whether the anxiety be of this kind or an anxiety that comes from mocking or isolation or “fear of loss of love,” or from the possibility that one will be deprived of a meal, or a job, does not matter. The point here is that nothing depends upon the setting up in oneself of a representative of authority, and we need not even talk, as Elias does, about conditioning. What are at stake are micro-encounters that give people the knowledge (be that habitual and as such conditioned, or open-eyed and as such prudential) that certain behaviours, tempting though they may be from some other point of view, are such as will arouse the condemnation, spoken or unspoken but never immaterial, of others, and in oneself the anxiety (such as Huck feels) at the prospect of engaging in them. The reference to religion or the morality of mores, or whatever, does not explain how each of us comes to have the affective structure that we do; *at best*, one is *perhaps* explaining why these particular norms come to prevail in any given society such that they then *have to be* inculcated or instilled in individuals. (I write “perhaps” because it is not clear that a reference to custom or religion explains much; if we are to explain the prevalence of certain norms, one will really have to explain why *that* religion or *that* particular set of customs comes about. Religion and mores seem to be subordinate to the particular pragmatic paths, responding to certain large-scale necessities, open to one in any given society at any given time, as Elias points out in the quotation concerning the co-existence of knightly virtues with Christianity.)

But even the words ‘inculcation’ and ‘instilling’ are misleading because what is important is not that these norms are internalised but that *there remains a certain external pressure to conform to them*. The pressure is *external* in the sense that *one does not punish oneself* but will be punished by others; but while these are external the individual has been pushed and prodded since birth so that they now feel anxiety (a first *internal* element – an element of *affect*) at what s/he now knows (the second *internal* element – an element of *knowledge*) will produce condemnation. In this sense, perhaps the best word to use here is indeed *conditioning*, as long as we understand by that not what is understood in the behaviourist notion of conditioning, but rather: a coming to be comfortable or at home with, and a being able to negotiate with and even exploit, *the conditions* of existence in a given society at a given time. The reactions of others are just one type of condition among others, another type being the various options and sanctions that structure society. In fact, the former can also be understood as further examples of the latter. Because people would frown upon certain behaviours, these become that much less available as viable options for behaviour, and just as it is prudent not to call the attention of the law to oneself, it is prudent not to call on oneself the

disapprobation of others, with all that that may imply in the form of benefits material and immaterial.

Nietzsche and Freud therefore take for internal what remains external, and even Foucault does not avoid the mistake when he writes in his discussion of the Panopticon that

it is not necessary to use force to constrain the convict to good behaviour, the madman to calm, the worker to work, the schoolboy to application, the patient to the observation of the regulations. Bentham was surprised that panoptic institutions could be so light: there were no more bars, no more chains, no more heavy locks; all that was needed was that the separations should be clear and the openings well arranged. [...] The efficiency of power, its constraining force have, in a sense, passed over to the other side – to the side of its surface of application. He who is subjected to a field of visibility, and who knows it, assumes responsibility for the constraints of power; he makes them play spontaneously upon himself; he inscribes in himself the power relation in which he simultaneously plays both roles; he becomes the principle of his own subjection. By this very fact, the external power may throw off its physical weight; it tends to the non-corporal; and, the more it approaches this limit, the more constant, profound and permanent are its effects: it is a perpetual victory that avoids any physical confrontation and which is always decided in advance (1979:202-203).

Foucault says that it avoids any physical confrontation, but he is ignoring the fact that these individuals are confined within the Panopticon. Foucault understands this as a situation in which the inmate takes responsibility for producing the effects of power himself; within the freedom left to him to act, he does not have to be constrained but himself accords with the demands of power thanks to the functioning of the Panopticon. But it is not that the inmate in this situation “assumes responsibility for the constraints of power,” “makes them play spontaneously upon himself,” “inscribes in himself the power relation in which he simultaneously plays both roles,” “becomes the principle of his own subjection.” What has to be carefully situated here is function of the presence of power; and power is present here too heavily, even if its physical weight and its corporal bearing have been shifted away from the body and to the walls of the little space that confines the prisoner, and to what might happen if the prisoner acts in inappropriate ways. The one that Foucault says takes responsibility for his own subjection is moreover “subjected to a field of visibility, and [...] knows it” (202). It is the very real *corporeality* of confinement that makes surveillance possible here, and this intermediate subjection to the field of visibility cannot be ignored, for it is here that the effectiveness of the Panopticon lies. In particular, what is known is that one is subjected to this field of visibility. What one does not know is whether one is being observed at any given point. Foucault’s emphasis, in order to make the point that the subject takes the responsibility of power on himself, is on the moment when the inmate is *not being observed but thinks he is*. If under these conditions he does what the surveyors wish him to do, however, *this is not because the power is simply absent* and contained entirely within the body of the inmate. This power is, on the contrary, present as something which the inmate thinks might well be there. It is present as invisible, as something which is not known to not be there, and the inmate must under these conditions behave as if it were quite simply there. The truth is closer to the account of the Panopticon by Foucault in a passage that immediately precedes the one quoted above.

It is an important mechanism, for it automatizes and disindividualizes power. Power has its principle not so much in a person as in a certain concerted distribution of bodies, surfaces, lights, gazes; in an arrangement whose internal mechanisms produce the relation in which individuals are caught up. [...] There is a machinery that assures dissymmetry, disequilibrium, difference. Consequently, it does not matter who exercises power. Any individual, taken almost at random, can operate the machine [...]. The more numerous those anonymous and temporary observers are, the greater the risk for the inmate of being surprised and the greater his anxious awareness of being observed. The Panopticon is a marvellous machine which, whatever use one may wish to put it to, produces homogeneous effects of power (1979:202).

It is the arrangement, the mechanism, or the structure, that produces the effect of compliance. The law is feared since the possibility of detection is always open, and what gives the impression that the prisoner takes all the work of the law on himself is the fact that the operators of the Panopticon never have to work or even be there. But in fact, the apparatus makes the law, not absent – such that the prisoner takes the work of the law on himself – but *omnipresent* in its invisibility. The work of the law is performed by the apparatus, including those who might be watching, for they sometimes have to be watching in order that one thinks they might be watching all the time. The subjection of the prisoners is the result of a certain arrangement of the world and *not of an alteration in the desire of the prisoner*. That desire, which is in general to elude the law as far as possible, has remained effectively the same. That is, if the prisoner or schoolboy was at some point assured that there was no one watching, he would no longer act according to the law.

A noteworthy aspect of Elias's theory is that the process is easily reversible, and so it is better to talk of compliance than of internalisation and even of inculcation. Since these punishers *remain external*, once that pressure is lifted, it is not hard to revert to more original forms of behaviour, those that Elias refers to above as “masked desire” – that is, desire that has not been erased or supplanted, but that one does not act on and that one hides from others by not letting it come to expression.¹¹⁶ (But while the pressure is there it is easy to fall into thinking that the subject behaves as it does *all by itself*, and that the cage has been taken inside, as with Red Peter, when in fact it has not been.)

This account of why it is we come to dread, or fear, or have anxiety or shame about, the specific things that we do, would be different from Nietzsche's in that we need not think of it as a “burning in” of particular “‘No's’,” but would concentrate our attention on the personal relationship to *all* those figures whose reactions we care enough about that we dread the possibility of evoking in them the disapprobatory reactions that cause anxiety in us. That recalls Freud, of course, except that it would not be a matter of parents or even of our earliest caregivers, but would include even those that we learn to respect in the course of becoming familiar with their achievements or the meaning of their achievements (an important physicist, for instance), or those that we “want to be like,” as Freud (PFL 2, 95) glosses one of the modes of identification. It is not a matter of *love* exactly (or sex, whether one understands love as a modification of sex, or not), but rather of *recognition* in the broadest sense: those we recognise are those whose negative reactions we dread,

whether that is because we have some emotional attachment to them (“fear of loss of love”), or simply because they are *positioned* in such a way that they can mete out punishment or goods (from play-dough to books to good fortune to liberty). There need be no internalisation in the sense of the “setting up” of phantoms of *particular* figures as punishing agencies – superegos – in the psyche.

CHAPTER SIX

Siding against Oneself

In this impatience and this love, however, there turns up again that fanaticism of the *lust for power* which was in former times inflamed by the belief one was in possession of the truth and which bore such beautiful names that one could thenceforth venture to be inhuman *with a good conscience* (to burn Jews, heretics and good books and exterminate entire higher cultures such as those of Peru and Mexico). [...] [What] one formerly did “for the sake of God” one now does for the sake of money, that is to say, for the sake of that which *now* gives the highest feeling of power and good conscience.

– Nietzsche, *Daybreak* 204

In this chapter, I examine the theory of the origin of the bad conscience as the instinct for cruelty turned against oneself in the proto-state. In broad outline I argue that the theory of bad conscience as instincts turned against oneself is incoherent, that we have not understood the nature of guilt if we assimilate it to a bad conscience, and, drawing on Chapter 4, that a distinction between the two is needed. One can have a bad conscience about the kind of negative reactions I have discussed in the previous chapter: anxiety, shame, dread, fear. That is, if I consider doing – or have *in fact* done – something that might well bring punishment (or mere condemnation, or dishonour) on myself, I can have a bad conscience; my consciousness is troubled by the prospect of these reactions, and it is in this sense not ‘clean’ or ‘clear’. But these – anxiety, shame, dread, fear – do not amount to feeling guilty.

Instincts that Turn against You: Nietzsche’s *Tierpsychologie* (*Genealogy* II:16)

My reading of section 16, which gives us Nietzsche’s “hypothesis concerning the origin of the bad conscience,” will be framed by Nietzsche’s indication in the third essay of the *Genealogy*, in section 20, that the origin that he gives in the second essay for the “*Schuldgefühl*” is “a piece of animal psychology (*Tierpsychologie*), no more: there we encountered the sense of guilt in its raw state, so to speak. It was only in the hands of the priest, that artist in guilt feelings, that it achieved form”; and he says in section 22 of the second essay that

that will to self-tormenting, that repressed cruelty of the animal man made inward and scared back into himself, the creature imprisoned in the ‘state’ so as to be tamed, who invented the bad conscience in order to hurt himself after the *more natural* vent for this desire to hurt had been blocked – this man of the bad conscience has seized upon the presupposition of religion so as to drive his self torture to its most gruesome pitch of severity and rigor. Guilt before *God*: this thought becomes an instrument of torture to him.

If the development described in section 16 is therefore only a start, but a start nevertheless, it is necessary to examine it as the all-important origin, and to determine what it is *before* it is supplemented by god and religion, and *before* it becomes a tool in the hands of the ascetic priest.

Section 16 tells us that these savages, *not being able to vent* their instincts on others, turn them upon themselves. There are thus *two* aspects of this *Tierpsychologie* that we have to pay attention to.

The *first* is the claim that the venting of our instincts *becomes impossible*.

The *second* (a consequence of the first aspect) is that these instincts are *turned against their possessors*.

It is the second claim that attracts our attention, but the first claim is as important as the second, and raises an immediate and serious problem.

These people are not in the position of Red Peter, who is in a cage and therefore *simply* cannot 'vent' his 'instincts' on others, because he literally cannot touch them. Nietzsche's people by contrast are surrounded by other people, and nothing prevents them from hurting others, and if they do not vent their instincts on others, it must be because *they stop themselves*. But Nietzsche says that their instincts turn against themselves as *a consequence* of their not being able to be vented on others. But since this inability is not like Red Peter's, they turn against themselves in this very act by which *they stop themselves* from hurting others.

This important moment of the becoming-unable, as the cause of the turning against oneself (that makes humanity a spectacle worthy of the gods) is a moment passed over by Nietzsche in his dismissal of contractarianism in general. There is a deeper reason for this than merely a disagreement with Rousseau or a disbelief of contractarianism. It is important to bear in mind that we still remain at the level of the *Tierpsychologie*. What differentiates this psychology from what comes later (in history) is that at this level there is as yet supposedly *no relation* to ideals. At this early stage, there is just an animal with instincts, the unavailability of the usual vent, and a turning selfward of the instinct, just because it needs somewhere to go. But what an attention to the question of impossibility shows is that since there is not a simple physical impossibility as in Red Peter's case, this has to be understood as a *stopping oneself*, and for that one needs a story about *motivation* that would explain why one would *stop one's own instinct* from having its natural vent, when, now that these people have been thrown together in the state, the availability of that natural vent is *greater than ever before*. Explaining that would make it impossible to remain at the level of a psychology of animals.

This refusal to think through the problem of obedience (that strikes Rousseau and other contractarians as worthy of consideration) leads to a serious tension in Nietzsche. On the one hand, precisely where he expresses his contempt for contractarianism, in section 17, he says that these semi-animals have no relationship to the state as such, and, indeed, that the "state" is no more than a pack of beasts who have a genius for creating power formations. *On the other hand*, he speaks of

promises, and the entire thrust of the second essay is directed towards the problem: “To breed an animal *with the right to make promises* – is not this the paradoxical task that nature has set itself in the case of man? Is it not the real problem regarding man?” (GM II:1). He writes: “With the aid of such images and procedures one finally remembers five or six ‘I will not’s,’ in regard to which one had given one’s *promise* so as to participate in the advantages of society” (GM II:3). And: “[The] lawbreaker (*Verbrecher*) is above all a ‘breaker’ („*Brecher*“), a breaker of his contract and his word *with the whole* in respect to all the benefits and comforts of communal life of which he has hitherto had a share” (GM II:9).

But *to whom* do they give their word if there is no relationship to the state? And if they do give their word, on the basis of a calculation such as Rousseau (1973:178) puts before us in *The Social Contract* (in exchange for the advantages of society, one gives up one’s freedom), then they have stopped themselves. And if they thus stop themselves, then we do not need *the subsequent development* to understand how we come to oppose ourselves: we oppose ourselves just when, in an everyday situation of prudence, such as would have faced even our most primitive ancestors, we oppose our desires for the sake of some benefit that we would not receive if we did not oppose them. Roughly speaking, in the scenario of a promise, these semi-animals would stop themselves from hurting others because they would otherwise get hurt (by the state) themselves. But for that, they need to have a relationship to the state, in the minimal sense of recognising it as a structure of power built on a foundation of laws (or whimsical commands for that matter) requiring compliance, and as an institution that inflicts pain or deprivation on the non-compliant.

Now one might say that they refrain not because they promise but because the state *moulds* them through *punishment*, burns in the requisite no’s. If this were so, 1. they would initially *not* refrain; and, 2. once moulded *they no longer have the capacity to act criminally*, and refrain simply because they *no longer want* to hurt others, because the relevant aggressive instincts have been quieted and there are therefore no such instincts to turn against themselves. *Ex hypothesi*, the law wants them to refrain from violence against others, and if it moulds them in its image then they *should not want* to do violence to others – and, consequently, should no longer even have any violent desires to turn against themselves. So if we take this hypothesis of moulding seriously, either they at first *do* turn their instincts on others and *not on themselves*, and *are* punished, or they have been moulded and *cannot* turn their instincts *either* on others *or* on themselves.

There could however be a second answer, from “difficulty of obedience.” Nietzsche writes:

Who is the most moral man? *First*, he who obeys the law most frequently: who, like the Brahmin, bears a consciousness of the law with him everywhere and into every minute division of time, so that he is continually inventive in creating opportunities for obeying the law. *Then*, he who obeys it even in the most difficult cases. The most moral man is he who *sacrifices* the most to custom: what, however, are the greatest sacrifices? The way in which this question is answered determines the development of several divers kinds of morality; but the most important distinction remains that which divides the morality of *most frequent obedience* from that of the *most difficult* obedience. Let us not deceive ourselves as to the motivation of that morality which demands difficulty of obedience to custom as the mark of

morality! Self-overcoming is demanded, not on account of the useful consequences it may have for the individual, but so that the hegemony of custom, tradition, shall be made evident in despite of the private desires and advantages of the individual: the individual is to sacrifice himself – that is the commandment of morality of custom (*D* 9).

Here it is not precisely fear of custom but rather a certain need for *self-overcoming* that motivates one to *seek out, create*, occasions for asserting the hegemony of custom against and in spite of one's own individuality.

Such a response to the question (concerning the becoming-impossible of the venting of instincts) is strange because if such a thing as *an urge to self-overcoming* were indeed in place *ab ovo*, then in order to create a collective of individuals who would obey the law, all one would have to do would be, having brought them together, to propound the law. Then, egged on by this drive to overcome oneself, one would be obedient whenever one could even if one did not have to, one would be more obedient than the law demanded and would crave to be a lawmaker not for the pleasure of making law but so that one could have the *opportunity* of being subject to them. Here it is not that venting one's instincts on others is impossible but rather that one would simply rather overcome oneself (by affirming the hegemony of law or custom over oneself) than hurt others. In that case there is *no question* of instincts that one wants to vent on others (but can't, etc.). Nietzsche says that this ethic of difficulty of obedience demands self-overcoming "so that the hegemony of custom, tradition, shall be made evident in despite of the private desires and advantages of the individual." If some such psychological need were in place, one could ensure obedience by merely giving someone a command.

Nietzsche here explicitly denies that this obedience is based on prudence, which he usually associates with utility and the advantage to the individual, but none of the alternative explanations seems to be very useful in understanding why people stop themselves from harming others in the proto-state.

By prudence I mean any calculation based on one's interests (above all the interest of not getting hurt), and whether the fear is a fear of the punishment of the civil state or a supernatural or divine punishment, prudence is at issue. When, as in the following quotation, Nietzsche says that there is a superstitious fear in the obedience of the morality of mores, therefore, that is not a different *kind of thing* from, say, the fear of imprisonment by an earthly power:

What is tradition? A higher authority which one obeys, not because it commands what is useful to us, but because it commands. – What distinguishes this feeling in the presence of tradition from the feeling of fear in general? It is fear in the presence of a higher intellect which here commands, of an incomprehensible, indefinite power, of something more than personal – there is superstition in this fear (*D* 9).

Fear of a higher intellect, or of an "incomprehensible, indefinite power," superstitious fear, is, nevertheless, fear.

If we take this answer from prudence seriously, we would have to give up Nietzsche's insistence that these men and women have no relationship to the state as such: they must at least recognise it as an inescapable tyranny with the power to punish them, and they have to be prudent enough that they can calculate that certain behaviours should be avoided if punishment is to be avoided.

This would however still allow his theory to remain anti-contractarian, since no-one has agreed to live by the rules of this state. One simply refrains from hurting others because one has no choice. But for that reason one should also not talk of a *promise*, since one hardly talks of having made a *promise* when one does something out of fear for the consequences of not doing it. A promise does not require threats, and if there is a threat there does not have to be a promise. We should say instead and more clearly that in this scenario there is a threat of, and a fear of punishment, and (given that they cannot escape) these people must obey the laws if they wish to avoid punishment. In that case they *do* want to hurt others, but they refrain because, if they did, they would cause something to happen which they wish to avoid.

But Nietzsche cannot make use of such an explanation if he is committed to the view that we turn our instincts against ourselves when we cannot, and because we cannot, vent them on others. For if one stops oneself from hurting others out of prudence, and our turning our instincts on ourselves is thus explained by a fear of punishment (supernatural or earthly), one will have accounted for our hurting ourselves by a fear of hurting ourselves. That is, if they refrain out of fear of punishment, they would also not hurt themselves, simply because what they fear in punishment is that they get hurt.

But, one will object, we do not have to believe that, *as soon as corralled*, these people, being afraid of punishment, turned their instincts against themselves. Obviously, they probably did hurt others – and *only eventually* did they come to refrain, and only *now*, after a long history of punishment, do they turn their instincts against themselves.

Our options here are as follows: 1. They *become habituated* to custom/laws (and now refrain, and hurt themselves); or 2. They learn, precisely *through punishment*, that they will be punished, and so refrain.

But if we choose the first option, then we have to explain what habit or habituation means. What would one have to be such that one refrains out of habit? One thing it can mean is that one refrains because the desire to hurt others has been extirpated (assuming that such a thing is possible). (This is analogous to basing the capacity to promise on an inability to do otherwise once any interfering instincts have been extirpated, which I considered in the previous chapter.) But if that is the case, then there are no longer any criminal desires, and consequently, no instincts to turn against themselves. As long as they do not refrain from hurting others, they do not turn their instincts on themselves, but when these desires have been extirpated, they can turn them neither on others nor on themselves. They simply do what the law says, and are happy doing that.

If it is not a question of extirpating certain desires, but of a *positive training* to perform in accord with the desires of the state, then one would have to focus on learning, something that Red Peter

makes more of than Nietzsche. It is important here that one mean something determinate and strict, and not merely what is suggested when Nietzsche talks about *creating a memory*, of *remembering* what the state demands. (The locution: “burning in no’s” is less determinate, but can well be read in this fashion.) If this is understood strictly as memory-training, all that the mere *memory* can establish is that one *knows*, or has vividly before one’s mind – so that one is less liable to overlook it – the certainty that if one hurts others one *will* be punished. Such memory-training cannot by itself get us to *refrain from doing* what is known to be illicit.

If this memory-training is all that Nietzsche means, then we return to prudence, and the shape of consciousness is now that although one *knows* that one will be punished, one still *wants* to do what would get one punished. (It is doubtful, though, that punishment is necessary for making one less liable to forget the laws and customs; even children have enough strategic nous to be able to infer that a certain behaviour should be avoided even when they have merely seen someone else being punished for it.) But if it means something more than merely a better memory, something like the development of an automatism, a kind of reflex behaviour given some stimulus, then one must also say that after this kind of learning, one can, like Red Peter, no longer simply return to the old ways. That is, one must be careful to distinguish such automatism from prudence, i.e., from a mere knowledge that the costs of a certain behaviour are high, for on the prudential picture nothing prevents one from engaging in that behaviour as long as one judges that the cost is worth it. For example, it is not clear whether the present writer or reader is *habituated* to not killing, *or*, as Elias is quoted above as saying, “socially undesirable manifestations of pleasure-seeking drives are threatened and punished with measures that generate anxiety and *Unlust*,” so that, thanks to our knowledge either of the official state sanctions or of the much more pliable but more immediate inter-personal pressures, we do not kill, or maim, or, for that matter, shoplift. (Elias says “threatened and punished”; but if we are punished, we *have* done one or some of these crimes, and therefore, for the purposes of the present argument, it is of course *the threat* that counts and not the actual punishment.) It seems to me that none of us is as paralysed as we should, strictly, be if we were trained into an automatism: one *can* steal or maim and even kill, *when one has to* (that is when the costs of *not* doing so are too high), as is proved everyday even in advanced liberal democratic countries.

In any event, if what is relevant here is learning, then it seems that the presupposition of Nietzsche’s ‘hypothesis’ is Kafka’s story, in which it is taught that learning itself makes it necessary to stand over oneself, and to give oneself pain. *Learning itself* is understood as a taking sides against oneself (one’s ape nature), since, in order to learn, Red Peter stands over himself with a whip.¹¹⁷ Therefore the process by which one eventually gets into the position that one begins to vent one’s instincts upon oneself requires, since one must learn, a situation in which one ‘vents one’s instincts on oneself’.

And while Red Peter does not give us much information, there is a passage that, though easy to miss, is one of the most important and luminous of the story. “It was so easy to imitate these people,” he says.

I learned to spit in the very first days. We used to spit in each other's faces; the only difference was that I licked my face clean afterwards and they did not. I could soon smoke a pipe like an old hand; and if I also pressed my thumb into the bowl of the pipe, a roar of appreciation went up between decks; only it took me a very long time to understand the difference between a full pipe and an empty one (255).

Unlike the schnapps bottle, the pipe is not repugnant. It poses a different kind of obstacle. It is an implement belonging to a practice, a way of life even, that Red Peter does not yet understand. In a certain sense of learning, he can easily learn to smoke a pipe, that is, imitate the motions, and even the reactions, of pipe-smoking. But he will continue to smoke a pipe without tobacco. In order to know when to stop and when to start, one must not be merely trained or have one's memory trained, nor must one merely mimic: one must understand the practice, just as one must have at least a crude understanding of why killing is prohibited, when it is prohibited, and not such an automatic tendency to refrain from killing that one does so even when an assailant is coming at you with a dagger. One must in short understand the conditions under which it would hurt you to kill, and those under which it would hurt you not to kill, like the nobles Nietzsche describes in the first essay of the *Genealogy* who are *on one hand* "held so sternly in check *inter pares* by custom, respect, usage, gratitude, and even more by mutual suspicion and jealousy" but who on the other hand "once they go outside, where the strange, the *stranger* is found," "are not much better than uncaged beasts of prey. There they savor a freedom from all social constraints, they compensate themselves in the wilderness for the tension engendered by protracted confinement and enclosure within the peace of society" (*GM* I:11).

I have been arguing that the moment, crucial to Nietzsche's account, in which it becomes impossible to 'vent our instincts' on others, is not to be passed over lightly and is difficult to make sense of if he maintains that it is not a contractual moment, that it is not prudential, that these savages have no relation to their captors/the state, and if his view of breeding/burning-in of No's/training is to be taken seriously. We could consider this moment of the becoming impossible a result of the inculcation of an automatism or as memory-training, but automatism would leave these creatures without any desire to act illegally; and memory-training would merely get them into the position of knowing – as we too do – that certain behaviours which they would like to engage in, lead to pain. In the first case, they are mere machines, and in the second case they are equivalent to the citizens of a liberal-democratic state. If the automatism makes it impossible to hurt others by removing the instinct to get pleasure from making-suffer, then they would have no such instincts to turn against themselves. If they are memory trained, the scene reduces to a prudential calculation; and if they now refrain from prudence, they would be refraining from a fear of punishment, i.e., a fear of being hurt – and it would then be strange if they hurt themselves in compensation.

Nietzsche's view is not, and apparently *cannot be*, as anti-contractarian as he would like to think, and something more sophisticated is required to make sense of this moment than an 'animal psychology' in which energy will go in another direction as soon as it is prevented from taking the usual route. What is required is an understanding of a way of life, such as Red Peter must have if he is to be able to smoke a pipe.

The Dialectic of Prudence

Nietzsche himself says that punishment is the worst thing for instilling a bad conscience. I defended that thesis independently in the chapter on the Greeks, and believe that it captures an important truth, and in the present context what it points to is that the situation of prisoners is homologous with the situation of those corralled in the proto-state. But if the former do not develop a bad conscience, whether for the same reasons that Nietzsche gives or for those that I have advanced, why should we believe that the latter would? It is true that the prisoners are *already suffering* their punishment, while the corralled animals are merely *threatened*. But I have argued that punishment decreases guilt (not for Nietzsche's reasons but) either because actual punishment makes guilt (i.e., the felt need for punishment) superfluous, or because, even when one is not actually being punished, the *threat* of punishment makes it unnecessary for one to call punishment on oneself.

Nietzsche himself masterfully sketches the dialectic of punishment and prudence:

If there existed any criticism of the deed in those days, it was prudence that criticised the deed: the actual *effect* of punishment must beyond question be sought above all in a heightening of prudence, in an extending of the memory, in a will henceforth to go to work more cautiously, mistrustfully, secretly, in the insight that one is definitely too weak for many things, in a kind of improvement in self-criticism. That which can in general be attained through punishment is, in men and in animals, an increase of fear, a heightening of prudence, mastery of the desires: thus punishment *tames* men, but it does not make them 'better' – one might with more justice assert the opposite. ('Injury makes one prudent,' says the proverb: insofar as it makes one prudent it also makes one bad. Fortunately, it frequently makes people stupid.) (*GM* II:15).

Nietzsche has just referred to Spinoza, who, in answer to the question what "had become of the *morsus conscientiae*?" once "good and evil" had been "banished" "to the realm of human imagination" – answered: "the opposite of *gaudium*, [...] a sadness accompanied by the recollection of a past event that flouted all of our expectations" – and Nietzsche has just pointed out that those punished for their transgressions have felt "for thousands of years" just as Spinoza says:

'here something has unexpectedly gone wrong,' *not*: 'I ought not to have done that.'

What remains or has become of the conscience beyond good and evil is merely a "sadness" (*Traurigkeit*) that one's "expectations" were "flouted," that is, in short, *not guilt* but the lamenting of one's bad fortune; not *the act was bad* (a moral judgement), but *how irritating that I was unsuccessful*.

But there is a contrast in an earlier section between previous times and now:

[...] in the days when mankind was not yet ashamed of its cruelty, life on earth was more cheerful than it is now that pessimists exist. The darkening of the sky above mankind has deepened in step with the increase in man's feeling of shame *at man*. The weary pessimistic glance, mistrust of the riddle of life, the icy No of disgust with life – these do not characterize the most evil epochs of the human race: rather do they first step into the light of day as the swamp weeds they are when the swamp to which they belong comes into being – I mean the morbid softening and moralization through which the animal “man” finally learns to be ashamed of all his instincts. On his way to becoming an “angel” (to employ no uglier word) man has evolved the queasy stomach and coated tongue through which not only joy and innocence of the animal but life itself has become repugnant to him (*GM II:7*).

Now “man” *feels shame* “at man,” at “all his instincts.” But it is nevertheless *not* the case that there is no longer any pleasure in suffering:

Perhaps the possibility may even be allowed that this joy in cruelty does not really have to have died out: If pain hurts more today, it simply requires a certain sublimation and subtilization (*Sublimierung und Subtilisierung*), that is to say it has to appear translated into the imaginative and psychical and adorned (*geschmückt*) with such innocent names that even the tenderest and most hypocritical conscience is not suspicious of them (“tragic pity” is one such name; “*les nostalgies de la croix*” is another).

The “hypocritical conscience” – unlike the olden day “conscience” that “cordially [*said*] *Yes!*” to “disinterested malice” (section 6) – that is, the conscience that was *untroubled* by the exercise of this malice – is that which, after a long history of punishment, has ultimately come to be ashamed of its instincts, for instance the instinct that takes pleasure in cruelty. It therefore flinches at cruelty, *most* cruelty, *unless* it has the disguise or prettification of a more sublime, spiritualised or subtle form.

Either punishment *has not* bred a conscience in us (for it makes us bad) – or, punishment has had the effect of shifting our badness to forms of cruelty in which cruelty is less evident. Either way, we are *still bad*, as we must be if the desire for the sight of suffering is as fundamental as Nietzsche claims and argues that it is. But in the second case, in which we are not overtly cruel but are cruel nonetheless, our prudence (the *hypocritical conscience*: the conscience that publicly objects to cruelty but secretly loves it, or that objects to too obvious forms of cruelty and favours cruelty of a less explicit type), does not allow us *to admit to* any pleasure in cruelty, but, remaining bad, can only take a pleasure in a form of cruelty that is not recognised in general as cruelty and thus leaves us free to enjoy it in a public festival of churchy or arty *jouissance*. Here shame means: disguising our pleasure but *taking* it just as before, even if we have less of it. Here the hypocritical conscience is a conscience conscientious enough to hide its pleasure in evil.

But such a conscience by no means has to be a conscience that has internalized certain no's, or that is really ashamed of its own cruelty. It merely, *prudently*, like a good thief, acts, as Kant says, *in accordance* with a moral intention, but not *for the sake of* any moral intention: one tells the truth (for instance) not because one wants to be truthful, and thus moral, but because one does not want

to *look* immoral. Even the Nazis were *conscientious* enough in this sense, when they hid the truth about the concentration camps. We have no reason to think that they had any further pangs of conscience once they knew that in secret, between themselves, they had the freedom to do all they wished.

The bad conscience here amounts to no more than a worry about the envisioned contingency of *getting caught*. To say that we have a bad conscience about the *Yes!* we *still* say to cruelty is only to say that we cannot *publicly* confess this joy. You want to do what would lead to trouble if you were caught (selling drugs, say), and you *also* want to do what you *could not* do if you were caught and, say, thrown into prison. Your conscience is a consciousness of and a sensitivity to the negative consequences of the negative reactions of the state and others, which would deprive you of certain desirable opportunities, and so you act in secret when you can, or you disguise your pleasure in forms acceptable to others. Between those semi-humans and us, the (external) world has certainly changed, but we are *internally* no different from them. To the extent that there has been any work on the soul, we have, first, become *more familiar* with the conditions of life in a state, and second, we have become more cunning and more watchful about what kinds of cruelty we take pleasure in, and have developed a greater skill for exploiting the remaining loopholes for cruelty. But *against ourselves*, we have *definitely not* taken sides.

Consider Huck. We understand well enough what he is suffering – a certain dread of the law, or of the negative reactions of those for whom runaway slaves are felt to be unnatural and improper. It is in general *a fear*, be it Freud's fear of loss of love, or something broader than that. (In fact, in the book Huck *also* feels guilt, properly speaking, but I will get to this later.) But the very fact of *fear* (of the law's punishment, or of the condemnation of others, etc.) means precisely that the law *has not been internalized*: one's desire does *not* coincide with that of the law since one wants to do what the law does not want, and for that reason one fears its reprisal. There is the law – *outside* – and one's desire is to save Jim (even if, especially if, as in Huck's case, this is not something clearly formulated and experienced over and above simply enjoying Jim's companionship), and one fears the law as this alien and hostile outside in the face of which one can either escape or reluctantly surrender.

One would like both to save Jim *and* to obey the law or please one's white, slave-keeping friends, or one might wish, as Kafka does, that the law would just let you save Jim or that your friends would simply forgive you for acting so strangely. That is, there may be no *single thing* that one desires – and perhaps, in the case of the human animal, *there never was*. (As La Rochefoucauld says, "Often what prevents us from giving ourselves up to a particular vice is the fact that we have a number of them" [V:195] [2007:55].) Why should one not, after all, want to save Jim, this specific and circumstantial being whom one loves, and whose company one enjoys, and at the same time, *without* loving the law or feeling any loyalty to the prevailing customs, have enough of an eye on one's own interest that one wishes to preserve oneself from the reprisals of the law or the class or race that determines the conditions of one's existence? In that case, we have an everyday situation that no amount of training (in racism, but that is one example among others) can exclude entirely. In this form, the question is simply a matter of a moral conflict, or, indeed, a conflict of desire or appetite, and prudence (such as has been recognised at least since Plato). Perhaps the

notion of some primal, animal desire of a certain type that goes in *one necessary direction* (it would be thoroughly egoistic, for example), unless acted upon by other forces, is a myth, and the truth is that we are at any given time much more flexible in our wants and ends than Nietzsche's instinctualism allows, so that a bimillennary (or longer) *training* would not be a necessary requirement for our coming to have certain new desires. We would have no need of a reference to a psychological or behavioural determinism to explain why one respects the law (without having any reverence, in Kant's sense, for it), only a reference to prudence – Huck's concern for his own well-being – versus a certain affection for his friend that, as we saw above, is strong enough that it cannot be trumped easily.

But furthermore, we see that one can have a bad conscience even in a very simple, and merely prudential, situation. Huck has a bad conscience about saving Jim. I can have a bad conscience about whether I left the stove on or not. It is not a particularly involved phenomenon that we are talking about here. As long as, given something one has done or is doing or plans to do, one has reason to fear something (harm, reprisal, punishment or some other pain, ostracism, loss of love, shame or embarrassment, etc.); on account of what one has done in combination with what one fears, one has a bad conscience. If one is ashamed of it; and even if one merely has reason to regret it because it turned out unhappily, as in the case of Spinoza's *morsus conscientiae*, and one wishes one had spent one's energy in some more productive way, a bad conscience as fully fledged as one may wish is in place. The last example is an important one, because it does not require any morality: Spinoza (according to Nietzsche) is imagining a case that is beyond the categories of good and evil. In that sense, one can also have a bad conscience about a debt one owes, irrespective of morality, just because one feels it as a weight on one's consciousness, just as it is described in this passage from *Proverbs* (6):

My son, if thou be surety for thy friend,
if thou hast stricken thy hand with a stranger,
thou art snared with the words of thy mouth,
thou art taken with the words of thy mouth.
Do this now, my son, and deliver thyself,
when thou art come into the hand of thy friend:
go, humble thyself, and make sure thy friend.
Give not sleep to thy eyes,
nor slumber to thy eyelids.
Deliver thyself as a roe from the hand of the hunter,
and as a bird from the hand of the fowler.

This is why Nietzsche can speak of those who take an open and merry pleasure in being cruel to others as having a good or clear conscience (see for example *D* 204, or *GM* II:6). It is not that they think it is morally good (or that they are in favour with their superego, for that matter). They are simply *unworried* and *carefree* about their cruelty, untroubled by the trouble they cause precisely because no-one is troubled by it (except the sufferer, who does not matter to them) and they therefore have no reprisals to fear.

No doubt, the kind of worry at stake can be a very complex thing, depending on *what* one thinks is the agent of the reprisal: I may have a bad conscience because I have an extremely complicated Schreberian metaphysics and I think the rays will torment me for being stupid; but that is not *structurally* different from having a bad conscience when I am in doubt about whether I took my antibiotics today.

What Huck wants is to help Jim; the prudential calculation has to do (in the passages I have so far quoted) with an external pressure – custom, as it influences the reactions of Huck’s compatriots in certain ways and thus as it materially affects Huck, together with the laws against aiding runaway slaves, and if these were suddenly to fall away, Huck’s prudential problem would simply disappear.

The Diabolization of Instincts

One’s instincts do not simply turn against *oneself*, as in Nietzsche’s story: they turn against something that one now must come to consider antagonistic to oneself even if at first they are not other and are even essential, as in the story of Red Peter’s having to suppress his ape nature because he would otherwise have remained in the cage. This part of oneself is now considered something that works against one’s own interest: if one acts on these instincts as before, they will *bring* punishment, and that which *wishes to avoid punishment* must therefore act against these instincts. *But it is not oneself that diabolises these instincts.* They are diabolised because they are antagonistic to those (the state, the blonde beasts, one’s indignant compatriots, the priest who wants to keep the peace of his flock, one’s parents) who give themselves or have the right to judge or punish, and one’s instincts become evil *to you* because they *betray* you into the hands of these powers (or in Red Peter’s case, keep you unreconciled to them).

For Nietzsche these are still *one’s own* instincts, and *you* turn them against yourself for lack of another victim. But what is really happening is that the part of oneself on which you turn – which is not exactly an *instinct*, but *whatever* makes you an enemy to the authorities, be this a desire for cruelty or a preference for non-realist literature – has *been turned* against you by the punishers and condemners, who thereby make that part of you an enemy to yourself. But it is also important, and not Nietzschean, that you, and not your instincts, thus turn against *a part of* yourself, *not* because you find in yourself a *new target of assault* now that the old ones have gone, i.e., not just because you *must* have *someone* to hurt; on the contrary, you would always hurt *another* and, if there is pleasure in suffering, it is a pleasure in suffering only because it is the suffering *of the other*. Rather you turn against ‘your instincts’ because otherwise, under these conditions, they – that aspect of you which the authorities diabolize – would cause *you* to suffer. (And as I have already argued, you do not hurt yourself out of fear of getting yourself hurt by the authorities.)

This is now perfectly homologous with the story Nietzsche tells about what is supposed to be a *development* of the story of the confined humans. In that development, from the point of view of which the story of the confined humans is “a piece of animal psychology,” the ascetic priest says to his ward: you are the cause of your suffering (GM III:15). That is, something you have done, or something you are, is being punished by your present suffering. This is, according to Nietzsche,

the moment at which the bad conscience reaches its most extreme development. I will dedicate a more detailed analysis to this, and for now wish only to note the homology: here it is your evil nature (or action) that is the cause of your suffering.

But the difference between this case and a case of punishment by the state is that in the case of the state one knows that the suffering will be deliberately brought on by those who wish you to behave in a certain way, while in the case of the person advised by the ascetic priest, their suffering (of whatever kind: headaches, the gout, or whatever) is the effect of a deficiency of soul in a universe organised according to the moral law of a divine or poetic justice. In the case of a cosmic punishment the punishment will descend as a matter of fate or *karma* or the judgement of god; in the case of the punishment of the state, it is in virtue of the multiple interventions of police, lawyers, courts, judges, etc. In either case, a feature of the individual becomes something that, as the cause of their suffering, becomes inimical to him or her. Your instincts *are turned* on you by those who put punishment in place (even if that punishment is divine), and when the priest says to the suffering member of his flock, “You alone are to blame for yourself,” that is true to the extent that what pushes him towards doing something that calls for punishment is a part of him; but in so far as what causes his suffering is not these instincts *as such* or by themselves, but a divine or cosmic retribution quite independent of the member of the flock, he is *not* to blame for it.¹¹⁸

Another difference between this cosmic or divine punishment and the punishment of the state is in the relation between the cause (the punishing agency) and the effect (the suffering). In the case of the state this relation is real or at least verifiable, while in the case of cosmic or divine punishment it is not. But this is not a difference that makes any difference, since one can also get someone to deplore their instincts even in a secular case in which one gets them to believe falsely that they will be punished for them. So the doorkeeper in “Before the Law” apparently convinces the man from the country that the other, possibly non-existent, doorkeepers are fearful enough that his desire to enter the door should be suppressed. The manoeuvre of the ascetic priest is entirely independent of the notion that one turns one’s instincts against oneself when one is deprived of one’s usual victims. It looks like a special case only because it depends on *a calculation with invisible variables*, but it is in fact a calculation like any other. If the suffering person wishes to be free of suffering, then, since the invisible powers will punish him for exercising his instincts, he should refrain from exercising them. And if in the extreme case he is made to believe that not the *exercise* of his instincts but *his instincts as such* are the reason why he is punished, the game is changed only to the extent that there is now little he can do to avoid the punishment. But in the very significant historical analogues to this situation, in which people became and still become the victim of the law on account of a certain colour or nationality or gender, *if* they turn against these characteristics, this would not have required the long preparation of confinement and the morality of mores, since the present oppression would have been sufficient. But of course people mostly (even in extreme conditions) *do not* turn against these features in fact; rather they turn against the law or against those who make these features an excuse for oppression. Nietzsche claims that the ascetic priest uses this strategy to direct the aggression of the suffering person away from other people and against himself instead. The mere fact, however, that this member of his flock *initially* turned his aggression or *ressentiment* toward another means that the long training in turning against himself had not worked after all, and the example would therefore only show that what

matters is *what is believed* about where the blame falls. But that is a manipulable variable depending entirely on the persuasiveness of the priest or the gullibility of the member of the flock; nor has it proved impossible, when desirable, to persuade Christians that the blame for their suffering lies with someone else.

Because Nietzsche seems to believe that what is required for the revaluation of values is a *self-overcoming*, these values have to be understood as inhering in the very body of those who do not want to create something beyond man, of those anarchists and communists in whom a herd mentality or morality has been bred, just as, once, there were those innovators who had to fight their own desires to create something that offended against the old customs. But that is too deterministic a picture. If Nietzsche had lived to see the holocaust, for instance, he would have to have been less pessimistic about how ingrained Christian values are, for one sees in that instance, in a manner that was *perhaps* not visible in the nineteenth century (to give Nietzsche the benefit of the doubt), how easily people can abandon a long history to act in ways that we find it hard to believe even after the fact. But on a deterministic picture like Nietzsche's, Huck should *continue* to feel compelled to give Jim up, even if the customs fall away, as the dog will continue to salivate even though no food is forthcoming. But that is not how it is. The threat of the law is pliable at least with respect to the object that occasions it: one day, one can be made to fear the punishment for aiding and abetting Jim, the next it can be for *not* aiding him. It is true that people can remain homophobic, for example, for a long time, but on the other hand, if one compares levels of homophobia now to levels in the fifties say, the difference would be great. Do not these examples (and others) show both that it is not hard to hide animosities and to suppress violence, when there is some kind of threat – punishment or of loss of love or whatever – *and* that once these threats fall away what is suppressed comes to the fore once again? Do they not show that if there is suppression of certain urges or desires (not to say 'instincts'), that is only *pro tempore* and *ex tempore*, and not a matter of essence, or nature, or inpsychation, and this suppression can be lifted at the slightest opportunity for vice? (Of course, we cannot give up *a certain* determinism: I assume that the kinds of punishments that Nietzsche describes, for example, would have evoked fear given virtually any individual at any time in history.)

I noted in passing in the last chapter that when Kant says that freedom becomes "capable of an enjoyment," and he says that this is not exactly "happiness" but is rather "bliss" or "resembles bliss in so far as the determination of one's will at least can hold itself free from [the] influence [of inclinations and wants]," he does not say, as Nietzsche does, that this is a pleasure in a triumph *over oneself*. Saying that would presuppose that "myself" or "my self" is equivalent to my inclinations and wants, or, for that matter, my *drives, impulses, instincts, desires*, etc. But one does not do that: I never *take myself to be* a desire or impulse that I have every now and then (even if I have it very often and intensely), just because I have it every now and then. I am not my hunger, for instance, and in fact I am very often annoyed by it. The fundamental Kantian reason that *it* is not me (as it has never been for the most ancient ascetics and Stoics) is that (for whatever reason) I long also for a certain connection to the moral law which exceeds (and often opposes) all my desires. If there is "a defiance of oneself" in Kant, therefore, it is for the sake of the moral law in sight of which my instincts *become to me* a foreign intrusion. Autonomy is thus impossible to

understand without the heteronomy that it opposes, and would not have a meaning outside this system of oppositions. But for Nietzsche

a virtue has to be *our* invention, *our* most personal defence and necessity: in any other sense it is merely a danger. [...] ‘Virtue’, ‘duty’, ‘good in itself’, impersonal and universal – phantoms, expressions of decline, of the final exhaustion of life, of Königsbergian Chinadom. The profoundest laws of preservation and growth demand the reverse of this: that each one of us should devise *his own* virtue, *his own* categorical imperative (*A* 11).

This radical “will to self-determination, to evaluating on one’s own account, this will to *free* will” (*HH*, Preface, 3), the will to will (as Heidegger puts it¹⁹) is without motivation and needs no motivation. And so it also seems to be with the core Nietzschean value “self-overcoming.” Given, however, a naked will to will and a pure interest in self-overcoming (but the will just is this self-overcoming), it is fitting that Nietzsche believe that there can be both a pleasure in cruelty against oneself and a power over oneself (and perhaps even one that is *primary*, i.e., not a mere substitute for pleasure in cruelty upon, or power over, *others*). Whereas Kant has an answer to the question why one should oppose one’s instincts (whether one believes his answer or not), for Nietzsche it is not necessary to ask why one should oppose oneself. Whereas in Kant’s picture *I* do not oppose *myself*, but *reason* opposes the *instincts and inclinations*, and it is thus possible to understand how there can be opposition *at all*, in Nietzsche, despite his emphasis on the multiplicity of the self, *I* overcome *myself*. But if *I am* my *instincts*, how can those instincts overcome themselves? (This is similar to the question I posed about the source of a will to oppose the morality of mores.) If, on the other hand, *I am no more than* a multiplicity of drives, what sense can be given to anything of *one’s own*, for example one’s own virtue? What sense can be given to the notion that *I* have pleasure in the overcoming of a drive, when the drive that is overcome is just as indifferently me as the other drive that overcomes it? That is, what motivates my identification with (wanting to be like, wanting to be in accordance with) the one drive rather than the other and who, after all, is this that says “my”? Nietzsche writes in *Daybreak*:

Thus: avoiding opportunities, implanting regularity into the drive, engendering satiety and disgust with it and associating it with a painful idea (such as that of disgrace, evil consequences or offended pride), then dislocation of forces and finally a general weakening and exhaustion – these are the six methods [of combating the vehemence of a drive]: that one desires to combat the vehemence of a drive at all, however, does not stand within our own power; nor does the choice of any particular method; nor does the success or failure of this method. What is clearly the case is that in this entire procedure our intellect is only the blind instrument of another drive which is a rival of the drive whose vehemence is tormenting us: whether it be the drive to restfulness, or the fear of disgrace and other evil consequences, or love. While ‘we’ believe we are complaining about the vehemence of a drive, at bottom it is one drive which is complaining about another; that is to say: for us to become aware that we are suffering from the vehemence of a drive presupposes the existence of another equally vehement or even more vehement drive, and that a struggle is in prospect in which our intellect is going to have to take sides (*D* 109).

He writes: “The will to overcome an affect is ultimately only the will of another, or of several other, affects” (*BGE* 117).

Before being able to take seriously the claim that “our intellect is only the blind instrument” of a drive or the drives in general, we have to wonder why it is necessary to refer to the intellect at all, and, indeed, what an intellect is, if there are only drives. Why do the drives have to fight their fight *through* the intellect? And why should that intellect “have to take sides”? Can it make a difference? If so, there are not only drives. And if taking sides means taking sides with one or other of the drives, how can the intellect, *as such*, do that? And when extreme hunger, say, or mere anxiety, makes it impossible to feel sexual desire, is that a case in which the hunger drive – or the anxiety drive – wins out over the sexual drive? Furthermore, given some drive D, what exactly would feel disgust at that drive? A general drive to disgust; a drive to disgust with D specifically; the counter-drive of D which does not want *x* where D wants *x*? (For that matter, how many drives are there? We know the difficult history of this question in Freud, and all that it teaches us about how difficult it is to individuate drives.)^{120, 121}

Most fundamentally, if it is always a drive that wins out over another drive, I do not overcome myself. If, on the other hand, *I* overcome a drive, I again do not overcome *myself*, for the very possibility of my being able to overcome, indeed of my *wanting* to overcome or resist that drive, means that I do not identify with, and also cannot *be identified with*, that drive.

Stupidity

The importance of the prudential is, as we have seen, clearly marked in Nietzsche’s thoughts, but Nietzsche does not remark the tension between the logic of prudence and the *Tierpsychologie*.¹²² Instead it is treated as if it were continuous with it, perhaps because Nietzsche thinks that in prudence there is a turning against oneself. This he wishes to understand as the simple turning of an instinct against oneself as a substitutive satisfaction for the instinct. So while he claims that at this moment there is a turning of the human being against itself, he also thinks that there is a development and inflation of consciousness. The inner world increases because there is a new need for thinking when human beings are collected by the blonde beasts. From the internalisation of the instincts, there develops “what was later called his ‘soul’” (*GM* II:16):

The entire inner world, originally as thin as if it were stretched between two membranes, expanded and extended itself, acquired depth, breadth, and height, in the same measure as outward discharge was *inhibited*.

He writes:

They [...] no longer possessed their former guides, their regulating, unconscious and infallible drives: they were reduced to thinking, inferring, reckoning, co-ordinating cause and effect, these unfortunate creatures; they were reduced to their “consciousness,” their weakest and most fallible organ! I believe there has never been such a feeling of misery on earth, such a leaden discomfort and at the same time the old instincts had not suddenly ceased to make

their usual demands! Only it was hardly or rarely possible to humor them: as a rule they had to seek new and, as it were, subterranean gratifications.

But, I would object, if the instincts turn back on their possessors because they can go nowhere else, then they *give* satisfaction, even if it is not the normal satisfaction. *And if one gets satisfaction, consciousness and the inner world will remain just as thin as before.* If, on the other hand, the work that these creatures begin to perform is the work of finding new ways of living and thriving, including creative ways of being permissibly cruel to others, then there is not a becoming cruel towards oneself but an immense ingenuity to construct piece by piece a life that exploits whatever opportunities remain to be exploited (as with Red Peter). This may *look like* a becoming cruel to oneself, for one seems to accept without complaint a greater restriction of one's opportunities for action, but in fact one obtains by it a greater comfort that furthermore leaves open the possibility of new modes of cruelty to others.

If the *Tierpsychologie* were true it would lead to stasis and stupidity, for it provides exactly the old satisfaction (the joy of cruelty) on a new object (oneself), that is *moreover always available*. This would have the effect of *disengaging* the individual from the world, for others are no longer needed as objects of cruelty (and one might wonder why they ever were needed). But on this picture of Nietzsche's others also seem to be unnecessary for the purposes of crafting a viable life, since it is not clear what, if not cruelty, life would consist in.

But the idea that we *become cleverer* and that *consciousness expands* is on the contrary the idea that we *are forced to* give up, at least to some extent, the satisfaction of cruelty, whether against ourselves or against others, and to find satisfaction along other paths, for there is no need for cleverness and an expanded consciousness if we can still have the satisfaction of cruelty as before. The *Tierpsychologie* would not have the resources to account for the planning, reason, calculation, and progressively greater exercise of intelligence and consciousness that would be needed if we were to try to get satisfaction along other paths, including from more complex forms of cruelty but also simply from activities in which cruelty is not the motive, assuming there are some. If the *Tierpsychologie* is true, then we could not have become cleverer, and if we have become cleverer, then the *Tierpsychologie* is false. (One can clearly see Nietzsche's uncertainty about this question in the passage I quoted above [GM II:15]. On the one hand he says that the "*effect of punishment*" consists "in a heightening of prudence, in an extending of the memory, in a will henceforth to go to work more cautiously, mistrustfully, secretly, in the insight that one is definitely too weak for many things, in a kind of improvement in self-criticism." But on the other hand he says that "fortunately," punishment "frequently makes people stupid.")

Cruelty against Oneself, Power over Oneself

One of the more stupid animals, such as a nightingale or a small rodent, suffers proportionately much less from close confinement than a raven, a parrot or a mongoose, to say nothing of a lemur or a monkey. To treat one of these clever animals really humanely, one must let it loose from time to time. Such occasional leave from the cage [...] makes an inestimable difference to the psychological well-being of the animal. As against permanent imprisonment, it makes exactly the same difference as exists between the life of a continually “tied” human worker and that of a convict!

– Konrad Lorenz, *King Solomon’s Ring*, p. 72

The function of the state in this history is not as in Nietzsche’s view that my relation to it is like my relation to an earthquake, i.e., that there is no contract, and its only relevant effect is to deprive me of the thing on which to vent my instinct (as an earthquake might), so that the instinct has no choice but to take me as the substitute object. I have argued, against Nietzsche, that the state takes as its target that very instinct, and yokes it to pain, in a system in which I am aware of this new relationship between my instinct and this pain, and can act accordingly. But pain, I would suggest, is (if we really are as cruel as Nietzsche says) good when I inflict it on another and (whether or not Nietzsche is right about our wickedness) bad when it is inflicted on me (whether another inflicts it on me or I inflict it on myself). That is the *a priori* of the state as a system of punishment, and it is not an accident that Bentham’s statement of his theory of utility occurs as the first chapter of *An Introduction to the Principles of Morals and Legislation*. I therefore do not turn against myself at all; on the contrary, the state assumes rightly that, within this system, I *will* take its side against my ‘instinct’ and *defend myself* against it (my instinct), and thus forfend the pain that the state (like the doorkeeper) warns me about. (In seeking out prison life Jean Genet too does not seek out pain but precisely pleasure.)

But it seems that what underlies Nietzsche’s belief that we once turned our instincts against ourselves as substitute objects is the very idea that it is possible to get some kind of satisfaction from being cruel to oneself. Ascetics “inflict as much pain on themselves as they possibly can out of pleasure in inflicting pain” (*GM* III:11), which, Nietzsche adds, “is probably their only pleasure”; and “pleasure is felt and *sought* in ill-constitutedness, decay, pain, mischance, ugliness, voluntary deprivation, self-mortification, self-flagellation, self-sacrifice.”

I have raised some questions about the moment in which according to Nietzsche the proto-humans stop themselves from hurting others, and I have argued that a *Tierpsychologie* cannot account for it and that it seems most plausible that they would, like us, stop themselves from prudence. But one might respond: *Whatever* the reason they come to prevent themselves, Nietzsche’s point is that, once it comes about that there *is* less freedom in the world, and *because* one can no longer vent one’s instincts on others, our instincts *do* turn on ourselves. We need that hypothesis, the response

would continue, because what prudence could not account for is the fact that we are as cruel to ourselves as we are. For instance, prudence cannot account for such phenomena as the ascetic ideal. I now examine this issue.

In effect, Nietzsche's argument is something like the following. With the impossibility of hurting others, there begins a sublimated (cruel) work on ourselves. This gives rise to art, morality, philosophy, etc. Art is violence by other means (see *GM* II:18 on "imaginative phenomena" and beauty). "Ah, reason, [...] the whole somber thing called reflection [...]: how dearly they have been bought! how much blood and cruelty lie at the bottom of all 'good things'!" (*GM* II:3). Morality is cruelty by other means: the "moral conceptual world" that has its origins in the sphere of legal obligations, "has never since lost a certain odor of blood and torture," and Kant's "categorical imperative smells of cruelty" [*GM* II:6]. It seems that the object here is to deny that one could want beauty and art for themselves. The *joy* of art, the *point* of morality, is *cruelty* – and the ultimate *cause* of these phenomena is therefore what causes us to be cruel to ourselves – that is, an *impossibility*, a blocking up of the *natural vent*, something that forces the desire for freedom to be something other than it *used to be*, namely, a free venting of one's instincts on *others*. The confinement and lack of freedom that forces a new direction of development is thus essential for the blossoming of beauty and morality (as Red Peter's confinement is essential to his civilizing achievements).

The fundamental presupposition here is that one *can* derive from *hurting oneself*, if not the same, at least *a similar* satisfaction to that of hurting others. Since what matters is that *the instinct be vented*, the object on which it is vented would not matter, and deprived of one object one will vent it on another, even if that be oneself. (This idea appears again in the thesis that it is not suffering that one objects to but a meaningless suffering – such that one will accept suffering if it is only meaningful. In this new context one may put the claim: it is not doing violence to another that matters, but doing any violence at all, even if the one suffering it is you yourself. Put the claims together, and one gets: one will accept one's own suffering if that has the consequence that one's own instincts are satisfied.) It is as if Nietzsche's model here were something like masturbation: deprived of the first prize of the normal object, one can have satisfaction without it. But in the case of cruelty, it is difficult to credit the notion that it is a matter of indifference what the object of the cruelty is, and that one could satisfy this drive even on oneself.

Why would one decide rather to be violent towards oneself than not to be violent to anyone at all, and if this refraining causes you pain after all, then there is little need to cause yourself *more* pain.

Again, if the object is indifferent, it would be impossible to explain why anyone would *ever* avoid punishment.¹²³ (And punishment *is* not suffering without meaning, since it is at the very least a suffering in which one *pays for* some illicit pleasure, though one may choose any of the other meanings that Nietzsche adduces in section 13 of the second essay.)

Furthermore, if the joy of seeing others suffer is the joy of exercising one's power over them (cf. Nietzsche's remarks on rank in section 6 of the second essay), can we give any sense to the notion of having power over *oneself*, and *taking joy* in it?¹²⁴ I have already quoted passages in which

Nietzsche speaks about self-overcoming expressed through “difficulty of obedience,” but he also writes at *The Antichrist* 57:

The most spiritual human beings, as the *strongest*, find their happiness where others would find their destruction: in the labyrinth, in severity towards themselves and others, in attempting; their joy lies in self-constraint: with them asceticism becomes nature, need, instinct. They consider the hard task a privilege, to play with vices which overwhelm others a *recreation* . . . Knowledge – a form of asceticism. – They are the most venerable kind of human being: this does not exclude their being the most cheerful, the most amiable.

At *Beyond Good and Evil* 260, he writes:

The noble human being honors himself as one who is powerful, also as one who has power over himself, who knows how to speak and be silent, who delights in being severe and hard with himself, and respects all severity and hardness.

And in *Human, All Too Human*:

There is a *defiance of oneself* of which many forms of asceticism are among the most sublimated expressions. For certain men feel so great a need to exercise their strength and lust for power that, in default of other objects or because their efforts in other directions have always miscarried, they at last hit upon the idea of tyrannizing over certain parts of their own nature, over, as it were, segments or stages of themselves (*HH* 137).

It is important that if one claims here that there is a joy in self-overcoming, the whole apparatus of the state is not necessary: one would not need others at all, since one can self-overcome in isolation, and one could have this joy in or out of a state; moreover, one would not have to see it as a substitute for not being able to do something else.

But it does not seem to me correct to describe this as a joy in inflicting suffering; it hardly seems plausible that the pleasure of one who succeeds in a diet, or resists an alcoholic drink, or writes something pleasing (one might think of Kafka’s struggle with writing), is a satisfaction in being mean to oneself, rather than in having succeeded at achieving a difficult goal (including a simply prudential one). Nor should we neglect the joy there is in achieving such goals precisely in relation to and in comparison with others. If “the same active force that is at work on a grander scale in those artists of violence and organisers who build states” manifests on a smaller scale in one who trains herself to hold her breath underwater for long periods of time, say, it is very far-fetched to think that the satisfaction of this lies in cruelty to herself, or that:

– “the material upon which the form-giving and ravishing nature of this force vents itself is man himself, his whole ancient animal self” (*GM* II:18),

or that

– there is here a “secret self-ravishment, [an] artists’ cruelty, [a] delight in imposing a form upon oneself as a hard, recalcitrant, suffering material and in burning a will, a critique, a contradiction, a contempt, a No into it” and a “dreadfully joyous labor of a soul voluntarily at odds with itself that makes itself suffer out of joy in making suffer,”

or even that

– it is “*not*, as in that greater and more obvious phenomenon, [upon] some *other* man, *other* men [that this force vents itself, as in the case of the builder’s of states].”

When, having either beaten her own record or that of another, she is clearly overjoyed, and revels both in the adulation of non-competitors (fans) and in the envy of competitors, this may be a will to power, but it is will to power *still* exercised against others – “some other man” or “other men,” whether these are her competitors or her fans (who would not be so admiring if they could also do what she does). (The ascetic and the philosopher too have their pleasures.¹²⁵) This is not a satisfaction *against herself*, even if she has had to suffer much to reach that point. Rather, the victory makes the suffering meaningful, redeems it as it were, in much the same way that a good time at a party redeems the preparations for it, and it has a value not in itself but as that which makes the victory possible. (And if one loses, one might regret the suffering and loss of time.)¹²⁶

There is one clear case in which one undeniably hurts oneself. The person who must lie in bed for days on end because of a broken limb, say, becomes intensely frustrated and begins not only to break things around him but to hurt himself too (including by Newton’s third law). Or, indeed, the person who feels guilty about something and can no longer (for whatever reason) make amends, puts themselves in the way of pain or, when it comes unbidden, accepts it. Or – which is precisely the reason for literal straitjackets – the person who is confined makes themselves, as Nietzsche puts it, an object of cruelty. But in such cases, we are not cruel to ourselves for the sake of cruelty to ourselves. On the contrary, these are *all* cases in which one is *merciful to oneself*. As Nietzsche writes about the “sufferer” who “seeks a cause for his suffering,” “some living thing upon which he can, on some pretext or other, vent his affects, actually or in effigy,”

the venting of his affects represents the greatest attempt on the part of the suffering to win relief, *anaesthesia* – the narcotic he cannot help desiring to deaden pain of any kind. This alone, I surmise, constitutes the actual physiological cause of *ressentiment*, vengefulness, and the like: *a desire to deaden pain by means of affects* (GM III:15).

This is not a case in which one makes a “reactive, protective” “reflex movement” “such as even a beheaded frog makes to shake off a corrosive acid”; in that case, one wants to “prevent any further injury.” By contrast, in the case of the sufferer just described,

[the desire is] to *deaden*, by means of a more violent emotion of any kind, a tormenting, secret pain that is becoming unendurable, and to drive it out of consciousness at least for the moment: for that one requires an affect, as savage an affect as possible, and, in order to excite that, any pretext at all. “Someone or other must be to be blame for my feeling ill” [...].

This is not suffering for suffering's sake but suffering – an emotional upheaval – for *relief* from a previously existing pain. (In my example of the person who feels guilty, the pain to which they expose themselves is also a relief from the pain *of their guilt*, and can be understood as a way of paying – for now they *want* to pay – for the pain they have caused.)

I believe that while Nietzsche acknowledges it, he generally underestimates the extent to which we are *still allowed* the pleasures of cruelty, not only in the modes of cruelty which the state still allows (its own systems of punishment, whose cruelty is endorsed by many, but also – to take just one example – the privileges that bosses have, and the apparently nugatory but nevertheless very meaningful humiliations¹²⁷ in Monday morning meetings from bosses or peers), and not only because *classes* and *hierarchies* still exist even if there are no ranks as such. There is also the kind of pleasure that Elias describes. After recalling that

it requires tremendous social pressure and distress, as well as a constant stream of consciously directed propaganda, to rearouse and legitimate [for the purposes of war] among large masses of people manifestations of strong affects that have been socially proscribed and repressed in everyday life – delight in killing and destruction (240),

Elias writes:

Still, these affects – in “refined” and rationalized form – have their legitimate and clearly circumscribed place even in the daily life of contemporary civilized society. And this aspect is quite characteristic of the kind of transformation that accompanies the civilization of the affect-economy. Battle lust and aggressiveness, for example, find socially permitted expression in the infighting of groups in society or, for that matter, in competitive sports. And they are manifest above all in “spectating,” say, at boxing matches; in the daydream-like identification with some few people who, in a moderate and precisely regulated way, are allowed to act out such affects. This living out of affects in spectating or, for instance, just watching a murder film, is particularly characteristic of this kind of civilized society. It is crucial for the development of books and theater, and decisive for the role of the cinema in our world. Already in education, in the prescriptions for conditioning young people, originally active, pleasurable aggression is transformed into a more passive and restrained pleasure in spectating, consequently into a mere visual enjoyment. Already in the 1774 edition of La Salle’s *Civilité* it says, “Children love to touch with their hands clothes and other things that please them; it is necessary to correct this odious greed, and teach them to touch what they see only with their eyes” (241).¹²⁸

Ideals

In arguing that we do not make ourselves suffer to satisfy our drive to see something, anything at all, suffering, my aim is certainly not to argue that one never makes oneself suffer. On the contrary, we make ourselves suffer all the time, when we judge that it is worth the price of whatever it is we want. The athlete trains, the poet goes to school and even gives herself the hard task of writing the sonnet rather than expressing her thoughts in free verse, and so on. We suffer

daily in the service of whatever ideals we hold ourselves to. But in the *Tierpsychologie* Nietzsche wishes to tell a story about making ourselves suffer *without and before any ideal*, and that is questionable. Rather than think what is hard to believe, that we make ourselves suffer just because we have *a drive* to make *something* suffer, *anything at all*, I would suggest that the capacity to make ourselves suffer, or at least to endure suffering to which we expose ourselves voluntarily, is given as one of the most basic conditions of our existence, because *ideals* are a basic condition of our existence.

“Ideal” here means: any condition judged better, in whatever respect, than things *actually* are; in this sense beauty and moral goodness are ideals; but even simply the conditions of having more to eat (or something to eat, if one has nothing) or of having more pleasure, can be regarded as ideals, as counterfactual conditions to which one aspires. An ideal can also be a counterfactual condition that is beyond your capacities to achieve fully but is a cause of your admiration and emulation nonetheless. The figure of Achilles may be such an ideal, or of Job, or the figures in the plastic art of ancient Greece (as the torso of Apollo provokes Rilke’s “You must change your life”). In most cases, given the ideal, suffering follows. In order to eat supper, I have to hunt the stag; and hunting is pain and suffering in just the sense that it is unpleasant to me, that I do not want to do it. In order to change my life in whatever way, I have to dig myself out of old and comfortable ways of living, etc.

Nietzsche seems to want to say that the ideals are chosen as a pretext *for causing* suffering. Because I cannot cause others suffering, I cause myself to suffer, and because that is my aim, I give myself ideals. He writes:

In this psychical cruelty there resides a madness of the will which is absolutely unexampled: the *will* of man to find himself guilty and reprehensible to a degree that can never be atoned for; his *will* to think himself punished without any possibility of the punishment becoming equal to the guilt; his *will* to infect and poison the fundamental ground of things with the problem of punishment and guilt so as to cut off once and for all his own exit from this labyrinth of “fixed ideas”; his *will* to erect an ideal – that of the “holy God” – and in the face of it to feel the palpable certainty of his own absolute unworthiness (*GM* II:22).

In section 16 of the third essay it seems similarly as if “the purpose of self-discipline, self-surveillance and self-overcoming,” is *given*, and *for that purpose* the ascetic priest “required” the concepts of guilt, sin, etc.; and he writes: “only the will to self-maltreatment provided the conditions for the *value* of the unegoistic” (*GM* II:18). (In this passage he identifies the “will to self-maltreatment” with “the bad conscience.”) That is, one is unegoistic *in order to* mistreat oneself, as if to *justify* a secret desire by giving it a more permissible colouring.¹²⁹

But that seems to be topsy-turvy. Rather, I do not want suffering, but given that ideals are either necessary (as in the hunting scenario above) or have some manner of attraction for me (which will of course be different in different cases, and need not be narrowly utilitarian), I *indirectly*, and *as a consequence*, impose suffering on myself, or, rather, accept the suffering thus imposed. In this sense, all ideals are at bottom ascetic ideals, and while art, for example, and more modest

hankerings for doughnuts or an entertaining detective story are utterly different things, at the crude level of their basic desirability and counterfactuality, there is no difference.¹³⁰

Leaving aside possible questions about its historical truth, Nietzsche's example of the first philosophers and innovators shows the process quite clearly. Because they have been trained in the morality of mores, they feel the pricks of conscience when they feel the need to create new laws and think new and dangerous (for example, anti-social and individualistic) thoughts. Because their own souls have been made in accordance with the prevailing morality, they themselves have to produce their own confidence in themselves, for the sake of the innovations and new thoughts for which they wish to gain acceptance. They therefore take suffering on themselves. They feign madness, or create, through ascetic procedures, the real conditions for a mania that allows themselves, and others, to see them as the channels of divinity. When Nietzsche talks about these innovators he says that "they knew how to endow their existence and appearance with a meaning" (*GM* III:10), but he thinks that they do this through "cruelty toward themselves" and "inventive self-castigation" (*GM* III:10). But it is not *these methods* that give them meaning, even if it gives them the *position* or *status* from which they can safely express their thoughts. What gives them their meaning are these thoughts themselves, *for whose sake* they take on suffering and denial as a means to an end. (Perhaps Nietzsche wishes to deny against the utilitarian precisely that such suffering is a means to an end. But these ideals do not themselves have to be the means to any end at all, and these innovators may accept much suffering for ideals that are entirely pointless or destructive. Still, the ideal would come first, not the desire for suffering.)

It is now possible to perceive a correspondence between the promise, the ideal, law, morality (as customs). *All of these*, as strictures laid upon some individual tending in some other direction, require a struggle – suffering – in order to keep to them, and require, therefore, that one oppose oneself, or a part or aspect of oneself, in order to obey them. (Red Peter thus takes his whip up against his ape nature in order to learn, given his ideal of leaving the cage behind.) But these are *all* ideals (conditions aspired to) for the sake of which the creature must oppose itself. Whether in the form of the promise, or of the ideal (as a promise to oneself to live up to some standard), or of law (which one "gives one's promise to obey," since one does not obey automatically and without further ado), there is some desired, willed or admired¹³¹ counterfactual condition which one in some sense accepts as something to acquire or bring about or approximate. For this reason, one can talk about most ideals in terms of the promise.

All of these presuppose that one has not been moulded to do or be what one aspires to, or, in other words, that what one promises one does not do spontaneously. If one did, one would not have to promise at all, and to answer this question by a theory of moulding or shaping is not to be dealing any longer with the question of the promise. We see this in Nietzsche's vacillation about contractarianism. On the one hand he tells us (*GM* II:17) that the relation between the state and the confined semi-humans *is not a contract*; on the other hand, he tells us how "one [...] bound and pledged oneself to the community precisely with a view to injuries and hostile acts [those to which one outside the community is exposed]" (*GM* II:9), and how by means of painful punishments "one finally remembers five or six "I will not's," in regard to which one had given one's *promise* so as to participate in the advantages of society" (*GM* II:3). (See also *GM* II:5:

It was here [in the contractual relationship between creditor and debtor] that *promises* were made; it was here that a memory had to be *made* for those who promised; it is here, one suspects, that we shall find a great deal of severity, cruelty, and pain. To inspire trust in his promise to repay, to provide a guarantee of the seriousness and sanctity of his promise, to impress repayment as a duty, an obligation upon his own conscience, the debtor made a contract with the creditor and pledged that if he should fail to repay he would substitute something else that he ‘possessed,’ something he had control over; for example, his body, his wife, his freedom, or even his life [...].)

This makes a considerable difference: in the one case, in which there is no such promise (but rather the brute corralling described in section 16), the individual is like a rat on an electrified maze, with no thoughts but an effective mechanism of shocks moving it on to the correct path, until at last it does this ‘from instinct’ (and just *prefers* those paths through the maze); in the other case, this individual makes a promise to live by a certain code, and thus, prescribes a law to itself, as the much-maligned Rousseau says (1973:178), that is, ‘turns against itself’ through the mediation of an ideal in the form of an aspiration to avoid punishment. In the latter case, society does not *explain* the turning against oneself but *presupposes* it in the form of the contract as promise, even if *thereafter* these individuals suffer through a failure to keep their promise. At most one can accuse these individuals of presuming themselves capable of keeping a promise, of promising without a right to, but even in that case one admits that it *is* a promise, or a pledge or vow or contract, an *undertaking* of one kind or another to do what they would not normally do, or to be what they would not normally be.

We now reach a point of central importance to this thesis. In this discussion and in the discussion of Elias, I have been trying to show how our social life is filled with certain pressures which are not confined to the spectacular pressures of either divine or civil punishment, and that are so intimate that they are easy to miss. They are characterised by fear, anxiety or dread, or shame, that is, by a certain concern or anxiety that each of us has, that what we do can bring us harm, in the form of pain or of the negative reactions of others.

The prick of conscience becomes then the nagging consciousness of something to which one is in some way committed (including through the heteronomy of punishment) but that is undone or unattained, or in danger of being left undone or unattained, and the manner in which it troubles consciousness is in the form of fear, anxiety or dread, or shame. There is no *one thing* that we call *a conscience* but rather a variety of specific and very real social harms and bodily pains that may not yet be actual but that one *has in mind* or that are very much (like a weight) *on one’s mind*, which would be brought about by leaving these things undone or unattained, or which one fears will come about when they find out what you have done. The conscience in this last sense is not guilt – as need for punishment – but precisely that *which guilt is confused with* and should not be, namely fear, dread, etc., of punishment or some other evil.¹³²

Now in this discussion of ideals, in which I lumped all manner of ideals together, the point is to appreciate that at the level of *the suffering* that we are willing to accept for their sake, and in *the*

form that they have for us, namely as an achievement towards which we have to work, there is no difference among ideals. However one might claim that ideals of the types discussed do not take into account the kind of ideal at stake when wants to be slimmer and one decides that the best thing for that is a diet.

Now I am not convinced that this is an ideal of a different type since even this kind of ideal is not entirely freely chosen: slimness has a certain cachet in a certain world, and being the opposite of slim can be met by many subtle and not so subtle disadvantages and negative reactions. But even aside from that, if others do know that you have embarked on a diet, there might be an anxiety-causing dread of the shame that one will feel once it is eventually discovered that you have failed to reach the ideal (the “goal-weight”) that you once boasted you would reach, and consequently of being ostracised or mocked or laughed at. Or it may be dread or anxiety at the prospect of being thought to have betrayed someone or even of not having given them enough consideration or respect or signs of love – what may be thought in general as Freud’s “fear of loss of love” – by becoming as slim as they wanted. (Dread does not mean fear, since one can dread things one does not fear, like eating one’s vegetables or having to read something boring. However, fear is one form of dread, that is, one of the forms in which one can be intensely reluctant to do, or be, or experience something.) In these cases having a bad conscience means having in mind, being conscious of, some condition in which, because you would be negatively judged upon its discovery (having eaten the *éclair*) or upon a certain outcome (a failure to achieve something) by others, or by yourself because of the reactions of others, you experience an anxiety or dread that leads you either to prevent the outcome, or to hide the wrongdoing (although the act of concealing or the fact of having a secret can itself now weigh on one’s conscience). In these cases there is *a burdensome knowledge* of something done or unchangeably undone (in either case: remorse, or a ruing) or yet to be done, or of being or not being a certain way – and this is what it means to have a bad conscience. Indeed, it can be, and perhaps is fundamentally the burdensome awareness of something that you *owe* (in the most general sense, moral or otherwise, including a money debt which worries you from time to time; a *duty* in the most general sense) or of some feature or aspect (social, moral, conventional, religious, economic, intellectual, *or whatever*) in which you consider yourself to fall, in comparison to the *height* of the ideal, *short*.

But let’s assume that there is some ideal that can be said to be thoroughly freely chosen and in short one that nothing commits you to except your own endorsement of it.

One important difference in the case of the diet is that when one fails to meet some standard one has set for oneself, one does not feel fear or anxiety or dread or shame, precisely (including because it may be that only you and no-one else knows that you have begun the diet). What one does feel is rather difficult to describe, in fact, but I would suggest that it is, at the least uncomfortable, something like an *irritation* with oneself at not having met one’s own, gratuitously chosen, expectations, and, at the most uncomfortable, a *wounded pride* and *loss of self-respect* since, in setting yourself that task or giving yourself that ideal, you *considered yourself equal to it*, and in failing you have proved yourself inadequate to your own vision of yourself. (Of course it may be a complex combination of this irritation and this wounded pride.) What is essential is that this is also not the feeling of guilt. If people talk about feeling guilty when they eat delicious fatty

foods, this is again not strictly guilt. But one indeed has something on one's conscience (i.e., something that oppresses one's consciousness), namely precisely that one has freely promised oneself something difficult of achievement, and what one has before one's mind is the possibility that if one eats these foods one will prove oneself to be one who *did not have* the right, but hubristically and bombastically *assumed* the right, to make such a promise, rather than someone with the ability to see through to completion the commissions they lay on themselves. What weighs on one's consciousness is one's dread of betraying one's conception of oneself.

A possible test of whether the feeling that is at issue is guilt or not is perhaps whether the kind of thing that provokes it is the kind of thing for which people would want to punish you, or for which they would *morally* condemn you. Causing someone harm would evoke moral condemnation, and so, when I *deem myself* to have caused someone harm (whether I am exaggerating or not, as in the case of someone getting hurt in the course of fetching me, or the harm that Zeus thinks he has brought on the horses), one can feel guilty, since it is the kind of thing for which one can call punishment on oneself. When I fail at keeping a diet, however, I do not deem myself punishable, or *morally* blameworthy, and it is therefore not the right kind of thing for guilty feeling. What seems to confirm this is the contrast with what is otherwise close to dieting, namely fasting. One *can* feel properly guilty if one breaks a fast. It is not merely a task or venture that you have laid on yourself, just as it is not *merely* a task laid on you by God, for example. (Of course the priest might lay it on you as a punishment, but that is not the kind of situation I am talking about.) But it is also unlike murder or lying, which are considered to be evil directly and in themselves. It is rather an observance and a demonstration of respect, and the breaking of it a demonstration of disregard. It thus *indirectly* hurts or offends someone – a *personage* and not an *ideal* – and can therefore be a wrongdoing about which one can wish to call punishment on oneself. In this sense of an indirect wrongdoing to persons, one can also feel guilty about having spoken harshly to someone, or about not having greeted someone, even when there is no chance that they would condemn you for it. At this point, however, the test fails, since the 'sense of guilt' is extremely, even unrealistically, self-condemnatory, and can turn into mortal affronts what are not normally regarded as wrongs and what no reasonable person would think of as wrong or punishable.

As regards the ascetic ideal, what appears mysterious and therefore peculiar about it is that what is taken to be the normal or natural condition of the human being – a more or less predatory and more or less greedy, sensualist and violent bent – is opposed by the seeking out of the non-sensual, the seemingly punishing regimen of fasting and denial – abstemiousness, counter-temptation, taciturnity and withdrawal – and, in addition, an active and committed seeking out of suffering and hardship. It is presumably in order to take account of this that Nietzsche says that the human being would rather will nothingness than not will and (a significantly different thing) would will even suffering on condition that the suffering is meaningful (and that the ascetic ideal gives humanity a meaning that it had not possessed before).

What stands in need of clarification is what it is for something to be "meaningful" in the relevant sense, and how suffering can be meaningful. I have argued above that one important sense in which suffering is meaningful is that it is justified or redeemed by what it achieves, but I would also point out that this supposition, that the human being avoids suffering, that, indeed, suffering is

the very thing that we wish to avoid, is a supposition that Nietzsche, perhaps with a residue of Schopenhauerianism, shares with the utilitarian, precisely in that he thinks that it needs accounting for. It would be something that we do instead of, as a better option than, not willing (as long as it has ‘meaning’); it is not something an animal would do, certainly not something an animal should do, and something that we as animals should therefore be surprised we do.

I have been trying to argue however that suffering is something we would avoid if we could but that since it is entailed by many an ideal, given some ideal, no matter what, someone who is for whatever reason strongly enough committed to it, will not regard suffering as an objection in itself and will be willing to suffer (to some degree, greater or lesser) for it. What would then be important about the ascetic ideal is, as I have argued, not that it is ascetic, but that it is an ideal, and *all* ideals, precisely as ideals, define what the individual is not and define for her a certain task that in turn demands certain sacrifices and some suffering.

What Nietzsche does not want is a going against the instincts.

All naturalism in morality, that is all *healthy* morality, is dominated by an instinct of life – some commandment of life is fulfilled through a certain canon of ‘shall’ and ‘shall not’, some hindrance and hostile element on life’s road is thereby removed. *Anti-natural* morality, that is, virtually every morality that has hitherto been taught, revered and preached, turns on the contrary precisely *against* the instincts of life – it is a now secret, now loud and impudent *condemnation* of these instincts (*TI*, *Morality as Anti-Nature*, 4).

But why do people go against their instincts? Because they suffer from them, in the sense that there is significant pressure on them to satisfy them – *and they can’t* (a *practical* obstacle): a man his hungry, but there is no food. One then *turns against oneself*: one wishes that one were not hungry. This is very different from turning them against oneself for the pleasure of cruelty. Or, as I have argued at length, there are certain social desires and demands that make them a burden to those that have them. The case of Red Peter is exemplary. His entire apehood, because it keeps him confined to the cage, must be extirpated. But the condition of Red Peter may be extended to other kinds of context: when food is scarce, one condemns greed, and when there are laws against paedophilia the paedophile will not be entirely at home with his desire. When the structure of society is such that one will not get on very well without a work ethic, one will tend to take a stand against one’s laziness or one’s desire to be elsewhere than at one’s desk.¹³³

The various forms of asceticism and anti-instinctualism are, as Nietzsche sometimes recognises, ways by which people have been enabled to live under straitened circumstances. They have, it is true, reacted against suffering, and that has been, often, a reaction against life as such. But life and suffering are rather closely associated, to say the least, and it is a much less powerful remedy to insistently urge the affirmation of life despite suffering, or including suffering (as in the eternal recurrence) than, as the ascetics have done, give people some way of living when all the odds are against them, or creating in art or myth fantastic, but beautiful, pictures consisting, often, of what life is not. In any event, one cannot both want the good things that obedience has produced and

sing the praises of sovereignty as emancipation from all obedience; the camel cannot give birth to the lion, and the lion will not produce art and philosophy.

Perhaps what is special about the ascetic ideal is that it is the ideal of not living as it is supposed we want to live, or *should want* to live as read off a vision of how *the natural* human being *wants* to live. The ascetic ideal takes sides against ‘the earth’, against transience, against pleasure, and (as the will to nothingness) life itself – but, on the contrary, we *should want* all these things, and a healthy individual would want these things. It is even *the sign* of health that she does. But, it is not crystal clear what health means for this complicated creature that is the human being. And Nietzsche too affirms with Kafka that, for humans, the natural life is *the human* (and not the animal) life when he says, “in all seriousness,” that “the probability is by no means small that precisely this [‘tyranny’ of ‘capricious laws’] is “nature” and “natural” – and *not* that *laissez aller!*” (BGE 188).

Conclusion

This chapter has examined Nietzsche’s “hypothesis” concerning the origin of the bad conscience, and the *Tierpsychologie* associated with it. Nietzsche claims that in the rudimentary state, those who are subjected can no longer vent their instincts as they used to, and must employ themselves as their own victims. I have argued that if we ask ourselves *how* they lose their old victims, we cannot confine ourselves to the explanatory resources of the *Tierpsychologie*, and must explain their inability to hurt others as motivated by prudential considerations, for the other explanations do not work. If we are moulded by the state, then we at first *do not* turn our instincts against ourselves, since the state presumably moulds through punishment and if we are punished, then we *do* hurt others. And if we are then *ultimately* moulded by the state in accord with its ideal of us, we would have no desire for cruelty either towards others or ourselves. In fact, if Nietzsche is right that we could *possibly* get pleasure from making ourselves our own victims, it becomes mysterious why we would ever have bothered to look for others to hurt, as well as why we would avoid punishment or, for that matter, hurting others *so that* we are punished. I have further attempted to call into question the idea, appealed to sometimes by Nietzsche, that there is an original desire to be cruel to ourselves or to exert power over ourselves, and have argued for the orthodox view that, all else being equal, we want to avoid pain and punishment and that these people in the proto-state would have felt the same. On the other hand, I have argued that in fact we make ourselves suffer – oppose ourselves – all the time, every day, but only because, for whatever reason, we have subscribed to certain ideals that – whether we like it or not – make suffering necessary, and redeem it. I have argued that ideals should be understood broadly, to include not only the conspicuous and high ones, but many quite quotidian states to which we aspire, and that the promise, including the promise to obey the law (if such there is) is also an ideal in this sense. I have therefore argued against Nietzsche’s suggestion that we subscribe to ideals *in order to* cause ourselves pain. Furthermore, if we could get pleasure from hurting ourselves, *and did*, as Nietzsche says (that is the origin of the bad conscience and of the creature that takes sides against itself), then we should have remained as stupid as we ever were, for even if this is a substitute satisfaction it is a satisfaction nevertheless, and in that case we do not have to expand either our minds or our world in search of other satisfactions. I have argued that it is not that we have become so much less cruel

or that we hurt ourselves instead of others, but rather that we have remained cruel and that society still gives us ample opportunities for being cruel to others. We have also become smarter, including in that craftiness by which we prudentially keep our forbidden desires to ourselves, something Nietzsche himself argues punishment would cause us to do. It is *precisely because* we still have these forbidden desires that we can have bad consciences, but these bad consciences consist precisely in the recognition that our desires, if found out, could lead to pain, shame, loss of love, etc. It is in this way that our desires are diabolised. It is not that we are averse to them as such. On the contrary, they at the very least promise great pleasure, all else being equal, and are diabolised by the pressures of the people and institutions around us, for whom they are in one way or another inconvenient. Even then, however, they are not regarded by us as intrinsically evil but only as aspects of ourselves that the demands of others and of the structure of our world make it necessary to hide. Feeling guilty, I have urged, should not be confused with this bad conscience, for in these cases one does not feel guilty about one's desire as such but only about being found out. If this fear were to wither away because we thought no-one could find out (like Gyges) or that even if they did they would do nothing, our consciences would not be sullied. That is, we have not become herd animals, a conscience has not been bred into us, and the only sense in which No's have been burnt in is that instead of fighting these prohibitions, we have simply accepted them as the conditions of our existence, and only indulge our craving for cruelty in safer, or the permitted, ways. The mere fact that one *knows* – or remembers – that the law is there outside and will punish one does not by itself amount to an internalization in the sense of feeling in our own hearts that what the law (or custom) prohibits is what should be prohibited. And if we refrain from crime or the forbidden in general out of fear – fear of state punishment, fear of the ancestors or fate, fear of god – there is no internalization of the law; for if there had been an internalization, there would have been no fear, because a desire that is in accord with the law need not fear any punishment.

CHAPTER SEVEN
Above the Law,
Or God at Our Mercy

Certain drunkards from Samos polluted the tribunal of the Ephors: the next day, a public edict gave Samians permission to be filthy. An actual punishment would not have been so severe as such an impunity.

– **Rousseau, *The Social Contract* IV:7**

It is as if someone is going to be hanged. If he really is hanged, then he is dead and it is all over. But if he has to go through all the preliminaries to being hanged and he learns of his reprieve only when the noose is dangling before his face, he may suffer from it all his life. Besides, from the many occasions on which I had, according to your clearly expressed opinion, deserved a beating but was let off at the last moment by your grace, I again accumulated only a huge sense of guilt.

– **Kafka, *Letter to his Father***

Nietzsche's view is that the early, animal form of the bad conscience examined in the previous chapter develops into the extreme bad conscience he believes he finds in Christianity. It is this aspect of his view that I now turn to examining. I have tried to undermine the view that guilt can be understood as fear of punishment and this means that one cannot understand guilty feeling, in general or in the particular case of Christianity, if one ties it too closely to cruelty, as Nietzsche does when he thinks of Christianity as a late development of the back-firing of instincts of cruelty in the proto-state. This is true even if there is the intermediate stage of the ancestors of the tribe, to whom one owes a debt: indeed, the insight of the *Genealogy* into the genealogical tie of guilt and debt is, while etymologically correct (in German), thoroughly misleading. The feeling of being in debt, as an anxiety about the consequences of not paying back the debt, or, simply, of being under pressure to pay it back, is *not* the feeling of guilt. I try to show in this chapter that guilt is not the fearful or abject condition that one easily associates it with, but tends rather to generosity, and presupposes that the person who feels guilty must esteem herself and her own power rather highly.

The Moral Interpretation of Being

The *Tierpsychologie* of section 16 examined in the previous chapter continues in a more sophisticated story about the bad conscience and guilt. "The bad conscience is an illness," Nietzsche says, "there is no doubt about that, but an illness as pregnancy is an illness. Let us seek out the conditions under which this illness has reached its most terrible (*furchtbarsten*) and most sublime (*sublimsten*) height" (*GM* 2:9). He then proceeds to provide the genealogy of gods out of the relation to the ancestor, and the development, in Christianity, of the "maximum god" (*GM* 2:20) attained so far.

That is, what begins with the semi-animals in the first state ends with the maximum feeling of indebtedness in the conditions provided by Christianity. Christianity does not arise from nothing; the bad conscience of the Christian requires that there already be an animal whose conscience *can* be bad, but once such a creature is actual, God can be used to drive its bad conscience to an extreme. Christianity is therefore only the most superlative – *furchtbarsten und sublimsten* – development of the bad conscience.

Nietzsche certainly does not think that gods *must* have the effect of exploiting or aggravating the bad conscience. In the *Genealogy* he quite clearly thinks that the Greek gods on the contrary served to *absolve* human beings of their guilt. In *The Antichrist* likewise gods can be quite other than those before whom one debases oneself. He says there:

A people which still believes in itself still also has its own God. In him it venerates the conditions through which it has prospered, its virtues – it projects its joy in itself, its feeling of power on to a being whom one can thank for them. He who is rich wants to bestow; a proud people needs a God in order to *sacrifice* . . . Within the bounds of such presuppositions religion is a form of gratitude. One is grateful for oneself: for that one needs a God. – Such a God must be able to be both useful and harmful, both friend and foe – he is admired in good and bad alike (*A* 16).

He speaks about the early relation between the Jews and god as one that is well-adapted, proper, admirable:

Originally, above all in the period of the Kingdom, Israel too stood in a *correct*, that is to say natural relationship to all things. Their Yaweh was the expression of their consciousness of power, of their delight in themselves, their hopes of themselves: in him they anticipated victory and salvation, with him they trusted that nature would provide what the people needed – above all rain. Yaweh is the God of Israel and *consequently* the God of justice: the logic of every nation that is in power and has a good conscience about it. These two aspects of a nation's self-affirmation find expression in festival worship: it is grateful for the great destiny which has raised it on high, it is grateful towards the year's seasons and all its good fortune with livestock and husbandry (*A* 25).

Now Nietzsche says late in the second essay (section 21) that he has until then “deliberately ignored the moralization of these concepts (their pushing back into the conscience; more precisely, the involvement of the *bad* conscience with the concept of god) [...]” But it is clear from the quotes above that Nietzsche himself must think that *nothing* depends on the *mere* fact that God is involved. A god can be an instrument of the will to power, and therefore not all relationships to gods need be relationships in which guilt is central or even necessary. There can be debts to gods that are not characterized by guilty feeling. Also, the difference between being in debt and feeling guilty cannot be determined by *what kind of being* one owes to, as if owing to ancestors was mere debt but owing to god was feeling guilty, for there is no significant difference between owing something to an ancestor and owing something to a god, no matter how great the god is. (I take it

to be obvious that since there is also no difference in principle between owing a little and owing much, the difference between debt and guilt cannot consist in *how much* is owed.)

How, then, should we understand the notion of “moralization”? How is *Schuld* as debt moralized to become *Schuld* as guilt?

Nietzsche writes that the utopian condition described above is transformed:

– This state of things long remained the ideal, even after it had been tragically done away with: anarchy within, the Assyrian from without. But the people retained as its supreme desideratum that vision of a king who is a good soldier and an upright judge: as did above all the typical prophet (that is to say critic and satirist of the hour) Isaiah. – But every hope remained unfulfilled. The old God *could* no longer do what he formerly could. One should have let him go. What happened? One altered the conception of him: at this price one retained him. Yaweh the God of ‘justice’ – *no longer* at one with Israel, an expression of national self-confidence: now only a God bound by conditions. The new conception of him becomes an instrument in the hands of priestly agitators who henceforth interpret all good fortune as a reward, all misfortune as punishment for disobedience of God, for ‘sin’: that most mendacious mode of interpretation of a supposed ‘moral world-order’ through which the natural concept ‘cause’ and ‘effect’ is once and for all stood on its head. When one has banished natural causality from the world by means of reward and punishment, one then requires an *anti-natural* causality: all the remaining unnaturalness follows forthwith. A God who *demand*s – in place of a God who helps, who devises means, who is fundamentally a word for every happy inspiration of courage and self-reliance . . . *Morality* (*die Moral*) no longer the expression of the conditions under which a nation lives and grows (*Lebens- und Wachstums-Bedingungen eines Volk[s]*), no longer a nation’s deepest instinct of life (*sein unterster Instinkt des Lebens*), but become abstract, become the antithesis of life (*Gegensatz zum Leben*) – morality as a fundamental degradation of the imagination, as an ‘evil eye’ for all things. *What* is Jewish, *what* is Christian morality? Chance robbed of its innocence; misfortune dirtied by the concept ‘sin’; well-being as a danger, as ‘temptation’; physiological indisposition poisoned by the worm of conscience . . . (A 25).

In this passage Nietzsche on the one hand uses the notion of morality in a very positive sense, in the sense in which it can be “a reflection of the conditions which make for the sound life and development of the people,” even “*the primary life-instinct* [emphasis added, D.M.]” But the passage also describes how God becomes a *moralising* God antithetical to the will to power. He writes:

True enough, when a nation is on the downward path, when it feels its belief in its own future, its hope of freedom slipping from it, when it begins to see submission as a first necessity and the virtues of submission as measures of self-preservation, then it *must* overhaul its god. He then becomes a hypocrite, timorous and demure; he counsels “peace of soul,” hate-no-more, leniency, “love” of friend and foe. He moralizes endlessly; he creeps into every private virtue; he becomes the god of every man; he becomes a private citizen, a

cosmopolitan . . . Formerly he represented a people, the strength of a people, everything aggressive and thirsty for power in the soul of a people; now he is simply *the good god* . . . The truth is that there is no other alternative for gods: *either* they are the will to power – in which case they are national gods – or incapacity for power – in which case they have to be good (A 16).

Gods therefore are not, merely by virtue of being gods, good, and for Nietzsche, the process by which *Schuld*-debt is moralized into *Schuld*-guilt is also the process in which god *becomes good*, and *being comes to be interpreted in the categories of good and evil*. The first aspect of Nietzsche's view of guilt is thus the movement, whether with respect to the ancestors or to god, in which a healthy, well-adjusted relation to god – which is an empowering one – becomes a guilty relation to god – and this means, in Nietzsche's framing, in which a healthy and generous and strong god, "admired *in good and bad alike*" (16 – emphasis added, D.M.), becomes a guilt-producing, good, moralising god presiding over a moral world order of goodness, evil, sin, penance, penitence, etc., "a god who demands, in place of a god who helps."¹³⁴ Jewish and Christian morality is "[chance] robbed of its innocence; misfortune dirtied by the concept 'sin'; well-being as a danger, as 'temptation'; physiological indisposition poisoned by the worm of conscience" (A 25). In this way, with this interpretation of the world as the "moral world-order" (A 25, 26), the concept of God is falsified and the concept of morality – as the primary life instinct of a people – is falsified (A 25, 26).¹³⁵

A certain kind of morality, Nietzsche thinks, moralises being. But this moralisation need not occur, and if it does not, then the relation between a people and its god can be one of a simple debtor to a simple creditor, and the debt can remain no more than a debt, that is, something owed for something given (or thought to have been given). Here one makes sacrifices, as Agamemnon sacrifices his daughter for a wind to sail to Troy. At this point the debt is no more moralized than the debt I owe the bank. (It should be noted that Nietzsche does not talk only of the moralisation of *Schuld*, but also of *Pflicht*, duty: "So much for a brief and rough preliminary outline of the connection between the concepts 'debt/guilt' and 'duty' and religious precepts: I have so far intentionally set aside the actual moralization of these concepts" [GM II:21]. The English word *duty* too is originally beyond good and evil, going back to *debere*, to owe; and of course it even now maintains in certain contexts its non-moral sense of [according to the SOED] a "payment due and enforced by law or custom." English *ought* likewise derives from an Old English form which is the past tense of *owe* [SOED].)

The concept of debt becomes moralized, however – becomes guilt – when we begin to think in terms of sin and expiation, of *culpa* and exculpation, that is, when one understands certain actions as morally blameworthy, and believes that one can 'pay off' this now moral or moralized debt by a certain action, an action whose meaning is thus given from within a moral 'economy', and that now has the meaning of penance, expiation or absolution. Thus Nietzsche writes in a note:

An sich hat eine Religion nichts mit der Moral zu thun: aber die beiden Abkömmlinge der jüdischen R(eligion) sind beide *wesentlich* moralische Religionen, solche, die Vorschriften darüber geben, wie gelebt werden *soll* und mit Lohn und Strafe ihren Forderungen Gehör

schaffen (KSA 12:164). [In itself a religion has nothing to do with morality: but both derivatives of the Jewish religion are *essentially* moral religions, which give prescriptions for how one *should* live and make their demands heard through reward and punishment.]¹³⁶

However I would insist that moralization in this sense is present among the Greeks also. Antigone's manner of understanding suffering (If I suffer I will know that I have erred) is also, as *The Antichrist* puts it, "chance robbed of its innocence." Moira, after all, is also a god; the Erinyes are punishing gods; and even if Apollo helps with the exoneration of Orestes, it is precisely to exonerate him from a moral transgression. God moralizes in Greek culture too, and indeed it is hard to imagine any condition in which there are personal divinities in which there is no such moralization, for as soon as there is a personal deity, there is a being that can be both offended and propitiated (have the relevant penalty paid to him for the offense against him). And once there is *someone* in the sight of whom and for the sake of whom one could make penance, ideas of economic exchange become very easy to introduce into the moral field. (Not that it is impossible for this to occur if there is no personal deity: the notion of *karma* is the notion of a moral causality, one that can, in principle, function without Gods, as long as the laws governing all that is and comes to be and happen, are moral laws.) Even the "natural" attitude that the Jews have towards Jehovah in the good days as described by Nietzsche requires a view of good and evil even if 'good' means nothing more and nothing other than what is demanded by God and 'evil' what is denounced by Him, for what is important here is not that some laws are not precisely moral but rather that any given event, a shower of rain for instance, is not regarded as a pure happenstance but rather as a gift of god: "chance robbed of its innocence."

The Good God, and the "Pushing Back into the Bad Conscience"

Their way was not good, for they had become powerful.
– *The Babylonian Epic of Creation*¹³⁷

If one understands as 'moralized' a world view in which happenings in the world are understood as either rewards or punishments, then one would have to interpret the Greek world, the world of Antigone, for example, as one which is moral in this sense of a moral world order. That therefore cannot be what is distinctive about a moralized world view like Christianity. What is distinctive about it is rather that while every people – I am sticking here to how Nietzsche understands things – valorises itself in its god, in Christianity the interpretation of *what is valorized* is distinctive. In particular, its god is *good*, unlike the gods of the Greeks. If, therefore, there is a moralization in a sense that does not apply simultaneously to many other moralities, it is here that one will have to seek it, in *the becoming good* of god.

In the passage from *The Antichrist* above Nietzsche says that the Jews of a certain period have a *good conscience* with respect to their god. What this means is that they are content and happy, that in their prosperity they approve themselves, and the god they regard as their own is the expression of their approval, a kind of testament and symbol of *their power*. The contrast case is one in which

a nation feels itself powerless and malcontent, and in which their god is the badge of their powerlessness and stands as an accusation against them. To have a *bad* conscience here is to think that one is to blame, to feel oneself accused, and first of all by one's god. Now this does not *have to be* a moral matter, but one of the ways in which one might understand the reason of one's embarrassment is precisely morally, particularly if one seems to have done everything else appropriately. For once one has given to God what is owed but one's problems remain, one has the option of thinking that what one has done to make amends did not succeed because one did not do it in the right spirit, with enough piety, and so forth. With the advent of the good god, who demands not merely payments for services rendered but over and above that that one be morally good, the *possibilities* of wrongdoing are *multiplied*, and one can always interpret one's misfortune as a punishment by one's god for evil. Here God is a miserly taker and not a generous giver, one who does not decide to give – including through exoneration and mercy, as with the Greek gods – just because he is *your* god, but who decides to *take* because *you do not give what he asks*. In such circumstances obedience is not for god's gifts – it is just because god demands, and one is always burdened by the feeling of indebtedness. The more impoverished in general one is, the more one accuses oneself precisely in order not to have to accuse one's god: he is powerful, but one does not give him what he demands.

The Greek gods, in contrast to the Christian god, are not *good* gods, that is: they did things that were quite clearly not honourable (see the list of acts of gods that would be excluded from the education of children in Plato's *Republic* – 377ff.), and they were too easily swayed by courting, which was a source of worry to some Greeks. Burkert writes:

[Morality] could not help coming into conflict with the religion as actually practised. With a certain naiveté the *Iliad* states that any man who oversteps and does wrong may still turn to the gods and win back their favour with sacrifices and gentle prayers, libations and fatty odours. [...] At bottom even the purification rites which Apollo demands are almost too easy a means of disposing of a murder: they amount to resocialisation, but not atonement. In Aeschylus not even the purification rites carried out by Apollo himself are able any longer to drive away the Erinyes by Orestes; only a formal juridical verdict is able to do so; admittedly this court of justice, too, is set up by the gods. For Plato the idea that the gods can be influenced by gifts and sacrifices is the most arrant godlessness (Burkert 1987:250).

Rather, Plato would have it that “God is good, and he must be so described” (1955:117 [*Republic* II 379]) and given that “we have a far smaller share of good than of evil” “while we can attribute the good to God, we must find something else to account for the evil.”

The Christian God in contrast to the gods of the Greeks is therefore a good god in this sense of Plato's. (But we also see here that the Greeks were on their way towards good gods.) In contrast, the national god that Nietzsche praises is “admired in good and bad alike.”

But beyond this development there is a *further* development that Nietzsche describes, unhelpfully, as a “pushing back into the conscience” (*GM* II:21). He writes: “The moralization of the concepts guilt and duty, their being pushed back into the *bad* conscience, actually involves an attempt to

reverse the direction of the development described above (*der eben beschriebenen Entwicklung*), or at least to bring it to a halt [...].”

It seems that Nietzsche is referring to the ‘development’ he has just described at the end of the preceding section (20):

The advent of the Christian God, as the maximum god attained so far, was therefore accompanied by the maximum feeling of guilty indebtedness on earth (*das Maximum des Schuldgefühls auf Erden*). Presuming we have gradually entered upon the *reverse* course, there is no small probability that with the irresistible decline of faith in the Christian God there is now also a considerable decline in mankind’s feeling of guilt (*des menschlichen Schuldbewusstseins*); indeed, the prospect cannot be dismissed that the complete and definitive victory of atheism might free mankind of this whole feeling of guilty indebtedness toward its origin, its *causa prima* (*diesem ganzen Gefühl, Schulden gegen ihren Anfang, ihre causa prima zu haben*). Atheism and a kind of *second innocence* (*eine Art zweiter Unschuld*) belong together.

If, that is, atheism made the creditor disappear, there would be an end to this feeling of indebtedness.¹³⁸ But, Nietzsche is arguing, if that is what we think, we would be forgetting another aspect of debt-consciousness. This debt is not one that we have *contracted* and that may now be relegated to the past now that belief in the *causa prima* has withered or is withering away. Nietzsche continues:

[...] the *aim* now is to preclude pessimistically, once and for all, the prospect of a final discharge; the *aim* now is to make the glance recoil disconsolately from an iron impossibility; the *aim* now is to turn back the concepts “guilt” and “duty” – back against whom? There can be no doubt: against the “debtor” first of all, in whom from now on the bad conscience is firmly rooted, eating into him and spreading within him like a polyp, until at last the irredeemable debt gives rise to the conception of irredeemable penance, the idea that it cannot be discharged (“*eternal punishment*”). Finally, however, they are turned back against the “creditor,” too: whether we think of the *causa prima* of man, the beginning of the human race, its primal ancestor who is from now on burdened with a curse (“Adam,” “original sin,” “unfreedom of the will”), or of nature from whose womb mankind arose and into whom the principle of evil is projected from now on (“the diabolizing of nature”), or of existence in general, which is now considered *worthless as such* (nihilistic withdrawal from it, a desire for nothingness or a desire for its antithesis, for a different mode of being, Buddhism and the like) (*GM II:21*).

Now the debt becomes *impossible* to discharge instead of *dischargeable*; now the bad conscience is even more “firmly rooted.” Why should it be impossible to pay it back? Now “the *causa prima* of man” – that is, *not precisely* God-the-creditor, but the cause of the human being – has “the principle of evil” “projected into” it (*und in die nunmehr das böse Princip hineingelegt wird* – a tendency to or movement towards evil is embedded in the origin of the human being); or “existence in general” is “considered *worthless as such*” (*als unwerth an sich übrig bleibt* – is left

over as unworthiness, or worthlessness, in itself). The flaw or the fault of the human being is now intrinsic and inherent, and no amount of penance will be able to make amends. There are no longer *merely accidental* or *aberrant* acts of evil by one *essentially* good. One is now *aberrant in essence*. In this context it is worth noting that *Schuld* also means *fault*. (The association of *debt* with *fault* is nicely echoed in the fact that *defect* and *deficit* both have the same etymological root in *deficere*, to fail.) The fault of the human being is an unredeemable and irremediable lack, and a hopeless default of means with which to fill it.

It is just this capacity to dismiss the evil act, and keep “one’s freedom of soul,” that we see in the contrast case of the Greek gods:

[...] there are *nobler* uses for the invention of gods than for the self-crucifixion and self-violation of man in which Europe over the past millennia achieved its distinctive mastery – that is fortunately revealed even by a mere glance at the *Greek gods*, those reflections of noble and autocratic men, in whom *the animal* in man felt deified and did *not* lacerate itself, did *not* rage against itself! For the longest time these Greeks used their gods precisely so as to ward off the “bad conscience,” so as to be able to rejoice in their freedom of soul – the very opposite of the use to which Christianity put its God. They went *very far* in this direction, these splendid and lionhearted children; and no less an authority than the Homeric Zeus himself occasionally gives them to understand that they are making things too easy for themselves. “Strange!” he says once – the case is that of Aegisthus, a very bad case–

Strange how these mortals so loudly complain of the gods!
We alone produce evil, they say; yet themselves
Make themselves wretched through folly, even counter to fate.

Yet one can see and hear how even this Olympian spectator and judge is far from holding a grudge against them or thinking ill of them on that account: “how *foolish* they are!” he thinks when he observes the misdeeds of mortals – and “foolishness,” “folly,” a little “disturbance in the head,” this much even the Greeks of the strongest, bravest age conceded of themselves as the reason for much that was bad and calamitous – foolishness, *not* sin! (*GM* II:23)¹³⁹

Someone with a bad conscience can come to have a good conscience if what they have a bad conscience about is something they can shrug off, discharge, or acquit themselves of, for instance by shifting responsibility for it to a god. But if the flaw is stuck in one’s very being, one would have to outrun oneself to shrug off the burden of debt.

For Nietzsche to say that there occurs a “pushing back into the bad conscience” is therefore to say that there is, in one whose consciousness is *already* freighted with an awareness of debt, a pushing *even further* back of this debt/flaw/fault/*Schuld*, down into her *very being*. This is no longer a *mere consciousness* of an *external* debt (moral or of some other kind) that, though it may be *hard* to discharge, *can* be discharged, but something new, a belief in a – deeper – ontological deformation that could never be redeemed. (When Nietzsche writes in section 23 that the Greek gods took on themselves not the punishment but the guilt, he asserts this specifically of the Greek nobles who

wonder how they could even be foolish, given what they are. By giving the responsibility for their evil to their gods the Greeks therefore placed themselves beyond the possibility of even *constitutional* flaws like foolishness. And he says in the notebooks that in contrast to the ancient world in which “punishment cleansed,” “in the modern world it besmirches” [LN 14[193]]; “Today punishment leads to isolation even more than crime does; the *fate* attached to a crime has grown so much that it has become irredeemable. One emerges from punishment as an *enemy* of society.”)

But what is at stake here is still a certain interpretation of the world, or of being. If there is bad conscience here, therefore, what it consists in is not exactly the fact that the debt is *of a different type* (than with the Greeks), but that the debt is *now unpayable*. Or, to be more precise, it is not that in the case of the Greeks there is no guilt and no moralisation, while in the case of Christianity there *is* guilt and moralisation. It is rather that, given the debt, the interpretation provides no way in which the guilty one (the moral debtor, the one that must pay the moral debt) might expiate the debt. It provides nothing that s/he may *do* to expiate it, since her/his *being* (and not the doing) is already, and always, an offence.¹⁴⁰ (One could, as Burkert suggests above, understand Athena’s foundation of the Acropolis as likewise an act by which a misdeed is made expungeable. It puts a statute of limitations on the work of the Erinyes who work at the behest of the mother and give no consideration to any limitation of the wrongdoer’s suffering.)

Now, indeed, they have to rage against themselves, against their being, where the Greek, for example, needed rage only at his deed (and even then only momentarily).

But I wish to emphasise that the raging against oneself does not begin with this Christian interpretation of an original defectiveness. One can rage against oneself under many conditions – from mere anger, for example. The question is: to what does one hold oneself, such that one can come to rage against oneself? This can comprise *many things indeed*. One could rage against oneself one’s whole life long for the imprudence of not checking that the fingerprints were wiped away when you robbed the bank, or for having kept the receipts for the warheads in your pocket. It is not necessary to look specifically to the ascetic ideal or for that matter to a specifically moral ideal (in the sense of an ideal premised on judgements of good and evil and a moral interpretation of being). At this level, these ideals are not different from any other, and the war-like ideals of a figure like Achilles, as much as the ideals of a master-criminal or of a Zarathustra who wishes to avoid the trap of compassion (see *Ecce Homo* I, 4), would be sufficient to make the ‘instincts’ of the creature ‘turn against’ it in rage. What is necessary for this is that the animal be capable of taking on any ideal as aspiration at all (and the promise and law, I argued in the previous chapter, are to be regarded as variations on the basic structure of the ideal). The present argument is thus an extension of the argument of the previous chapter against Nietzsche’s view that we give ourselves ideals in order to aggravate the bad conscience, from a will to cruelty (or power) against (over) ourselves, i.e., a more sophisticated form of the event of the *Tierpsychologie* in which the proto-humans are cruel to themselves for lack of another object to be cruel to. Ideals, I argued, usually make suffering necessary, but they are not adopted for the sake of suffering. A creature will rage against itself, unpleasant though that may be, because, for better or worse, it has committed itself to a certain vision (right or wrong), decomposable into ideals, of what it is for it to live a worthy life. The role of providing a reason to rage against oneself can therefore be played by *any ideal*

whatsoever, and if any ideal can play this role, the ascetic ideal is not special in this respect. One will have a bad conscience as long as one has an ideal, and *just because* one has an ideal, i.e., something one has not yet made actual but that one has in mind as that towards which one should be on one's way. A bad conscience, is however, as I argued in the previous chapter, not equivalent to guilt.

And just as I have argued that the interpretation of the world as a moral world order is shared equally by the Greeks and the Christians, the notion of an inherent and aboriginal flaw in the nature of man is likewise not exclusively Christian. Nietzsche's version of the Pandora myth is as follows:

A single evil had not yet slipped out of the box: then, by the will of Zeus, Pandora shut the lid, and thus it remained within. Now man [...] does not know that the box Pandora brought was the box of evil and regards the evil that has remained behind as the greatest piece of good fortune – it is hope. – For what Zeus wanted was that man, though never so tormented by the other evils, should nonetheless not throw life away but continue to let himself be tormented. To that end he gives men hope: it is in truth the worst of all evils, because it protracts the torment of men (*HH* 71).¹⁴¹

According to Hesiod, woman as such is the flaw, “an evil to mortal men” (*Theogony*, l. 600).

For Nietzsche, then, a morality does not necessarily have anything to do with gods, and a morality is not necessarily something to be condemned; only a morality of goodness and a moralising morality embodied in a good god raise Nietzsche's hackles. It is in this moralising morality of goodness that there is a bad conscience, and the Christian religion is understood by Nietzsche as the most acute development of the bad conscience in history. It is not because it is a religion with a god, nor because it involves a debt, that it is a religion of bad conscience. There are three reasons. First, it is a religion in which the character of being as chance, or, perhaps better, as a concatenation of brute events, is falsified by an interpretation of it in the categories of sin, punishment, good and evil. I have argued, however, that such interpretations are not absent in those moralities for which Nietzsche thinks the experience of the bad conscience is alien (the Greeks, for example). The second reason why Christianity is a religion of bad conscience is that God becomes good and moralises: his demands are now moral demands, and as a result there is a multiplication of ways in which one can be guilty. The third reason is that in Christianity one's debts become unpayable. The creature is inescapably indebted because its being contains an inherent fault (*Schuld*), and nothing the creature can do or give would be payment *enough* to expunge this ontological smut. Here bad conscience is the creature's annoying consciousness of its own blemished being.

In all of this Nietzsche's interpretation of the history of guilt is oriented by the notion of debt. In the first case, in addition to religious-economic debts (between the tribe and its benefactors) there come to be debts within a moral economy. Suffering is understood as punishment, sin will be repaid, etc. In the second case, a god that has become weak and can no longer provide becomes good and demands ever more to justify his non-action, requiring not only the old duties/debts but

the additional duties/debts of morally good behaviour. And in the third case, the debt is impossible to pay back because the one that would pay is constantly indebted or indebting himself through a defect-deficit rooted in his soul.

Guilt, Debt and Fear

In the story about the production of gods from the ancestors, in sections 19 and 20, the growth from the less powerful ancestors to the more powerful – *more fearsome* – gods is understood throughout as the increment of *a debt* and a fear (even in the case of the Greek gods, who, however, were paid back in full and more):

The *fear* of the ancestor and his power, the consciousness of indebtedness to him (*das Bewusstsein von Schulden gegen ihn*: debts, not exactly indebtedness), increases, according to this kind of logic, in exactly the same measure as the power of the tribe itself increases, as the tribe itself grows ever more victorious, independent, honored, and feared. By no means the other way round! [...] If one imagines this rude kind of logic carried to its end, then the ancestors of the *most powerful* tribes are bound eventually to grow to monstrous dimensions through the imagination of growing fear (*durch die Phantasie der wachsenden Furcht*) and to recede into the darkness of the divinely uncanny and unimaginable (*in das Dunkel einer göttlichen Unheimlichkeit*): in the end the ancestor must necessarily be transfigured into a *god* (*notwendig in einen Gott transfiguriert*). Perhaps this is even the origin of gods, an origin therefore out of *fear*! . . . (*ein Ursprung also aus der Furcht*) And whoever should feel obliged to add, “but out of piety also!” would hardly be right for the greater part of the existence of man, his prehistory. To be sure, he would be quite right for the *intermediate* age, in which the noble tribes developed – who indeed paid back their originators, their ancestors (heroes, gods) with interest all the qualities that had become palpable in themselves, the *noble* qualities. We shall take another look later at the ennoblement of the gods (which should not be confused with their becoming “holy”); let us first of all follow to its end the course of this whole development of the consciousness of guilt (*dieser ganzen Schuldbewusstseins-Entwicklung*) (GM II:19 – all emphases are Nietzsche’s).

Nietzsche likewise writes in *The Antichrist*:

I only touch on the problem of the *origin* of Christianity here. The *first* proposition towards its solution is: Christianity can be understood only by referring to the soil out of which it grew – it is *not* a counter-movement against the Jewish instinct, it is actually its logical consequence, one further conclusion of its fear-inspiring logic (*furchteinflössender Logik*) (A 24).

And it is in terms of an *extremisation or maximization* that the progress from smaller deities and divinities to the Christian god is understood.

History shows that the consciousness of being in debt to the deity (*Das Bewusstsein, Schulden gegen die Gottheit zu haben*) did not by any means come to an end together with

the organization of communities on the basis of blood relationship. Even as mankind inherited the concepts “good and bad” from the tribal nobility [...] it also inherited, along with the tribal and family divinities, the burden of still unpaid debts (*die [Erbschaft] des Drucks von noch unbezahlten Schulden*) and of the desire to be relieved of them (*[die Erbschaft] des Verlangens nach Ablösung derselben*). [...] The guilty feeling of indebtedness to the divinity (*Das Schuldgefühl gegen die Gottheit*) continued to grow for several millennia – always in the same measure as the concept of God and the feeling for divinity (*der Gottesbegriff und das Gottesgefühl*) increased on earth (*auf Erden gewachsen*) and was carried to the heights (*in die Höhe getragen worden ist*). [...]

The advent of the Christian God, as the maximum god attained so far (*des Maximal-Gottes, der bisher erreicht worden ist*), was therefore accompanied by the maximum feeling of guilty indebtedness on earth (*das Maximum des Schuldgefühls auf Erden*) (GM II:20).

This Christian moment is thus that “most terrible and most sublime peak (*furchtbarsten und sublimsten Gipfel*)” of bad conscience anticipated at the beginning of section 19, and begun with the semi-humans of section of 16, and it is the culmination of Nietzsche’s argument in section 6 that “[it] was in *this* sphere [...], the sphere of legal obligations, that the moral conceptual world of ‘guilt,’ ‘conscience,’ ‘duty,’ ‘sacredness of duty’ had its origin,” and that “that uncanny intertwining of the ideas ‘guilt and suffering,’” which may now “well be inseparable,” “was first effected.”

But there is an essential tension in this story. These factors are, I would argue, inconsistent. Those before whom we feel *guilty* (such as the Christian god is supposed to be) cannot be those before whom we are *afraid*.

When we owe to a fearsome god *the assurance of our debt* is his hurting us, that is, a punishment that is promised as the consequence of our defaulting. *What* we are afraid of and what stands as an assurance that we will pay the debt in the case of Christianity is not *our* being hurt *by God* but *our hurting Him*. We *pain* him as a parent or friend may be pained by a betrayal. Where punishment is promised, and looms (even if on the very horizon), guilt is less likely. Where punishment is forsaken, and the emphasis is rather on the pain of the one who issues the command, or rather, the request (the slighted father, or lover: ‘it hurts me that you do this’, and not ‘I will hurt you if you do this’), guilt is more likely. The expression of “the need for punishment” is more likely if there is no punishment, and guilty feeling does not thrive where there is command and a commander with the right or power to command, because guilty feeling requires that the one that feels guilty feel also strong, or, even, the stronger.¹⁴²

If there is a difference that is more than merely a difference of degree between the Greek gods or the (in Nietzsche’s eyes) god of the Jews in the period of prosperity on the one hand, and the Christian god on the other hand, it is this reversal: in the one case it is fear, the fear of suffering, punishment or judgement meted out by the gods; in the other case it is guilt, the fear that *our* misdeeds hurt *him*. It is for this reason that the god on the cross, god as sacrifice and victim, is the god of guilt. The story of the growth of the ancestors into the god of maximum guilt (the Christian

god) has to have a moment (assuming Nietzsche is right that at a certain point the relation to ancestors and gods *is* one of fear) in which the fearful relation to the gods is *transformed* into a guilty relation to god, and that story *cannot* be the story of a continuous extremisation and increasing fear, any more than the story of the movement from Greek religion to Christian religion can be a story of extremisation or maximisation.

One structure involves an external constraint (*fear*), the fear of punishment as the fear of the power of god. Burkert says of Greek religion:

[Without] fear of the gods all moral barriers fall away. This motif is already contained in germ in the Cyclops scene in the *Odyssey*: Polyphemos, though a son of Poseidon, has no care for the gods, and hence he is a man-eater. This accords with the question which Odysseus is accustomed to ask when he lands on an unknown shore: whether the inhabitants are ‘wanton, wild and not just’ or ‘hospitable and of a god-fearing mind’. The fear of god is the beginning of morality (1987:247).

And Maimonides writes: “[The] creator renders good to those keeping his precepts, and punishes those who transgress them” (quoted in Biderman 1984:434). Nietzsche says:

What is tradition? A higher authority which one obeys, not because it commands what is *useful* to us, but simply because it *commands*. –What distinguishes this feeling in the presence of tradition from the feeling of fear in general? It is fear in the presence of a higher intellect which here commands, of an incomprehensible, indefinite power, of something more than personal – there is *superstition* in this fear (*D* 9).

In another kind of structure there would be no external sanction in place, but rather a god that is infinitely delicate and susceptible to pain. God *always* moralises, but in the case of Christianity he does not terrorise. In the one case, fear guarantees payment, or obedience; in the other the withholding of payment (the withholding of punishment owed for sin) by payment (God’s payment for us by the offering up of his son) assures our payment (in the form of obedience, or rather accord). This god gives so much, one thinks, how can I take more, by hurting him with disobedience? In the one case, God is powerful, and we are subject to this power; in the other case, God is always a possible victim of our power to hurt with the smallest of disobediences. Given this *becoming victim of god*, there is a replacement of debt with an external assurance, by debt with an internal assurance, on the basis no longer of a fear derived from one’s *liability* (in all senses of the word) before god, but of the too great power one wields *over* a god that continues to suffer for our sins. If the Greek gods, as Nietzsche says, take on themselves the guilt *and not* the punishment, Jesus *precisely* does *not* take on the guilt, and *precisely* in his innocence, that is, *for nothing*, takes on the suffering precisely of those who *benefit* by their evil which, on the other hand, hurts *him*. He pays by suffering for the benefits to us of our evil.

Nietzsche is able to think all three – Christianity, Judaism, and the tribal ancestors – indeed, these *plus* the proto-state of section 16: all *four* – as continuous because, first, his emphasis on the kinship of guilt and debt overshadows the *difference* between them; second, because he does not

consider the possible difference between guilty feeling and a bad conscience; and, third, because he does not acknowledge at all the difference between guilt and fear. He can thus understand *guilt as fear*, but must now also think that the essential feature of the relation of the pious to their god in all three of these religious structures is one of *fear* before an agency to whom one owes a *debt*. I agree that such an awareness of indebtedness can amount to a bad conscience (especially if one either cannot pay back, or does not wish to pay back, or wishes to pay back and can, but is distracted or tempted in another direction) and that one experiences a fear of a punishment to come, or a dread of loss of love, or, merely, as Nietzsche says, “the burden of still unpaid debts and of the desire to be relieved of them” (*GM* II:20). But it is a mistake to too quickly assimilate this experience of a bad conscience to the experience of guilty feeling such as it is felt when we call to mind the suffering of Jesus on the cross or, indeed, his present suffering because of our most trivial sins.¹⁴³ (“Jesus cries,” the nanny says, “when you . . .”) The preacher in *A Portrait of the Artist as a Young Man* says:

Will we trample again upon that torn and mangled corpse? Will we spit upon that face so full of sorrow and love? Will we too, like the cruel jews and the brutal soldiers, mock that gentle and compassionate Saviour Who trod alone for our sake the awful winepress of sorrow? Every word of sin is a wound in His tender side. Every sinful act is a thorn piercing His head. Every impure thought, deliberately yielded to, is a keen lance transfixing that sacred and loving heart. No, no. It is impossible for any human being to do that which offends so deeply the divine majesty, that which is punished by an eternity of agony, that which crucifies again the Son of God and makes a mockery of Him (Joyce 1992:144-145).

I argued in the chapter on the Greeks that one feels guilty not only if one deserves punishment but when *others do not demand that you be punished*, for only then will one call punishment on oneself. But exactly the same thing holds in the case of debt. One does not feel guilty merely if one is *in debt* – though one might have a *bad conscience* about the debt because the henchman will come tomorrow, because one may have to pay a pound of flesh if one defaults, etc. One *feels guilty* about a debt, when no-one is demanding the payment of the debt, or when there is no pressure on you to pay back, or even when they are *positively refusing* your payment of the debt. A debt is in fact not easily set apart as a category of its own. It can arise in an infinite number of cases where there is no debt in the sense of something specifically *contracted*. A misdeed that you do can be regarded by you – this is the feeling of guilt – as something for which you now owe someone something, though no-one demands anything of you. A good deed done to you *can be* part of a contract agreed to between you and someone else, as when they fix your plumbing for a fixed price, but *in the absence of an agreement* a good deed done to you can still *come to be seen* by you as a debt that you owe the doer of the deed. This issue is clearly marked by Nietzsche in two contexts other than the *Genealogy* in which he uses the trope of taking on the guilt and not the punishment. In *Ecce Homo* (I:5), he writes:

One need only do something bad to me and I will ‘repay’ it, of that one can be sure: presently I will find an opportunity to express my thanks to the ‘wrongdoer’ (occasionally even for the wrongdoing) – or to *ask* him for something, which can be more obliging than

giving something . . . It seems to me, furthermore, that even the rudest word, the rudest letter is more good-natured, more honourable than silence.

There are two points here that I wish to emphasize. First, there is the point which is also expressed in “On the Adder’s Bite” in *Thus Spoke Zarathustra*:

If you should have an enemy, then do not requite him evil with good, for that would shame him. Instead prove that he has done you some good.

And be angry rather than shaming someone! And if you are cursed at, I do not like it that you want to bless. Better to curse along a bit!

And if a great wrong befell you, then quickly add five small ones to it! Ghastly to behold is a person who suffers a wrong all by himself.

Did you know this already? A wrong shared is half a right. And the one who should take a wrong upon himself is the one who can bear it!

A small revenge is more humane than no revenge at all (Z, First Part).

Nietzsche talks here about shame, but the point applies equally well to guilt: if you do not requite someone who does you a harm – that is, if you do not *take back something in return for what they have taken from you* – you might put them in your debt without wanting to. *By not demanding* your right to requital, you can thus cause them to feel guilty (or ashamed). Second – whether or not Nietzsche is right that asking for something can be more obliging (which I find doubtful) – he says that giving something can be “obliging” (*Verbindlicher sein kann* – can be more obliging). Derrida writes (with Mauss and Benveniste in mind): “We know that as good, [the gift] can also be bad, poisonous (*Gift, gift*), and this from the moment the gift puts the other in debt, with the result that giving amounts to hurting, to doing harm [...]” (Derrida 1992b:12). Here there is no credit-agreement and no contract, but the very fact of giving can have the effect that the one who receives *feels indebted*, although, or when, no restitution is demanded. (Not that it will always have that effect, however. This depends heavily on the receiver and her own ethics or psychology of receipt.)

Now I emphatically do not wish to deny something that can easily be demonstrated, i.e., that there is still a place for punishment in the general development of Christianity since Christ. A passage like the following (Romans 12:19) that appears both to confirm my case and to contradict it, cannot be ignored: “Avenge not yourselves, beloved, but give place unto the wrath of God: for it is written, Vengeance belongeth unto me; I will recompense, saith the Lord. But if thine enemy hunger, feed him, if he thirst, give him to drink: for in so doing thou shalt heap coals of fire upon his head.” Here we see that Christianity *does not* dispense with external sanctions.¹⁴⁴ In order to truly hurt those who hurt you, the passage says, it is best to do good to them, for now they shall be more deserving and deserving of more of the coals of fire which it is the Lord’s right (but not yours) to heap. This gesture of doing good in return for bad increases the *objective guilt* (the seriousness of the *culpa*) of the guilty party, and thus increases the severity of the retribution. On the other hand, the *new* god, the *son* god, is not the one who punishes in this ditheism (a ditheism as regards function, at least); he does not even accuse (casting the first stone), and it is significant that the words quoted are Saint Paul’s and not those of Jesus. The son god is the one that Nietzsche

says in *The Antichrist* (36) teaches what goes against what came to be sanctified as the Church, who must therefore be distinguished from the institutions set up after him, and whom Nietzsche describes as follows:

This ‘bringer of glad tidings’ died as he lived, as he *taught* – *not* to ‘redeem mankind’ but to demonstrate how one ought to live. What he bequeathed to mankind is his *practice*: his bearing before the judges, before the guards, before the accusers and every kind of calumny and mockery – his bearing on the *Cross*. He does not resist, he does not defend his rights, he takes no steps to avert the worst that can happen to him – more, *he provokes it* . . . And he entreats, he suffers, he loves *with* those, *in* those who are doing evil to him. His words to the *thief* on the Cross contain the whole Evangel. ‘That was verily a *divine* man, a child of God!’ – says the thief. ‘If thou feelest this’ – answers the redeemer – ‘*thou art in Paradise*, thou art a child of God.’ *Not* to defend oneself, *not* to grow angry, *not* to make responsible . . . But not to resist even the evil man – to *love* him . . . (A 35).

In effect the one that has coals heaped on his head has nothing actually happen to him here, in this world, where things happen; at worst, something might happen, but that is, precisely, left to the Lord. It is neither the prerogative of the victim nor of Jesus himself to ‘avenge’. The task of the son in this ditheism is rather to suffer.¹⁴⁵ (The not-making-responsible that Nietzsche speaks about in this quote can precisely make responsible in a way sometimes impossible for a direct and deliberate attempt to make responsible.)

It is not, therefore, that evidence of external sanctions cannot be found: it is rather that we fail to understand *that*, and *in what precisely*, and *to what extent*, Christianity constitutes a departure from Judaism, without denying the continuity. Nor is the feature that I am discussing here the only distinguishing feature. There are certainly others, but this is one, and one that is of some importance, not only for our understanding of Christianity but also for an understanding of guilt.

What is ultimately required by the passage above is that though the law is maintained, since at least the morality (if not all the observances) of Judaism is also largely the core of Christian – Judaeo-Christian – morality, the law is *displaced* (but not obliterated), by becoming the business of the Lord, and not that of Christ himself nor of any particular Christian. Christ himself is on the side of a sinfulness henceforth ineradicable from humanity. It can be presumed that the first stone will not be cast precisely because of what may be called Christ’s *a priori*, that *all are sinners*, or that all have sinned or will sin. The Sermon on the Mount emphatically, even aggressively, eschews the retributive *justness* of the law toward a kind of moral or self-sacrificial excess, a kind of incontinence of goodness. Nowhere is this relation to the law more intensely thematised, of course, than in Saint Paul’s epistle to the Romans.

First there is the remarkable logic by which the law is evaded. Saint Paul first establishes that “all [Jews and Gentiles alike] are under sin” (3:9) and (“as it is written”) that “there is none righteous” (3:10). For my argument, this is of considerable importance, because it allows Saint Paul to put the law somewhat aside: it is pointless to demand an obedience to the law that was never forthcoming to begin with, especially now that we have accepted that all are sinners and the law is inevitably

and necessarily *broken*. The law is both inevitably transgressed and out of order. (This is *not only* a matter of original sin and an aboriginal *Schuld*. Saint Paul only mentions that after he provides a catalogue of quotations demonstrating that the *empirical* sinfulness of men is everywhere to be seen. What is at stake is an a priori statistics of universal peccability.) Now that the law is broken, however, God has to be understood beyond the law and within a full acceptance of an effectively total sinfulness. This is remarkable since this acceptance is for Saint Paul not the occasion of further self-castigation, but a *release* from the onus of the law.¹⁴⁶ The irreducible flaw (which is so important to Nietzsche) actually *neutralizes* the law, since the law proves its own powerlessness in commanding what *will not be obeyed*.

Now, “justification” by the law – salvation through obedience to the law – is replaced by the justification of those that have faith in Jesus. This establishment of faith in Jesus as what is right is the new law and the new “righteousness” of god “without the deeds of the law” (that is, apart from and outside the law), which no longer discriminates between those who obey the law and those who do not, now that all are sinners:

But now the righteousness of God without the law is manifested, being witnessed by the law and the prophets; even the righteousness of God which is by faith of Jesus Christ unto all and upon all them that believe: for there is no difference: for all have sinned, and come short of the glory of God, being justified freely by his grace through the redemption that is in Jesus Christ: whom God hath set forth to be a propitiation through faith in his blood, to declare his righteousness for the remission of sins that are past, through the forbearance of God; to declare, I say, at this time his righteousness: that he might be just, and the justifier of him which believeth in Jesus.

Where is boasting then? It is excluded. By what law? of works? Nay: but by the law of faith. Therefore we conclude that a man is justified by faith without the deeds of the law (Romans 3:21-28).

But the law and the last judgement nevertheless remains (see 2:12-16). Not only because there is now a new ‘law’ (of faith) by which one is justified and the new interpretation of the righteousness of god, but also because the old law remains to define sin and obedience. While the latter law remains, however, its function is changed. “Now we know that what things soever the law saith, it saith to them who are under the law” – that is not those for whom there is the new righteousness of faith – “that every mouth may be stopped, and all the world may become guilty before God” (3:20) (i.e., so that the whole world [*pas ho kosmos*] might come to be under the judgement [*hypodikos*] of God). The law now serves to underline that those who have not been new born into life through Christ, fall under the law (which is as such the law of sin and of death for sin) and that they, who do not travel the new path of salvation beyond the law that has been opened up by Christ, will nonetheless not be ignored by the God of the Law. Their share in the universal sinfulness is simply an unredeemed share.

But even those redeemed by Christ still have to obey the law, but chapters 7 and 8 – which I cannot here examine more closely – elaborate a kind of theory of salvation or a prophylactics

based on the dichotomy of spirit and flesh, that explains how those who are of the spirit *will not* sin, since they do not live according to the flesh which is inherently sinful. “For to be carnally minded (*to [...] pronema sarkos*, the mind of flesh, the fleshly mind) is death; but to be spiritually minded (*to [...] phronema tou pneumatos*, the mind of spirit) is life and peace.” But however that may be, Saint Paul writes, crucially: “There is now no condemnation to them which are in Christ Jesus, who walk not after the flesh, but after the Spirit” (Romans 8:1). They are sinful but uncondemned.

Freud writes in *Totem and Taboo*:

In the Christian doctrine, therefore, men were acknowledging in the most undisguised manner the guilty primaeval deed [i.e., the killing of the father of the primal horde], since they found the fullest atonement for it in the sacrifice of this one son. Atonement with the father was all the more complete since the sacrifice was accompanied by a total renunciation of the women on whose account the rebellion against the father was started. But at that point the inexorable psychological law of ambivalence stepped in. The very deed in which the son offered the greatest possible atonement to the father brought him at the same time to the attainment of his wishes against the father. He himself became God, beside, or, more correctly, in place of, the father. A son-religion displaced the father-religion (PFL 13, 216-217).

This appears to me too strong a claim, and underestimates the dependence of Christianity on Judaism. The son has the meaning he has only as the son-of-the-father. We ‘identify’ with the son *precisely* as one over whom the father disposes (the *giving* the son), and, in continuity with this, *precisely as suffering* (as the deprived gang of brothers suffers in the horde). In that sense Jesus occupies, if one must place him in the scheme of the primal horde, the place not of the father or of the father-replacement, and not of the brothers as parricides. He occupies the place *precisely* of the *sons*, that is, the subordinates of the father over whom the father has a certain paternal right, and in the extreme the right to give and kill. And he occupies the place of the sons specifically *as suffering*. (That would, if true, call into doubt Freud’s deep investment in this context in the idea that there is a parricidal wish, for if there is only an identification [in the loose, not the Freudian, sense] with the suffering son/s [in the sense that one takes their side against the father and suffers of their suffering, ‘feels for’ them], it is not necessary to insist on a desire to become the [powerful] father. It is in fact quite remarkable that there are in fact so few, if any, traces of resentment of the father in Christian religious feeling, given that the son supposedly suffers so much on the father’s initiative. In a remarkable way, what seems to happen is that it is not the father’s cruelty to his son – and thus possibly us – that bears the accent, but the fact that it is, firstly, *for us* that the father does what, secondly, is hurtful to *himself*. If this is correct then there is here also an identification with the father himself, *not* as the *powerful, cruel*, father but as the father who gives *his* son for us [thus giving the father *his own* family to which we therefore do not quite belong]. Similarly, the emphasis is not on the fact that there are commands and a commander, and not on the fact that we disobey, but on the fact that we are eternally *disobedient*. *However*, this disobedience is *not* a characteristic of the son who is given for us. A disobedient son

who is punished is not *sacrificed* but merely punished – like Satan, or the serpent, or Prometheus – and while he might perhaps get our pity, he will not cause us to feel guilty.)

Father and son therefore stand together in a very subtle relation of distinction and indistinction. If the father gives, he gives the son – for a third party (us) on whose side the son also stands. If the father commands (has commanded) and will (eventually, but not now) judge and punish, the son does not command or condemn, but forgives and loves. But because the son is the son of the father, and the father gives, the father too ultimately loves, and loves even more the third party for whom he gives the son.¹⁴⁷ And this division of labour between father and son that is ultimately a co-operation for our sakes, turns out to have a temporal corollary. As Joyce writes:

At the last moment of consciousness the whole earthly life passed before the vision of the soul and, ere it had time to reflect, the body had died and the soul stood terrified before the judgementseat. God, who had long been merciful, would then be just. He had long been patient, pleading with the sinful soul, giving it time to repent, sparing it yet awhile. But that time had gone. [...] Now it was God's turn [...] (1992:120-121).

Nietzsche goes to some lengths to show that Christianity does not do without punishment, either of sinners or in the theodicy of earthly suffering – both in the second essay of the *Genealogy*, where it is a matter of establishing the joy that people once took in suffering as long as it was not senseless, even if its meaning lay in being a spectacle of the gods (“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.”); and in the first essay, which contains, in section 15, the quotations from Thomas Aquinas and Tertullian demonstrating the pleasure that the faithful may take (as in the passage from Saint Paul quoted above) in the prospect of the punishments of the (various kinds of) damned.

It should be clear that I do not mean to question these theses as such. But they ought to be carefully situated in the context of a discussion of guilt. Nietzsche puts before us the view that with the arrival of the Christian god, as the most powerful god, guilt or bad conscience, and specifically that of the Christian or of offshoots of Christian decadence (anarchists and so forth), reaches its peak. But that is *not* the case in these instances Nietzsche cites. In the case of the theodicy of those who suffer and shall (therefore) inherit the earth, present suffering is what will justify an eventual future glory. This is not suffering as punishment for sin but as *payment for future triumph*. That is not a guilty attitude. And in the case of the damned in whose suffering the Christian will one day be positioned to rejoice, what is asserted is a *being on the side of the powerful god* against the variously damned and suffering.^{148, 149}

These are therefore quite the contrary of an experience of bad conscience. In neither case do we have the accusing oneself, the taking sides against oneself, that is supposedly characteristic of the bad conscience. *On the contrary*. If humanity in general takes sides against itself as animal, in these instances it is the *victory over* the animal that is being celebrated, and that, at the level of the

choice between joy and affirmation on the one hand and guilt and self-castigation on the other hand, is a cause of joy like any other. What is at the forefront here is therefore joy and victory *instead of* guilt. (Nietzsche might object to the falsity of the fantasy of glory, but that is not relevant to the question of guilt.¹⁵⁰)

Guilt and Power

I have claimed that fear before a powerful god is not guilt, because fear is not guilt. I have claimed instead that guilt can occur with the Christian god considered as infinitely susceptible to injury and thus with the *contrary* of a powerful god, and that this invention of a god that is the victim of his subjects is what is novel in Christianity. I will now claim that in order for someone to feel guilty they have to estimate their own power rather highly, and that therefore, feeling guilty is, at the very least, perfectly compatible with feeling powerful (though of course feeling powerful – as in the Christian cases I have just discussed – does not by itself amount to feeling guilty).¹⁵¹

The clear examples of guilt in Chapter Four are examples in which someone injures someone else, and reproaches themselves for it. In the first place, guilty feeling therefore presupposes a situation in which one has the capacity to injure another and, in this minimal sense, a power over them. Or there are clear cases in which, though one is not oneself responsible for the injury that has been done to someone, *one assumes responsibility* for it, and feels that one must make amends. Here one takes them under one's wing. One takes on the duty of something which one can *rightfully* – or as they translate Saint Paul, “righteously,” that is, *according to the law* – avoid, and again, one places oneself in a position of a superiority *vis à vis* this other, at least as concerns resources or capacity to help them. The gestures of guilt are in this way gestures of *strength rather than* of weakness. They presuppose either both that one has done wrong (I have hurt them, I was able to hurt them) and that one can (supererogatorily) make it right (I can help them – sometimes when they cannot help themselves) or, simply, that, whether one has done wrong or not, one can make some wrong right. It is not accidental that despite the general rarity in ancient Greece, examples of guilt were found among the most powerful, the gods.

I would maintain that thesis even when the person who feels guilty persecutes themselves or places themselves in deprivation. If for example someone has been wicked or even merely unkind to someone (a spouse, a parent) for a long time, they might afterwards feel guilty and, if the possibility of reparation is not available, say, and there is no other way for this guilt to come to expression than through a cruelty to themselves, it is still their power against the other that troubles them, and still their strength that is proven by their capacity to *both* give themselves pain and receive pain (from themselves). Pain is something they can still inflict (on themselves) and something they have already inflicted (on someone else) – and also something they are able to suffer.

The mistake that associates guilt with weakness is widespread, but a notable example is provided by Deleuze and Guattari on Kafka: “Kafka,” they write, “cannot feel guilty [...]. [...] Guilt is only the expression of a judgement which comes from outside, and which only takes hold on, only bites into a weak soul” (1986:32).¹⁵² There is certainly *a sense* in which a soul may be said to weak if it

feels guilty, but this does not rule out another sense in which a soul has to be strong in order to feel guilty. Nietzsche writes (one thinks of Raskolnikov): “A criminal is frequently not equal to his deed: he makes it smaller and slanders it” (*BGE* 109), and we might say that the guilty soul is a weak soul in this sense, that it is not strong or committed enough to stand by the deed, that it does not keep faith – like a bad promise-maker – with its crime. (It is this regret of the deed, I would suggest, that remorse primarily refers to. Remorse chiefly concerns the relation between a doer and his deed, and it looks backward, while guilty feeling looks both backward and forward to the relief of punishment or atonement.) On the other hand, there is a sense in which the wrongdoer who feels guilty has to be strong; not only does he have to feel stronger than the one he has hurt, he has to feel strong enough to make the atonement for which his guilt-feeling calls. In Chapter Four I suggested that those openly accused by others do not tend to feel guilty because they are on the defensive. In such conditions one precisely does not feel strong enough for guilt.

One of the most interesting aspects of Freud’s discussion of guilt in the primal horde concerns this question of power or weakness. The relationship of the sons to the father is ambivalent, he says. On the one hand, they resent his power, are jealous of him, and have in general a hostile attitude towards him; on the other hand they love him. It is the aggression of the sons that motivates them to kill the powerful father, but once he is dead their love, Freud says, comes to the fore. It is this that makes them institute the taboos that Freud believes are at the basis of human society. Freud names this “deferred obedience”: the father never had their obedience when he was the powerful propounder of commands, and is obeyed only when dead.

But why does their love make its appearance *now*? Because the love of the sons can only come to the fore on condition that the father is dead. They can only love a dead father. But it is they that have killed him! So it should be. As alive he is dangerous. As dangerous he must be hated (and envied, etc.). And as hated and dangerous, he must be the object of their aggression, and must be killed. But *as killed*, he is no longer powerful. On the contrary, it is the sons who have been victorious and are now the powerful: they can now have the pleasure and power that was always denied them by the existence of the father. But now that they are powerful they renounce these pleasures, forbid them even, and feel guilty for what was *previously* their *rightful riddance* of the miserly and cruel father – and is *now* their *crime*, their *own* piece of cruelty. They must fear what is alive (and powerful) and can only love what is dead (and powerless). The temporality here is the key, for it furnishes an inversion in the relation of power. Only once they are powerful can they feel guilty. While they are denied power, their stance is defensive and aggressive. *Their aggression – the killing – thus provides the condition under which they can feel guilty for this killing itself.* (In the case above of the Christians triumphant after death, one envisages the triumph, from within a present suffering, as a pleasure to come. If there were to be any guilty feeling about the damned, it would manifest only at the point of triumph, and not now.)

But what matters about his being dead is that he is both *powerless* and *injured*. That he is injured provides that about which to feel guilty. But that he is powerless means that he does not have the *power to force* recompense, which would have obviated the guilty feeling. In short, where there once was the powerful despot there is now the defeated victim.

In Christianity, where there once was the one who commanded and those that had to obey, there is now the one who commands in vain. Power has no point, for all are in sin and there is no possibility of obedience.¹⁵³ Now the powerful one, the father, must make amends for us (just like a father that must pay for something the child has broken in the shop, or, better, must pay a deposit for something the child certainly will break). At that point his ability to hurt us becomes our ability to hurt him, since we make him sacrifice himself in the sacrifice of his son. Here it is not because the father is killed and dead that he becomes powerless, but precisely because, though he lives and commands, he commands nothing and no-one, for his commands are doomed to never being obeyed. (In this sense, Christianity could only have come after Judaism. The Old Testament becomes for Saint Paul – in Chapter 3 – a historical document of disobedience.)

Deferred obedience is therefore obedience precisely when there is no command. But this moment when the sons obey the father, is precisely congruent with the relation in Christianity. In both cases the aspect of power and jealousy, of the strong god against whom one is in turn strong, gives way to the other aspect of God as the pitiable victim of our wilfulness – both of the father who gives his son for us, and of the son who, blameless, is given and gives himself in the scene of suffering and crucifixion that is the most intense and ubiquitous image of Christ (before and beyond his resurrection). The meaning of Saint Paul's freeing us from the burden of the law is that there is now a new *freedom to feel guilty*, beyond the mediation of the law, within a heavily accentuated relation to the *persons* of the Father and the Son.¹⁵⁴

The deed in Freud's story really does matter after all ("In the beginning was the deed"), for it is the deed that accounts for the undulation of feeling. They precisely did not feel any guilt while they plotted against him or fantasised about all they would have if he were dead, i.e. while they *want* and *don't have* the benefits of killing him. There is guilt only *after* he has been killed, *because* he has been killed. The *force of their desire* is obviously much stronger before the deed than after it, and obscures considerations of how much the deed might hurt the father or how much one might miss someone one got rid of, etc. But after the deed the desire falls away, for now they have what they wanted. Now what was obscured by their desire becomes palpable, and they feel guilty.¹⁵⁵

Freud says in *Totem and Taboo* that the prohibitions that the sons put in place come from two sources: failure on the one hand and a new power of the dead father on the other hand. "The dead father became stronger than the living one had been." If we understand this on the account just given, this tells an important truth, for now we can say that the sons *give more obedience* to the dead father than the living one. But it is also a way of speaking that blocks a proper understanding of what really happens, and specifically of the place of power in this problematic. If one thinks that they feel not affection for but *awe* of the powerful (dead) father, i.e., that he became genuinely more powerful in their eyes, we should not say that they feel *guilty* but rather that they have a bad conscience, comparable to the experience of Orestes, who has just murdered his mother (but does not yet see the Furies): "my bolting heart – it beats me down, and terror beats the drum" (1979:223).

On the other hand, there is the claim about failure:

This fresh emotional attitude [the affection that comes to the fore] must also have been assisted by the fact that the deed cannot have given complete satisfaction to those who did it. From one point of view it had been done in vain. Not one of the sons had in fact been able to put his original wish – of taking his father's place – into effect. And, as we know, failure is far more propitious for a moral reaction than satisfaction (PFL 13, 204).

But in this case it seems to me just as plausible that if one of them had succeeded at taking the father's place and were in that sense successful and satisfied (rather than failed and dissatisfied), feeling guilty about killing the father would still be quite possible (even if he were now also liable to be distracted by his pleasures). In this context the distinction between guilty feeling and remorse or regret is important. One might well wish that one had not done something that has not profited you and that hurts others, but one might be feeling no more than a wounded pride that one foolishly went to such effort for nothing. Or one might be feeling disappointment or anger at the pointlessness of one's toil and risk, the feeling, as in Nietzsche's presentation of Spinoza, that something has unfortunately gone wrong. None of these should be confused with feeling guilty.

Freud places much emphasis on the purported fact that one can feel guilty even about thoughts, for example imagining that something bad happens to someone one resents. What would be interesting about this is that no external agency is required before one feels guilty in this way, and that is of course why Freud then looks for a theory from (the) internalization (of an external authority). But I hope I have shown that it is essential to guilt that it is something that occurs in one's isolation, precisely because in the secrecy of this isolation there are *no accusers*. Consequently, if there *were* internalization there could be no secrecy at all, since the superego would always be stationed inside watching and accusing, and the ego, taking a defensive stance towards it, would never come to the point of reproaching itself. The reason one can feel guilty about thoughts, however, is precisely that you know them and no-one else – not even a superego – does. One therefore feels guilty about thoughts just as much as about acts that are known only to oneself, and for the same reason: no-one else can accuse one of anything. But in the case of thoughts there is a greater likelihood of guilty feeling just because the privacy of thoughts means that no-one else could be aware of the thought-crimes you perpetrate, in contrast to the real acts of crime that tend to leave their traces in a world open to all to see. Since Freud forgets his formula for guilt and thinks there must be a punishing superego if there is to be guilt, the problem of thoughts becomes acute, for Freud now needs, as the condition of guilt about thoughts, *an internal punisher* before whom the ego can feel anxiety. The superego in this way becomes a Frightening Person On The Inside, and Freud's neglect of his own formula has caused the theory of guilt to move in the seemingly plausible but ultimately entirely erroneous direction of a theory of a fearsome superego.

Conclusion

Nietzsche's interpretation of guilt and the history of guilt is oriented by the etymological tie in German between guilt and debt. An important part of his view therefore concerns how an unmoralized notion becomes moralized, and so it is important to establish the sense of the notion of moralisation. I have offered two interpretations. First, moralisation means that being is interpreted through the notions of sin, punishment, expiation, etc., so that events that are purely

causal come to have the meaning of punishment or reward for sin or good works. I have shown, however, that Christianity does not have any special status in this regard, not even in comparison to Greece. Second, Nietzsche means by moralisation the transition from a relation to a powerful god, admired for the good he does as well as for his evil and who embodies and symbolises the nation's power, to a relation to a good god no longer powerful enough to aid, give, protect, and exonerate (like the "noble" Greek gods), and who instead demands morally good behaviour and punishes (that is, 'lets happen' what he can no longer prevent) when his demands are not met. This is in effect the difference between a generous and a mean god, but all these gods are thus conceived by Nietzsche in relation to debt. In the case of the powerful gods, however, what is paid back is given in gratitude for what the gods give, while in the case of the mean (i.e., good) gods, what is given is taken by the gods as the condition of their doing something good, and a nation suffers if the gods are displeased with its moral failures. At its most extreme, Nietzsche thinks, this moral failure cannot even be paid back as one pays a debt since it becomes an ontological flaw for which adequate payment will never be made, and the Christian God, whom Nietzsche understands as the God of the maximum *Schuldgefühl*, consequently has to make the payment himself. In accord with this general picture, Nietzsche makes sure that we are left in no doubt about the cruelty of the punishments adduced in certain Christian tracts.

I have argued however that the association of Christianity and guilt is not best understood by understanding the Christian god as the most powerful, most fearsome god, and the god to whom we have the greatest debt. Rather, this association can be understood only if we think of Christianity as giving us, precisely in the son, the *most delicate* god in history. The general movement of the first and second essay of the *Genealogy* is mistaken in its association of guilt and Christianity with fear and debt, and wrong because of Nietzsche's general interpretation of guilt through debt. It is certainly true that the feeling of guilt (*Schuld*-guilt) is an owing (*Schuld simpliciter*), a feeling that one owes recompense, etc., but in the case of guilty feeling one feels one owes *whether one owes or not*. One may be innocent and no-one would say that one owes, and in the extreme one might even *know* that one *does not* owe, but one *indebts oneself* nevertheless.

In fact, therefore, the entire question of how *Schuld* as mere debt becomes moralized into *Schuld* as guilt, is a red herring. *One can feel guilty about moral debts* as much as *about non-moral debts* (since all giving and taking, all traffic between persons, is, as a mode in which people affect each other, potentially a matter of morality). If someone has transferred to me some money that was never officially or clearly a loan, I might feel that I should pay them back even if they now insist that I keep my money. The *nature* of the giving or taking is not what matters. One can be given money or steal it, and one can place oneself in someone's debt, even if no money or commodity is involved, by accepting a favour from them or by doing them some injury. What matters is rather *where the pressure to pay back comes from*, that is, on whether the 'repayment' is 'externally' enforced or 'enforced' by someone *upon themselves* precisely because the pressure of others has been lifted. What matters is *who* insists on *whether there is* a debt to be paid.

I have argued that Nietzsche is also wrong to associate guilt with weakness, impoverishment, and a disdain of self (for example in the theory of the aboriginal defect/deficit), that defensiveness does not favour the development of guilt, and that one will not freely take on oneself a debt of amends if

one does not feel at least powerful enough to pay it, and capable of helping the person one accuses oneself of hurting. This comes out quite clearly in Freud's narrative – if not in his explanation – of the guilt of the parricidal brothers, who, I have argued, feel guilty only when they have been successful in slaying the father, for *the very act* of slaying him *transforms him* into something else. A powerful and fearsome commander becomes merely a dead and injured man. Our victorious misdeeds in similar fashion generally make our victims something other than they were when, full of antipathy towards them, we hatched the plot to do them harm, and so, as long as they (or their representatives) do not try to exact recompense and put us once again on the defensive against them, we can often end up feeling like we need some punishment.

Saint Paul's insight is that since threats and fear often lead not to obedience but to rebellion, in order to secure obedience one might do better to *suspend* the law, and the debt-payment the law insists upon, and instead give priority to a personal relation to God in which guilt is possible because the *withholding* of punishment leaves us free to accuse ourselves for the suffering that we have inflicted and continue to inflict on a loving, forgiving and guiltless son-god and his long-suffering father.¹⁵⁶ Christianity certainly does not give up the expedient of the threat of punishment entirely, and these two aspects of Christianity, its ability to evoke guilt and its ability to evoke fear (and a bad conscience), sit somewhat incongruously side by side with each other since Saint Paul. The throne is not occupied by *either* the punishing father or the sacrificed son *alone*, and in this twinning of power and renunciation of power Christianity gives itself two means, which it can draw on according to circumstance, of securing the obedience of mankind.

CONCLUSION

I have attempted to show that the discussion of conscience and guilt is in need of a few distinctions. Guilty feeling must be distinguished from a bad conscience, and the bad conscience itself should perhaps be distinguished into two forms. I can have a bad conscience about the merely prudential – in that case, the feeling that characterises it is a fear (including of loss of love), dread or anxiety about the negative results of my action or inaction either in the direct form of the consequences it brings about or in the form of the disapprobatory reactions of other people (including the mocking or contemptuous reactions associated with shame). I may have left the stove on, and fear the possibility of fire. Or I might be tempted to lie, but fear its discovery and the consequent loss of love. The conscience here is a bothered and anxious consciousness of some undesirable possibility. But I can have a bad conscience also about failing to meet those standards I set myself or those ideals I give myself. In that case the feeling may be described as an irritation or a wounded pride at my failure (or weakness of will), and a remorse or regret that I didn't act better.

To have a *good conscience* is accordingly the unruffled state of mind with which one as it were peruses a roster or check-sheet on which all the expectations of others or of oneself (ideals) have been ticked off. To have “no conscience” is then simply to have no scruples about something that offends others (including any scruples based on the offence they might take), i.e., to have no regard for what they have some regard for. The condition of not having a conscience is therefore empirically indistinguishable from a clean conscience. And to have one's “conscience corrupted” – as Nietzsche uses the phrase in section 24 of the second essay of the *Genealogy* – is to have *what* one has scruples about changed from one set of precepts deemed satisfactory (by the one who judges the conscience ‘corrupted’) to another set that is deemed somehow unsatisfactory. And someone who judges another's conscience to have been ‘corrupted’ might then also speak of them as having no conscience, for while those who are thus judged act in accordance with *their own* conscience, they do not act in accordance with what a conscience is *supposed to be* (as understood by those doing the judging).

To say approvingly of someone that they *have a conscience* is to say that when they are about their business, they – *conscientiously* – keep in mind the principles they profess or the standards they hold themselves to (thus giving themselves a greater chance of acting in accord with them and, in the end, of having a clear conscience).

In this light, *the* conscience is at a certain level *essentially* connected with the possibility of a *bad conscience* since the conscience *tout court* is what prickles in contemplation of what one deems worthy of avoiding. The bad conscience is a condition in which the soul is troubled or thrown out of balance at the consciousness of something from *one* angle desirable but that cannot be comfortably endorsed from *another* angle. But the conscience is the *very capacity* to be troubled in that way, and so one could not have a conscience without the essential possibility of its being bad, and no conscience could be bad without first being a conscience. (We might say: the conscience is nothing, or good for nothing, if it could not be bad.¹⁵⁷) The clean conscience, likewise, cannot be thought without a reference to the possibly bad conscience: it *can* be clean because it *could have been* dirty. One might have done what one does not or cannot absolutely endorse – which would

have given you a bad conscience – but one does not do it and so one has instead a conscience that is clean relative to *the possibility* that it might have been dirty ('bad').

In many concrete cases different types of troubled consciousness might overlap and be difficult to tell apart: if I have been cowardly I may be both *afraid* of the mockery of others and *humiliated* (in the sense of humbled, as Kant uses it in the third *Critique*) by my own failure to meet my own standard. But both of these psychological phenomena must be distinguished from guilty feeling as I have discussed it. While guilt requires that a structure of externally imposed punishment and fear be absent, conscience, in the prudential form, depends on command, punishment, and fear. On the other hand, guilty feeling is distinguished from the other form of the conscience (a conscience about ideals or one's own standards) in that the backward looking concern with oneself is not, as with wounded pride or irritation with oneself, the essential feature. For although guilt in most cases contains at least implicitly a reproach of oneself, what is *in focus* is the desire to make amends, and as such it is more essentially *the assumption* of a responsibility (or 'debt') and a generosity that rates rather highly one's own capacity to be of help. It is the private, non-defensive, indeed generous, feeling, from a position of power (as I have explained it), that one has had a part in the pain, suffering or harm done to someone, for which, however small, negligible or tangential one's part in it may have been, one would like to take the responsibility of making amends. To feel guilty is to *obligate oneself* just when one is not *obliged*, and precisely because in many cases of guilt one will not *clearly* be responsible, and one might even know that one is not directly responsible, the factor of self-reproach can be misleading. If someone happens to sacrifice themselves or some part of their interests in doing something for my sake, or if they get injured while trying to help me (even if I never asked for their help), I can feel guilty – but in these cases it is very difficult to pinpoint what I have to reproach myself for.

The factor of self-reproach alone does not isolate, describe and explicate guilt; it is only *very intimately associated* with it. We should therefore not be satisfied with thinking that guilt is my view or my feeling that *I ought not to have done that*. That is to judge my deed by the standard of one mandatory axiomatic or another (Kantian, utilitarian, or other), or (for example) by the law of Judeo-Christianity, which tells me that my deed was morally wrong, and although one perhaps reproaches oneself here, that is not yet sufficient to determine that these are cases of feeling guilty. Likewise, we can perhaps say of someone who has committed a crime (driving under the influence) and negatively judges a deed of theirs by the standard of a mandatory system of prohibition like the South African system of law, that they reproach themselves. But we would not correctly say in that case that they feel guilty for having driven drunk. They (merely) think that they ought not to have done it, and although this is self-accusation or self-arraignment *plus* self-conviction (in the sense that they find themselves culpable) – they do not feel guilty that they have driven drunk. It is not yet what would make it guilt, i.e., self-sentencing or the felt need to sentence themselves. It goes no further than an admission of guilt or a *pleading* guilty, an acknowledgement or confession of *the truth* of what Williams calls their "objective guilt" (*culpa*) precisely to distinguish it from feeling guilty ('subjective guilt') as it has interested me in this thesis. (Furthermore, in case they decide that they shall from now on drive only sober, that is not a *punishment* or a *making amends* for having driven drunk.)

In yet another case, someone might think that because they have committed some crime that someone else happens to know about, they might yet be punished for it if that person were to rat them out. They might then become anxious, but in that case they do not feel guilty. They merely have a bad conscience as I suggest it be conceived. This case is very important for understanding what occurs in the *Genealogy*, for it is this kind of anxiety about punishment that is common to both the *Tierpsychologie* in the tyrannical state and the Christian system – i.e., in the moment that inaugurates the bad conscience as well as in the moment that takes it to its greatest extreme. In both cases there is fear; that much is obvious. But this is fear of a *debt* that might be exacted from the individual – in the political context by the community as a whole for promise-breaking, and in the theological system of Christianity by God. In this way *fear* is articulated with *debt*, and since guilt in Nietzsche's book is a kind of debt, Nietzsche falsely collapses this bad conscience, this anxious or fearful consciousness of the threat of the creditor – the state, the community, or God – into guilt.

(None of these cases – the legal, or moral-axiomatic, or religious convicting of oneself, or a bad conscience – is equivalent to the previously discussed case of someone who 'rages against themselves' when, *irrespective* of whether they believe the law is correct or incorrect, they realise that the trouble they have brought on themselves has scuppered their dreams of a pleasant life.)

Some examples will clarify the contrast between feeling guilty and having a bad conscience.

When Zeus, looking down on the horses, "shook his head and said to himself: 'Poor beasts! Why did we give you, you who are ageless and immortal, to King Peleus, who is doomed to die?'" it is not some ideal or standard to which he holds himself that causes him his grief. He is not bothered by the fact that he has violated the principle that one must not let immortal beings suffer the sorrows of mourning (or some such policy). He reproaches himself with the suffering he has 'caused' *these creatures*. The hurt at stake here is generally not just any kind of hurt. In cases of guilt, it appears that someone is exposed, or has *exposed themselves*, to you, such that they can be hurt by you. One feels guilty, merely because you have placed them in a situation such that they have come to harm, even though you may not strictly be to blame for the injury that has befallen them, and no-one would think of blaming you for it. For instance, you might have asked them to fetch you and they have been injured in an accident; or you are driving the car and have an accident in which they are injured. Zeus has merely placed the horses among mortals such that they are exposed to a harm he does not foresee. He is not responsible for the fact that Peleus has died, and would hardly be blamed for not having considered that Peleus would die sooner or later.

When one wonders whether Whites in South Africa feel guilty about their involvement in apartheid, one should be aware that there may be three types of bad feeling: *first*, one can be worried about how one is seen by others around the world – this would be a prudential worry, a worry bearing on whether one will be benefited or disadvantaged by the consequences of one's behaviour; *second*, one can be troubled that one has obtained what one has because of preferential treatment by the state, rather than through one's own effort (as many would like to believe of themselves) – a worry that one has violated one's own ideals about how one makes one's way through life; and *third*, one can feel bad that one was complicit in a system that brought suffering

to many, and feel that one should ask for forgiveness, or make amends in some way, or be punished for it. It is this third possibility, I would suggest, that properly corresponds to feeling guilty.

At the risk of belabouring the point, I will mention one more example. If, while playing tennis, say, one notices that one's opponent's shot was not out, one may have no access of conscience at not bringing this to the attention to the umpire, because one feels that a game is to be won at all costs, and, besides, the call was made by the umpire. One has, in Saint Paul's terms, acted *righteously*, that is, according to the laws of tennis, in which the umpire decides. If, five years later, one's conscience remains unbothered about not saying anything at the time, and even if one's policy remains to keep silent about false calls by umpires, if one learns that on account of their loss to you, your opponent fell into a deep depression, etc., one might well *feel guilty* that one said nothing at the time, and perhaps even feel inclined to somehow make it up to this particular person now, perhaps by not arguing the next call that favours them and wrongly goes against you.

In the case of guilty feeling, even if those you feel guilty about insist that you are not to blame, that you should not feel bad, etc., indeed *especially if they do*, you feel guilty, and, perhaps, the more guilty the more they insist. That does not hold with a bad conscience: if I have a bad conscience about an unpaid debt, say, and the creditor informs me that in fact I owe nothing, though it may be a matter of principle with me that I should pay my debts, once I am absolved there is nothing left over to have a bad conscience about. In any case my desire to pay it will certainly not *increase* because the creditor insists that there is no debt to pay. And if he insists that there is a debt for which I am *indirectly* responsible – I was the one driving the hired car when the accident, which was not my fault, occurred – even if I feel strongly that I should always pay my debts, I will not take on the responsibility as in the case of guilt. Since I myself feel that I am not responsible and that I owe nothing, I will instead defend myself against the claim.

Furthermore, it is a mistake to associate conscience too closely with morality. Consider this passage of Nietzsche's: "[The] great majority lacks an intellectual conscience [...]. [...] I discovered in certain pious people a hatred of reason and was well disposed towards them for that: at least this betrayed their bad intellectual conscience!" (GS 2). These pious people hate reason, because it would unmask what they believe; but they *at least* have a bad intellectual conscience about what they believe (and are not part of the great majority), or they would not hate reason; at least, therefore, one can be well-disposed towards them for this recognition, that is, for this bad conscience. In this example, there is nothing specifically *moral* about the, or a, conscience. The experience being described here is one in which I have a certain discomfort or displeasure, a certain sting or pang, because I recognise that I fall short of my own demands that, in this case, are not moral demands. Likewise, one can execute complex evil plans *conscientiously*, that is, not fail to have in mind and be attentive to what is needful according to one's criminal conscience, including what is necessary to get away cleanly with the crime.

Of course, I do not propose to criticize anyone if they should choose to talk of someone who feels guilty as 'having a bad conscience'. After all, people generally also talk about "feeling bad" when they want to talk about feeling guilty. I merely hope that *for philosophical purposes* I have given

the reader reason to believe that a distinction between guilt, on the one hand, and, on the other hand, the bad conscience of normative worries (worries bearing on ideals) or prudential anxiety, is salutary, since it may prevent our looking in the wrong places for accounts of these phenomena. Thus, while I have an argument with Nietzsche and Freud, I have no argument with Mark Twain in this continuation of the passage from *Huckleberry Finn* that I quoted earlier:

Conscience says to me, "What had poor Miss Watson done to you that you could see her nigger go off right under your eyes and never say one single word? What did that poor old woman do to you that you could treat her so mean? Why, she tried to learn you your book, she tried to learn you your manners, she tried to be good to you every way she knowed how. *That's* what she done."

I got to feeling so mean and so miserable I most wished I was dead (1904:125-126).

This is the same Miss Watson that Huck, in the pact he makes with Tom Sawyer and the other boys, had offered to be killed *in loco parentis*, the same who "[pecks] at [him] all the time" (45), and the one who Jim escapes for fear that she will "sell him South" (110) and that (Jim says) he heard "tell de widder she gwyne to sell me down to Orleans, but she didn' want to, but she could git eight hund'd dollars for me, en it 'uz sich a big stack o' money she couldn' resis'" (69). As we have seen in the vicissitudes of guilt, while *that* Miss Watson is on his mind he feels no guilt, but now that she appears in the distance of time (the deed of helping Jim escape being already underway), she appears the "poor old" well-meaning teacher and the victim of Huck's ingratitude and cruelty. It is the harm *to her* that now – along with the other worries – makes him feel "miserable." While Mark Twain writes that this is what his *conscience* says, what Huck is expressing in the quote now at issue is to be distinguished, for philosophical purposes, from a bad conscience in general: at the point at which he thinks of the harm he is causing Miss Watson, he feels *guilt*, properly speaking.

Because guilty feeling is one way in which one's consciousness can be troubled, one assimilates it to bad conscience in general. In this way one fails to see that guilty feeling is not just any type of troubled consciousness and one readily assimilates it to feeling indebted (as in Nietzsche), or (as in Nietzsche and Freud) feeling afraid (including in the fear of the superego), and a clear view of guilty feeling is thus obstructed. (I think, however, that when people talk about guilty feeling, rather than when they theorise about it, it is mostly correctly limited to the kind of phenomena that I have isolated.)

Admittedly guilt before God is a particularly remarkable case, and seems to contradict what I have been arguing. It might appear that it is correct to say, when I have done something sinful, and there is, for whatever reason, little chance that I will be punished by any secular force *but I am afraid that I will be punished by God*, that that really is a case of feeling guilty. I still disagree. What makes this case remarkable is the fact that since – this is something I assume – all real and available evidence fails to establish anything positive about the existence of this angry God, if one feels afraid of the condemnation of this being it is because *one regards oneself* as being guilty of something. In this context "I feel guilty" means "I believe I am to blame." That is, it is an

admission of an objective guilt (*culpa*) and the fear arising from it that if it were known to another agent (who is prone to judge and punish) that agent would have one punished for it. It is what I have suggested we call a bad conscience, therefore, but what makes it, of all the cases, approximate the feeling of guilt very closely is that *in reality* the *only* being that stands as your accuser is you. In line with this, Derrida proposes that “We should stop thinking about God as someone, over there, way up there, transcendent, and, what is more [...] capable, more than any satellite orbiting in space, of seeing into the most secret of the most interior places” (2008:108), and that “God” names rather the structure of oneself as an invisible witness of oneself. God as “the structure of invisible interiority” appears, he writes, when “there appears the possibility of secrecy,” “that is to say when there appears the desire and power to render absolutely invisible and to constitute in oneself a witness to that invisibility,” and he calls this “possibility I have of keeping a secret that is visible from the interior but not from the exterior” “a structure of conscience.” If in the case I am discussing, then, it were clear that one *really* were addressing an accusation towards oneself in an absolute secrecy that also really excluded an exterior God with the power to punish and discover what no-one else can, and if there were therefore no admixture of fear, then I could comfortably say that there was here a genuine feeling of guilt. As it is, God is still too much of a “satellite orbiting in space” to allow us to safely say that in this instance one does not feel the oppression of being accused by a powerful and irascible agent distinct from oneself – an oppression one might well *not* feel if one *merely ceased to believe He was there*.

Such a sense of oppression, a bad conscience in the sense of the worry that since one *is guilty* of some *culpa* one might well be caught and made to pay, is undeniably real and important and deserves all the attention it gets, but it is important that one *not* think even of a bad conscience before God as a case of *internalization*, precisely because this sense of oppression depends on an external agent. One cannot be afraid of oneself, and one cannot fear detection of oneself by oneself; and if God is in one sense ‘inside your head’, He is still imagined as watching and punishing from a radically external point of consciousness and action. The assimilation of conscience to guilt leads one to overlook the massive and hugely significant way in which obedience in social life is not internalised but can count on pervasive and subtle, but very powerful, forces of repression and dissuasion, including reminders of the presence of a god whose presence – *and absence* – no-one can verify (just as the inmates of the Panopticon cannot see whether they are seen or not). Thanks to these, one is always alert to the possible offence that one might give and the possible reprobation (including in the theological sense¹⁵⁸) that one might bring on oneself. These are not most often the conspicuous pressures of punishment and possible pain, and they are not instilled through any training more regimented or rigorous than our becoming familiar with the kinds of things that those around us frown upon (i.e., nothing here depends on a centuries-long training of races and nations). An attention to these factors throws much light, I have suggested, on the docility that we display from day to day, but although it is in one way correct to understand it as docility, it should be understood from another perspective as a sharp prudential eye on our interests in a wide range of goods, from recognition and love (as in Freud’s fear of loss of love), to mere social comfort (“fitting in”), to the pecuniary rewards of the workplace.

In this perspective, it is not untrue that *persons* as such – *real* persons, however, including dead ones or absent ones – have a great significance in our moral lives. I think it is true that something that prevents us from many a dirty deed is a vision of how it would look to certain persons to whom we have a particular relationship, not one of love, exactly, and not one of fear, but such that, for whatever reason, we wish to please them, as Antigone wishes to please the dead. She is speaking to her sister Ismene, who does not wish to share in her illegal deed of burying her brother.

And even if I die in the act, that death will be a glory.
I will lie with the one I love and loved by him –
an outrage sacred to the gods! I have longer
to please the dead than please the living here:
in the kingdom down below I'll lie forever.

In that light, one could frame a genetic question as follows: how do we become *or fail to become* persons that seek to please some of those in our vicinity, or those among the dead or the merely distant who are present to us only in memory or imagination? And what is it that marks these specific persons as those towards whom we have this attitude? On the other hand, how is it that some people *fail to develop* such relationships, such that they can engage with relatively little scruple in brutal acts of violence and violation?

Figures like these would not have to be such that they become a part of us in the form of a superego or something like that: indeed they could remain forever external to us, as long as it is possible that we sometimes or always wonder what they would think if they knew that we had done some given thing or that we were contemplating doing it. They would not have to know our thoughts (as the superego knows them). We would simply have to wonder what they would say or think – because *we* know our thoughts, because we have *a concern* about their regard for us and for these thoughts, and because we know what *their thoughts* would be about our thoughts. They would not ever have to have been people who meted out or could have meted out punishment, and they also need never have been objects of our love. Nor, indeed, would they necessarily have to have loved us. They may, like the sailor that is Red Peter's first usher into humanity, be merely persons who 'want to solve the enigma of our being'. Or they may merely be one's boss or a colleague in the workplace. And indeed, one important possibility here is precisely certain gods, whom we neither love nor fear, exactly, but that are nevertheless objects of reverence such that, *their affection or their fearsomeness aside*, one would not have oneself seen by them in certain postures or situations. (There is no reason to suppress the Kantian appurtenance of the word 'reverence', and even if reverence is not exactly as Kant conceives it, it is true that it has a much less affective [or, in his terms, "pathological"] charge than either love or fear.)

It may well be that in these cases the inhibitory force of these figures has nothing to do with guilt, but has more to do with shame, in the specific sense that we at these moments imagine that we would be *ashamed* to face them (even if we never do face them and even know that we will never actually have to), or *dishonoured* or *disgraced* in their eyes. Here conscience means a troubling consciousness of what it would be like to have to face these figures who we thus honour, and to

face not their *punishment* but their *judgement*. (It is not even clear that such an attitude would require much *self-esteem*; what matters is that you esteem the other so that *their* esteem matters to you, and you esteem yourself *at least to the extent* of being concerned about how you appear in their eyes.)

I think it is of great importance however to appreciate that the institution of such figures in the positions that they have for us does not rest purely on an aggression towards us, or on their punishment of us. Or rather, the force of their possible aggression is itself premised on its very opposite. That is, if they are such that we might feel shame towards them, and if their punishment pains us, that is in the first place because *we honour them*. We want to *please* them, as Red Peter wants to please the sailor that is his very first teacher. “I, enchanted with my gradual enlightenment, squealed and scratched myself comprehensively wherever scratching was called for; he rejoiced, tilted the bottle, and took a drink; I, impatient and desperate to emulate him, befouled myself in my cage, which again gave him great satisfaction [...]” What Red Peter does not want is to disappoint this man. He wants his approbation, which Red Peter earns by the greater and greater approximation to his ways, just as in general people disapprove of us when we do the things they disapprove. (Obviously the sailor’s motivation in teaching Red Peter is not like our parents’ motivations in acting as they do.) We want a reconciliation with these figures as much as Red Peter wants a reconciliation with humanity (which will gain him his exit from the cage) – and we want it for the same reasons: being caged is intolerable to him as being punished or ostracised is intolerable to us who are in such need of love and affirmation. We do not feel their pressure on us to act in these ways *as a pressure*, just because the reconciliation with them is *the primary thing* we want, and punishment and loss of love are not seen by us as *standing in the way of* such reconciliation because punishment and loss of love are experienced as *in themselves an absence of reconciliation*. (Likewise, we do not perceive the suffering we engage in because of some goal we are trying to achieve as mere suffering. Except when it is particularly intense, it is seen by us as merely the condition of achieving the goal.) There is thus little ambivalence because there is little aggression. And we do not feel (like the child in Freud’s texts) aggrieved, or unjustly done by, etc., just because it is in and through these very events of ‘punishment’ that we first begin to learn what is regarded as just and unjust (even if we later revise these notions). It is not that father is unjust to punish me, for all I know at this early stage is, *like Antigone*, that I *must* have done wrong *if* I am being punished, and the question is only how father’s love might be made to return. However, if we do not feel these deprivations as a heteronomous pressure on us, that is what they are *in effect*, and it is ultimately through them that, like Red Peter, we are moulded in the image of these people whom we thus honour and want to please. But at this moment of reconciliation, we have been transformed into just the kind of thing they love.

I have argued that guilt is however not so dependent on the condemnation of others as is generally thought, and that it requires on the contrary a certain secrecy and privacy, *not* because of an internalisation that inescapably lets the other into the deepest recesses of our lives, but because it is precisely then, when there is no one to accuse and reprove, that one will reproach oneself. Guilt indeed “expresses itself as a need for punishment,” as Freud says, but it can be understood how one might call punishment on oneself without having to posit any cleavage in the soul between ego and id, or ego and superego. Freud also tells us how this can happen, when in the umpteenth

reworking of his theory of the superego, he tells us about a certain vicissitude of desire, satisfaction and the consequent (not merely subsequent) damping-down of desire. Desire presses for satisfaction, but once satisfied that which was dinned out by desire becomes once more evident, and one is now occupied by different concerns: the damage or pain one has caused rather than the glitter of the object of desire. One has not failed – on the contrary, one has been all too successful, and so long as the threats and accusations of others do not once again put one on the defensive, one will – often – be the tormentor of oneself.

In fact, Freud explicitly *denies* that that is the correct account of the brothers' emotions. The feelings of the brothers' is *not*, he says, as in the "everyday case," because he thinks that "a conscience," "the readiness to feel guilty," is required for such cases of remorse:

When one has a sense of guilt after having committed a misdeed, and because of it, the feeling should more properly be called remorse. It relates only to a deed that has been done, and, of course, it presupposes that a conscience – the readiness to feel guilty – was already in existence before the deed took place. Remorse of this sort can, therefore, never help us to discover the origin of conscience and of the sense of guilt in general. What happens in these everyday cases is usually this: an instinctual need acquires the strength to achieve satisfaction in spite of the conscience, which is, after all, limited in its strength; and with the natural weakening of the need owing to its having been satisfied, the former balance of power is restored. Psycho-analysis is thus justified in excluding from the present discussion the case of a sense of guilt due to remorse, however frequently such cases occur and however great their practical importance (PFL 12, 324-325).

As Nietzsche argues, however, there can be remorse if one merely judges that here something has gone wrong. Moreover I have argued that one does not need a conscience (in Freud's reified sense) before one feels guilty, and that in fact this vicissitude of desire and a returning concern for the other's suffering does indeed tell us something essential about guilty feeling. But furthermore, using this as a starting point despite Freud's own refusal, it is possible to gain some insight into the genesis of the basic error which leads one to think that the conscience is *some thing* (for whose presence in the soul one must then account).

First, Saint John, in a chapter (8) that is also a synopsis of almost everything I have said about Christianity. The adulterous woman is brought by the scribes and Pharisees to Jesus – stooping down and writing with his finger on the ground – on the mount of Olives. Her accusers say: "Master, this woman was taken in adultery, in the very act. Now Moses in the law commanded us, that such should be stoned: but what sayest thou?" Jesus stoops down and writes on the ground with his finger, "as though he heard them not." "So when they continued asking him," Saint John writes, "he lifted up himself, and said unto them, 'He that is without sin among you, let him first cast a stone at her'. And again he stooped down, and wrote on the ground. And they which heard it, being convicted by their own conscience, went out one by one [...]" What exactly are they convicted by? Leaving the jargon aside, they are convicted by themselves, of course, but they do not stand there passing sentence on themselves; they are convicted simply by their *knowledge*, their *con-scientia*, by the mere memory of their own sin now projected vividly for them by Jesus's

challenge. It is not that they did not know before this that they had committed adultery. But they are forced to pay attention to it as they had not done till now.

Now Hobbes writes:

When two or more men know of one and the same fact, they are said to be conscious of it one to another; which is as much as to know it together. And because such are fittest witnesses of the facts of one another, or of a third¹⁵⁹, it was and ever will be reputed a very evil act for any man to speak against his *conscience*; or to corrupt or force another so to do: insomuch that the plea of conscience has been always hearkened unto very diligently in all times. Afterwards, men made use of the same word metaphorically for the knowledge of their own secret facts and secret thoughts; and therefore it is rhetorically said that the conscience is a thousand witnesses. And last of all, men, vehemently in love with their own new opinions, though never so absurd, and obstinately bent to maintain them, gave those their opinions also that revered name of conscience, as if they would have it seem unlawful to change or speak against them; and so pretend to know they are true, when they know at most but that they think so (1996:43).

The conscience of a man or woman would be merely the compendium of their opinions. To speak against one's opinions would be bad, since one is professing that which one does not believe, and is tantamount to a lack of what one calls 'integrity'. It is the equivalent of giving false witness, or of perjuring oneself, simply because one says something contrary to what one knows to be true. (For what one believes one generally thinks is true – one believes one's beliefs to be true, and one thus believes them to be knowledge. As Hobbes puts it: they "pretend to know they are true, when they know at most but that they think so.") Thus, when one tries to convince someone not to do something they seem bent on doing, one might ask them, having exhausted other appeals, to look inside themselves. The hope here is that they will recognise in themselves a certain knowledge that they should not do it, or a consciousness that it is wrong. (One does not of course have any certainty that their conscience will be on your side.)

The conscience is to begin with merely what one believes, or is conscious of, or in fact knows, or *counts as* knowledge – that is not right now at the forefront of one's mind but that one *can bring forward* if one wants to. And to profess something else, or act contrary to what one knows in this sense, is to perjure oneself, or to do what one believes is wrong. Shakespeare's famous usage in *Hamlet* can therefore be quite clearly located at this initial conceptual stage¹⁶⁰, at which conscience *is not yet* a reprimanding internal agency:

Who would fardels bear,
To grunt and sweat under a weary life,
But that the dread of something after death,
The undiscovered country from whose bourn
No traveller returns, puzzles the will,
And makes us rather bear those ills we have
Than fly to others that we know not of?

Thus conscience does make cowards of us all,
 And thus the native hue of resolution
 Is sicklied o'er with the pale cast of thought,
 And enterprises of great pith and moment,
 With this regard their currents turn awry,
 And lose the name of action.

To associate guilt with this quotation (as in the footnote Freud appends to his claim that the problem of guilt is the most important in the history of civilization [PFL 12, 327]) is incorrect. Hamlet's troubled *conscience* is not guilt, but a "regard" in "thought" for, a consciousness of, possible unpleasantnesses in the afterlife. (One might insist on reading this as Hamlet's worrying about the afterlife as a punishment *for sins* of which he is *guilty*. This is not ruled out, I think, but it is also not called for.) The conscience is not obviously moralized here, but refers to an uncomfortable awareness of conditions that might characterise the future he is considering bringing on himself, which he might never have considered in detail and which he now apparently regrets turning his mind to, since this scholarly attention threatens to swerve him from his initial purpose. He has always had this 'knowledge', mostly safely tucked away from full and present consciousness but always ready to be called up, and now that he makes the effort of paying it his attention, a previously straightforward deed is complicated and his will confused and paralysed.

But Hobbes tells us that there is another stage in the development of the notion. If the conscience was previously just the totality of things one knows about, the emphasis now comes to be on the secrecy of these thoughts. If that is combined with the notion in Saint John that one can be '*convicted*' by this *knowledge*, something interesting happens: 'being convicted' by what one knows – i.e., merely heeding the pre-existing evidence that shows that you too are an adulterer – can come to be seen as *being convicted by some thing*, having judgement passed on one by something independent, substantial, and self-sufficient, as if it were itself an agent or 'inner judge' that searches, like the superego, for opportunities to punish the malefactor whom it "sees in secret."¹⁶¹ (The last stage in Hobbes's genealogy above is a yet further step, in which this set of opinions is apotheosized into the perfect truth, and it is profanity to question its judgements.)

Kant writes:

Unconscientiousness is not want of conscience, but the propensity not to heed its judgment.
 [...]

The duty here is only to cultivate our conscience, to quicken our attention to the voice of the internal judge, and to use all means to secure obedience to it, and is thus our indirect duty (1909: 311-312).

Leaving aside the reifying character of Kant's way of talking here, his point is that unconscientiousness is *a knowing and not heeding* – not a not-knowing, but a refusal to recognise what we know; and to be conscientious, on the other hand, is to increase our attentiveness and listen better to what we already know.

Perhaps, then, it is best to think of the appeal to conscience as the appeal, to another or to oneself, *to heed* their conscience, and, ultimately, as a call or a calling back *to honesty* and away *from perjury*. There is a certain something you know, and that you know you know, but that – conveniently, expediently – you suppress, silence, forget (“actively”), or remain deaf to. To call on someone to listen to the voice of their conscience is to ask them to reopen the archive, to recognise or listen to what they already know (with the hope, of course, that they will find there what you would like them to find). It is to call on them to remove the wax of their desire from their ears to hear what can easily be heard again. The conscience is thus not the voice of another in you, but your very own voice that you *cannot* hear or that you *prevent yourself* from hearing because it would disrupt the trajectory of your desire. It is not the conscience or the superego as a meta-You standing over another You. It is rather You – the one who knows and recognises the truth¹⁶² – then You as the one who must ‘Recollect’ this knowledge – and then another You standing between these, namely your desire (for the questionable thing) which makes you desire not to hear what you know and that blocks the communication between the first two You’s.¹⁶³ In short you, your conscience as your knowledge, calls to or calls back the one the force of whose desire is in danger of making him a hypocrite – “For that which I do I allow not [...]. If then I do that which I would not, I consent unto the law that it is good” (Romans 7:15-16).

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The abbreviations used for Nietzsche's works follow the conventions of *The Journal of Nietzsche Studies* and are as follows:

A = *The Antichrist*

AOM = *Assorted Opinions and Maxims (Human, All too Human, Volume Two, Part One)*

BGE = *Beyond Good and Evil*

D = *Daybreak*

EH = *Ecce Homo*

GM = *On the Genealogy of Morals*

HH = *Human, All Too Human*

KSA = *Sämtliche Werke: Kritische Studienausgabe*

TI = *Twilight of the Idols*

WP = *The Will to Power*

Z = *Thus Spoke Zarathustra*

LN is my abbreviation for *Writings from the Late Notebooks*

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NOTES

Introduction Notes

- ¹ For a discussion of the relation between Reich and Deleuze-Guattari, see Parr (2008) pp. 25-30.
- ² By no means should I be taken as thinking that the responses to Deleuze and Guattari's question that I will consider are either the only ones or the best there are. I happily acknowledge that the theories of Foucault (1979) or Althusser (1984) or Bourdieu, or indeed of Deleuze and Guattari themselves, to mention only a few possible ones, may be better responses to it.
- ³ If I am right, one might well wonder what the historical explanation of this coincidence is, beyond direct intellectual influence. This question falls beyond the range of this thesis, and far beyond my own competence.
- ⁴ References can be found in Chapter Three.
- ⁵ The suggestion was made to me by John Hilton in the context of a presentation of that chapter.
- ⁶ I owe this reference to Danny Herwitz.
- ⁷ See also Stocker 2001:46; Weeks 1982:116; Flax 2004:911; Ferguson 1997:125.
- ⁸ It is perhaps worth noting, however, that the word "*habitus*" can be found in Nietzsche (*A* 29), but in the sense, attested by the OED, of nineteenth century physiology.
- ⁹ See also Derrida's discussion of Freud in "Before the Law" (1992a).

Chapter One Notes

- ¹⁰ The religious dimension is never far away even in readings of the story as a story about law, and in *The Trial* at least, it is a priest who relates it to K. But even there the story is invoked as the description of a delusion about the court from which, the priest thinks, K. suffers. It is not to religious readings as such that I would object; it is to religious readings that efface the law, the real earthly thing which does have an incarnation in buildings some of the time. Cixous says: "The man from the country is Moses' imperceptible double," and "The game of entering and not entering [...] reminds us of the Biblical exclusion from paradise." "[Moses] loses something before entering. You will not enter into the Promised Land because you were not already there [...]. Moses' law is: you will not enter because you are not in it" (1991:16). Derrida refers to the moment involving the glow proceeding from the door as "the most religious moment of the writing" (1992a:208). However for both Cixous and Derrida the story

remains a story about law: Moses is a man of the law, after all, and although Derrida recounts an anecdote from Hegel immediately after the quote above that concerns Pompey's admittance to the holy of holies behind the tabernacle doors, most of his reading does not depend on a religious interpretation. For Buber, on the other hand, what the door in 'Before the Law' leads to is "the world of meaning" (1951:165). Agamben, to give just one more example of the religious reading, says: "In his analysis of the parable, Kurt Weinberg suggests that we are to see the 'figure of a hindered Christian Messiah' in the obstinate, shy man from the country" (1999:172-173).

- ¹¹ For a very sophisticated version of this reading, see Žižek (1989): "the Kafkaesque subject is interpellated by a mysterious bureaucratic entity (Law, Castle)," but this interpellation "does not offer us a cause with which to identify" (44). The "fundamental feature" of the psychoanalytic superego is "an injunction which is experienced as traumatic, 'senseless'" (37).
- ¹² Derrida's line on the prohibition is that permission is never denied the man, that permission is only adjourned and deferred, that the law says not *no* but *not yet* (1992a:195-196). This is important to Derrida, and allows him to interpret the movement as one of *différance* (203-205). He does say that the law is *interdit*, playing on the fact that the word is both nominative and descriptive at once; so he says, "It is prohibition [*interdit*]: *this does not mean that it prohibits*, but that it is itself prohibited, a prohibited place" (203 – emphasis added, D.M.). He goes on: "It forbids itself and contradicts itself by placing the man in its own contradiction: one cannot reach the law, and in order to have a *rapprochement* of respect with it, *one must not* have a rapport with the law, *one must interrupt the relation*" (203-204). But this means that one can only enter into relation with the representatives of the law: "One must *enter into relation* only with the law's representatives, its examples, its guardians. And these are interrupters as well as messengers" (204). But as either messenger or representative, they are not the law (which is why they can be interrupters). I fail to see what stops a messenger or representative of the law from being the law, unless one is committed to the slightly strange picture that since these are representatives *of* the law, the law is something else. It is strange because one is then committed to saying that all of the representatives of the law (including law books and judges and legislators) taken together still do not constitute the law, that the law is behind and over and above them. But what about the idea that the representatives of the law are also interrupters? If that is true in general, it is not true of the doorkeeper in "Before the Law," who invites the man to enter despite his veto, thereby annulling it, leaving the only obstacle to his entering the other (supposed) doorkeepers about which the man has to decide what to do. The law, Derrida insists throughout, is inaccessible and unencounterable. (Hamacher's reading is almost identical in this respect: "Benjamin can speak of 'a cloudy spot in its interior' for the precise reason that 'Before the Law' is not about the law but about the 'before' of the law. From this before and from its pre-positional structure this parable nevertheless speaks about the structure of the law itself: it is defined as what remains inaccessible to visitation and visualisation. It stands open and during the lifetime of its single visitor, it never ceases to stand open. [Now, in exactly the same terms as Agamben, he derives the impossibility from the door's openness, as Agamben does, the latter explicitly taking his cues in this matter from

Derrida and Cacciari (see note 16 below).] Yet precisely this openness makes it impossible for anyone at any given moment to enter into it” [Hamacher 1999:300].) Derrida’s general reading is provoked by a reflection on Kant, and this partly motivates the emphasis on the example and representativity. Kantian respect, according to Derrida, “is aimed at persons only insofar as they offer an *example* of the moral law: this respect is due only to the moral law, which never shows itself but is the only cause of that respect” (190). See also, for the unencounterability of the law (which is related to the door’s opening on nothing, which I discuss in note 20 below): pp. 191, 192, 196, 197, 199-200 (folded into a reading of the status of the Freudian story of the origin of law/morality), 205 (an important expression of Derrida’s willingness to deny the actuality of the law in its representatives. “What *must* not and cannot be approached is the origin of *différance*: it must not be [...] represented [...]” Otherwise, we do not get much of an answer to the question *why* the law is unencounterable. According to this reading, the man cannot go in, ought not to have gone in, and in any case, *there is nothing which would correspond with his desire to reach the law*); 206 (the law “has no essence”; the law, “as truth without truth,” “*guards itself*, it guards itself without doing so, guarded by a doorkeeper who guards nothing, the door remaining open – and open on nothing [echoing Cixous exactly]. Like truth, the law would be the guarding itself.”); 212.

- ¹³ For a discussion of the relation between the two texts which is not, quite properly, satisfied to call them identical, see Derrida, “Before the law” (1992a). It is not in general significant for my purposes that there are what we might call differences of genre between them, but there will be particular instances, especially when it is a matter of analysing the relation between “Before the law” and *The Trial*, when it will matter. As for the priest, no doubt, one will continually find illuminating things in the interpretation (or series of interpretations) that he offers. However, I find the priest disingenuous and even obscurantist. He presents the story as the illustration of a certain delusion about the law of which he thinks K. is guilty. He knows the delusion, and the story is provoked by the delusion, so the reading of the story is already given, in his mind. But then – for how could Kafka have given him the task of laying out the lesson of this delusion? – he proceeds as though he did not know what the story meant, and what he offers are striking remarks on the legend which are not mutually consistent and are sometimes quite misleading. He cannot therefore be regarded naively as a guide, and has an ambiguity more serious than the doorkeeper’s, for he is a representative of the law who talks as if the nature of the law were known, were indeed straightforward and obvious, while what he says to make it clear only serves to obscure it further.
- ¹⁴ This theme of the coincidence of refusal and access resonates with but is by no means the same as the thought that rules encourage – or are *meant to* encourage – their transgression. This thesis occurs often in the twentieth century. Bataille: “We can even go as far as the absurd proposition: ‘The taboo is there in order to be violated’” (1962:64). Lacan: “We are, in fact, led to the point where we accept the formula that without a transgression there is no access to *jouissance*, and, to return to Saint Paul, that that is precisely the function of the Law. Transgression in the direction of *jouissance* only takes place if it is supported by the oppositional principle, by the forms of the Law” (1992:177). See also Szasz 1962:176. There

are also suggestions of the theme in Freud. In the Rat Man case history, he writes (PFL 9, 84) that the Rat Man's "impulsion towards masturbatory activities came over him in his twenty-first year, *shortly after his father's death*" and that after he gave it up, "it reappeared only upon rare and extraordinary occasions. It was provoked, he told me, when he experienced especially fine moments, or when he read especially fine passages," "once, for instance, on a lovely summer's afternoon when, in the middle of Vienna, he heard a postilion blowing his horn in the most wonderful way – until a policeman stopped him, because blowing horns is not allowed in the centre of the town," and on reading of how "the young Goethe had freed himself in a burst of tenderness from the effects of a curse" and "broke his bonds and kissed his love joyfully again and again." "It seemed to the patient," Freud writes, "not a little strange that he should be impelled to masturbate precisely upon such beautiful and uplifting occasions as these. But I could not help pointing out that these two occasions had something in common – a prohibition, and the defiance of a command."

- 15 This reading is lent some weight by a fragment from Kafka's notebooks: "I ran past the first watchman. Then I was horrified, ran back again and said to the watchman: 'I ran through here while you were looking the other way.' The watchman gazed ahead of him and said nothing. 'I suppose I really oughtn't to have done it,' I said. The watchman still said nothing. 'Does your silence indicate permission to pass?' . . ." (quoted by Attridge, in Derrida 1992a:202).

- 16 Agamben says: "The thesis I intend to advance is that this parable is an allegory of the state of law in the messianic age, that is, in the age of being in force without significance. The open door through which it is impossible to enter is a cipher of this condition of the law" (1999:172). The door's openness is what constitutes the invisible power and force of the law; but this is a door through which it is "impossible to enter," and that is its being without significance. I disagree with both of these theses of Agamben, that it is an open door through which it is impossible to enter, and that it is a law that is in force without significance. Certainly the door is open, but it is at once closed, not by being shut, but by being set about with prohibitions: from afar by the law, by the doorkeeper, by the man himself, by the other doorkeepers. If the being in force of the law is accounted for by the fact that the door is open, what about this closedness? And if the being in force of the law is inferred from *this* closedness of the door (as I, but not Agamben, infer it), then its being open is a counterforce to this force of law, and has to be accounted for, which I do. But what of the being-without-significance, the impossibility of entering (which is by no means this closedness, since the closedness of which I speak has to do with the prohibition): Agamben cites Derrida and Cacciari to explicate this impossibility (172): *Derrida*: "the door remaining open and open onto nothing." *Cacciari*: "How can we hope to 'open' if the door is already open? How can we hope to enter-the-open [*entrare l'aperto*]?" [...] The already open [*il già-aperto*] immobilizes. The man from the country cannot enter, because entering into the already open is ontologically impossible." The door may "open on nothing" but that does not mean, it seems to me, that it opens onto a spaceless place, as if there were no place to enter into, even if, having once entered one found nothing there. *Light streams out of the building*, Kafka tells us, and Derrida, far from allowing this to call into question the nothing with which the building is supposedly filled, refers to this

as “the most religious moment of the writing” (1992a:208). And, very importantly, what of the other doorkeepers? And, to address this moment of Cacciari’s reading, while “entering into the already open” may be *ontologically* impossible – I simply do not know how one decides this question – in fact, we regularly take the opportunity to enter into the already open. (I believe that there is a continuity between the inside and the outside where the man is, that his belief that there is law only on the inside is wrong, if there is law on the inside he will not have entered into something of which he was deprived to start with, etc. The door is not merely open, then, nor, if it were open, would that be the only or the right way to infer the force or power of the law. And it is not impossible to enter; it is possible but forbidden, and while forbidden, the object of an invitation. It is forbidden by the doorkeeper, by the law and by the man to himself, as well as by the (imagined) force of the other doorkeepers. And it is eminently possible to enter but *not in the manner desired* by the man from the country.

Now, Agamben says something very interesting about the closing of the door. “In the final analysis,” he says, “all the interpreters of the parable read it as the apologue of the man from the country’s irremediable failure or defeat before the impossible task imposed upon him by the law. Yet it is worth asking whether Kafka’s text does not consent to a different reading. [...] If it is true that the door’s very openness constituted, as we saw, the invisible power and specific ‘force’ of the law, then it is possible to imagine that the entire behaviour of the man from the country is nothing other than a complicated and patient strategy to have the door closed in order to interrupt the law’s being in force” (173-174). Needless to say, I do not agree with this reading, but I leave it to the reader to decide the matter. I do agree with the following, which follows immediately, including the assessment of Derrida: “The final sense of the legend is thus not, as Derrida writes, that of an ‘event that succeeds in not happening’ (or that happens in not happening: ‘an event that happens not to happen,’ *un événement qui arrive à ne pas arriver*), but rather just the opposite: the story tells how something has really happened in seeming not to happen” (174). Success for Agamben consists in putting out of play a law that commands the impossible. I have instead read the success of the man from the country – in which I concur with Agamben – as consisting in his having actually had an encounter with the law (rather than think as he [like Derrida] does that that is impossible) and in his always being inside the law; moreover, there is the success that he could have, if he enters when the doorkeeper invites. In the case of his successful encounter with the law, the failure consists in being unaware that he has succeeded. In the case of the success of being invited into ‘the law’ (i.e., the building he takes to be the law), his failure again consists in not realising that he has been successful, but it consists, in addition, in his re-enactment of the law’s prohibition, when he forbids himself what has been offered to him.

¹⁷ One might be tempted to read “In the Penal Colony” along these lines, but I am not convinced that such an approach would be justified. That story appears to me to concern not penalty and penal institutions as such, but rather justice and even the dream of a perfect justice, a theme that becomes more apparent as the story progresses beyond the image of the prisoner having the law inscribed on his body, when the machine fails, and when the messianic tone enters the tale (only to be erased – or accentuated? – by the slovenly scene of the voyager’s departure).

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- ¹⁸ The possibility of these other doorkeepers as a possibility that has real effects on this side of the door seems thus essential to understanding the complicated structure of openness (not only of the door but of the building and of the law), and of the fullness that the blank openness of the door makes possible – at least to the imagination – by being a mere aperture and not a positive erasure or blockage. I therefore find it surprising that Derrida so unambiguously asserts that “the door [remains] open [...] onto nothing” (1992a:206).
- ¹⁹ Cf. Weber: “To be more specific, *domination* will thus mean the situation in which the manifested will (*command*) of the *ruler* or rulers is meant to influence the conduct of one or more others (*the ruled*) and actually does influence it in such a way that their conduct to a socially relevant degree occurs as if the ruled had made the content of the command the maxim of their conduct for its very own sake” (1978:946).
- ²⁰ Cixous recognises the complicity of the man in the frustration of his desire and the instance of the law in the man. She seems committed, however, to the idea that the law is in the man *only*, claiming that the man cannot enter because the law is in the man: “True desire is: I can and I want. The keeper’s presence splits the man’s desire into: If only I could want what I want. This is the instance of the law. Nothing prevents me, except the law transformed into the self. *I*, the law. That is what psychoanalysis calls the superego, which is an inner instance. The law is in the man, so how can he enter the law? The law is the divided desire inside him” (1991:18). This is not my claim. The law in the man, which I too insist upon, does not spell the impossibility of entry into the law. Why should it? The claim that the law is in the man is for me the claim that the law can rely on one to assert it against oneself, so that one ends up being both one who desires *x* (something that is against the law) and one who desires that *x* remain unacted (desires to be in conformity with the law that forbids *x*). So that if the law is internal, it is also external, and one can indeed speak of being in conformity with the law as with something external and distinct from oneself. To the extent that it is external the possibility of its being a building, like the one in the story, is not utterly ruled out. What, for instance is a courthouse, if not a building of the law? And how could at least some readers even begin to accept that the law is in the building if it were not possible and even natural that that is the case? That the law is internal, cannot mean that one cannot enter a courthouse: it means something more interesting, namely that one can (come to) want that which is imposed upon one as a ban on one’s desire. So: entrance to the law is forbidden by the law, and the man becomes the law when he forbids himself, in accordance with the law, thereby contradicting the desire which began his trip to the law and which sustains his waiting for permission from it. Another way to put this is: the law in the man, that is, that law that he takes upon himself when he forbids himself, is not there from the beginning, but gets put in place when he hears about the other doorkeepers, which Cixous never mentions. (Indeed, she insists throughout that there is nothing in the building: “The poor man from the country is before the apple, except that there is no apple” (15); “But we do not know if there *is* an inside. In an arrested and terrifying movement, reducing the space between the two men, the text relates that there is no inside” (16); “But the secret of the law is that it has no material inside” (18); “The law especially defends its own secret, which is that it does not exist” (18); she says, with a strange

interpolation of detail of her own, and a bizarre reason for why we never hear this detail: “He [the man] leans forward to look inside but he does not see. We are not told this because the keeper begins to speak” (18); “In Kafka’s text there is a monstrous opening without inside. Something has to be opened. If the law existed, the man would have entered. [The most remarkable statement of all, in which there is no connection at all between antecedent and consequent. This sentence is followed by a more interesting and noteworthy one, which neither implies nor is implied by the last sentence:] He did not come to enter but to ask for entrance” (18-19). This commitment to the non-existence of the law is allied with her claim that the law “is but a word, not a real being” (14). This is a constant thesis, but she confusingly gainsays it in saying that “The reality of the law is in the keeper who acts and prohibits” (18). She says that the keeper knows only the entrance, and, bizarrely, that “He can only *close* the entrance, since there is nothing inside” (17). She makes the stunning statement, completely denying the fact of the doorkeepers and consequently leaving them unthought, that the “*ihn*” in “I am now going to shut it,” “means that the keeper himself cannot say anything about the inside. He cannot say but what he knows, that is to say, the entrance” (17). Given this commitment to there being no inside, she gets into a muddle when it is a question of the glow: “He does not know if darkness is inside or outside. But he recognises a glorious glimmer, somewhat of a contradiction, that eternally shines forth from the door of the law” (16). Kafka says not that he does not know if darkness is inside or outside but rather that the man does not know whether it has grown darker or whether his eyes are deceiving him. In this darkness, however, he is aware of a glow coming from the door of the law. “In a very definite way, everything happened inside the man from the country” (18). Cixous’ denial of the inside and her emphasis on the law in the man overlooks the real point: that here is a story about the cooperation between the man and the law, its giving and his failing to take (the invitation); its refusal and his replication of that refusal; etc. It strikes me as remarkable that commentators are so ready to deny the reality of the law when its sirens are so strident. How can one fail to see the doorkeeper, for instance, as the law, at least in the aspect in which all the law-abiding will know it whenever they abide by it, i.e., in its aspect as laying down the law? The text is cunning, of course, and one must resist taking on what it suggests at first only to call it into question, namely that the law is in the building and that the doorkeeper, standing outside the building, is not the law. The text deprives the doorkeeper of his being-law by placing him outside a building which it calls the law. Cixous is sensitive to this and it provokes her to say: “In order to get out of Kafka’s text, we must ask: Where does the law come from? And not think that it has always been there” (19). This is exactly the right question, I would say, but she is happy to say merely that the law is in the man. But, firstly, the-law-in-the-man, when he forbids himself, comes from the law, since he would have entered (pace Cixous, who thinks he comes to ask for entrance and not to enter, although she thinks that he would have entered if the law existed) if the doorkeeper were not posted there and if the latter had not formulated what gets taken as a prohibition pure and simple. Secondly, if this is not a claim about this particular law forbidding entry, we have to ask of the law-in-the-man how *that* gets to be there in the first place? While the one answer, that it is there originally, is not ruled out, there is also the possibility, a very important one, that the law is there first, and we adapt to it, take it upon ourselves, etc. (As with the superego she refers to [p. 18 and elsewhere in the book].)

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- ²¹ This is a very strange structure. His position before the door of the law comes to be his very life. And all that is in place before the door, in fisting distance of the doorkeeper, on our argument, is nothing other than what would have been in place had he stayed in the country. The relation between this life and his life in the country is not however that the one *symbolises* the other. The man's relation to the law is literally as it would be in the country. (The doorkeeper and the door would of course not be in the country.) To that extent we can replace the thought that the relation is symbolic with the thought that the setting about which we learn in "Before the Law" is a *concentration* of what would hold in the country in a much more diffuse way.
- ²² The lapse in translation should be noted: "hopefulness" for "*aussichtslos*" should presumably be replaced by "hopelessness."
- ²³ The moment in which the Arab's whip-arm is stayed by the European is also noteworthy.
- ²⁴ When Foucault argues that the law enables, he does not thereby mean that the law does not prohibit. If certain things are made possible in one disciplinary or legal configuration, that may be because new necessities give rise to innovations as, in general, difficulties necessitate new solutions. (For example, as Freud notes in *Civilization*, the distances over which we can travel necessitate the telephone.) Foucault's point (in the chapter of *Discipline and Punish* entitled "The means of correct training") is that describing power negatively (as repressive, etc.) ignores the fact that it produces "objects and rituals of truth" (1979:194) – a claim I am neither denying nor have any need to deny. Indeed, in the same chapter he contrasts the binarising logic of law in terms of "forbidden" and "permitted" (183) to the gradations of the normalizing disciplines.
- ²⁵ Cf. Nietzsche's claim about marriage at *GM* III:9.
- ²⁶ Derrida: "The text would be the door, the entrance (*Eingang*), what the doorkeeper has just closed. [...] As he closes the object, he closes the text. Which, however, closes on nothing. The story *Before the Law* does not tell or describe anything but itself as text" (1992a:210-211). But since the door opens on what is inaccessible, for Derrida, it describes itself as text (not "within an assured specular reflection," but) "in the unreadability of the text, if one understands by this the impossibility of acceding to its proper significance and its possibly inconsistent content, which it jealously keeps back" (211). "We are *before* this text that [...] nonetheless remains strictly intangible. Intangible: by this I understand inaccessible to contact, impregnable and ultimately ungraspable, incomprehensible – but also that which we have not the *right* to touch" (211). (The large-scale frame of Derrida's reading is a consideration of the law as it touches on texts, and as texts touch on the law: hence this reading of a text entitled "Before the Law.") I take this coincidence of text and door to lead us towards the fictionality of the man, the impossibility of his desire, and thence, to his singularity. Derrida reads the singularity of the man in Kantian terms: "And he [the doorkeeper] insists upon the uniqueness of this singular

door. The law is neither manifold nor, as some believe, a universal generality. It is always an idiom, and this is the sophistication of Kant's thought. It's door concerns only you, *dich, toi*, – a door that is unique and specifically destined and determined for you (*nur für dich bestimmt*)" (210). I am not convinced by this reading. In the first instance without reference to Kant, it is not at all certain that the law, the law of any given society is not a universal generality: that law applies to all equally, even in the country of the man from the country. He asks, *within the space of this universal applicability*, a very specific question, namely why no-one else comes *seeking admittance* to the law (*niemand außer mir Einlaß verlangt hat*), and the answer he receives is just as specific: the doorkeeper does not say: *the law* was meant for you alone; he says: *the door, the entrance*, is made for you alone (*dieser Eingang war nur für dich bestimmt*). The reading of Kant too is doubtful, if it places all the emphasis on singularity, or more emphasis on it than on universality (and if "idiom" is to refer to singularity alone, rather than to a complex intertwining of singularity and universality). The apriority of Kant's ethics rules out in the determination of the moral law (even if any given individual is determining it) all reference to that which individualises – the passions, inclinations and desires – and it utterly subordinates examples: "Every example [of morality] presented to me must first be judged by moral principles in order to decide if it is fit to serve as an original example – that is, as a model: it can in no way supply the prime source for the concept of morality. [...] [Examples] serve us only for encouragement – that is, they set beyond doubt the practicability of what the law commands" (1948:76). I can do no more here than gesture at this difficulty.

Chapter Two Notes

- ²⁷ In Pasley's translation: "I enjoy her company after the fashion of apes" (Kafka 2000:195). "Lasse es dir gut gehen" has the sense of "Be good to yourself." Red Peter thus *allows himself* the indulgence of, let's himself go to the extent of, taking sexual comfort in her. Here too, the questions that I will be concerned with in this chapter and the thesis – of animality, of "standing over oneself with a whip," as well as being able to cope with the ways of human society – are in play.
- ²⁸ This throws into question what Costello reconstructs around the most basic thought that Sultan – one of the apes in Wolfgang Köhler's experiments – is supposed to think, namely: "Where is home, and how do I get there?" (2000:46). If he arrives at this thought, it is not, we have it on Red Peter's authority, by a thinking akin to human thought that he does so.
- ²⁹ That Kafka was familiar with Nietzsche's work is beyond doubt; see the information given by Corngold (2004:95-96), for example.
- ³⁰ If one thinks that there is no temptation, and that *that* is what defines the egregiousness of the sovereign, then, first, it is otiose to call him "sovereign" and one should rather call him an angel, a type that it is not very Nietzschean to admire. And second, that would make of the sovereign a creature without desires and self-interest, which is rather implausible.

³¹ Cf. the following exchange with Foucault:

“FOUCAULT: This is just a hypothesis, but I would say it’s all against all. There aren’t immediately given subjects of the struggle, one the proletariat, the other the bourgeoisie. Who fights against whom? We all fight each other. And there is always within each of us something that fights something else.

“J .-A. MILLER: Which would mean that there are only ever transitory coalitions, some of which immediately break up, but others of which persist, but that strictly speaking individuals would be the first and last components?

“FOUCAULT: Yes, individuals, or even sub-individuals.

“J .-A. MILLER: Sub-individuals?

“FOUCAULT: Why not?” (Foucault 1980:208).

³² In fact, in its emphasis on the non-natural forcing of imitation and imitation as a way out (rather than as something that has an attraction in itself) Kafka’s story should be understood as a critique of this famous passage of Aristotle’s (whose references to “lower animals” are worth noting): “Imitation is natural to man from childhood, one of his advantages over the lower animals being this, that he is the most imitative creature in the world, and learns at first by imitation. And it is also natural for all to delight in works of imitation. The truth of this second point is shown by experience: though the objects themselves may be painful to see, we delight to view the most realistic representations of them in art, the forms for example of the lowest animals and of dead bodies. The explanation is to be found in a further fact: to be learning something is the greatest of pleasures not only to the philosopher but also to the rest of mankind, however small their capacity for it; the reason of the delight in seeing the picture is that one is at the same time learning [...]. Imitation, then, being natural to us [...] it was through their original aptitude [...] that they created poetry out of their improvisations” (*De Poetica* 1448b).

³³ Or the less serious things Konrad Lorenz writes about: “It is no problem to prevent the tame raven, mongoose or monkey from running away; the difficulty is to prevent the animal from disturbing your daily work or Sunday evening peace. I have many years of practice at working in the presence of lively animals and still livelier children, but it annoys me when a raven tries to carry off the pages of my manuscript, when a starling, with the propeller wind of his wings, blows all the papers off my desk; or when a monkey, behind my back, experiments with something breakable so that I must be prepared, every minute, for a violent crash” (1961:73).

³⁴ One can take this passage of Kafka’s as almost a direct response to this passage from Wedekind: “And what we demand of humans on the highwire, on the trapeze, in the ring, in Roman wrestling matches, that is what we attempt through the most careful invisible means of education to awaken. The spirit, the soul, that lies sleeping in the beautiful organism, must awaken and come to its full rhythmic form” (Quoted in Ham 1997:154). The play from which Ham is quoting is *Fritz Schwitterling* (also known as *Der Liebestrank*); it premiered in Zurich in 1900 (Wedekind 1993:viii-ix).

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- ³⁵ The example is Rousseau's, *The Social Contract*, Book I, Chapter III (1973:168).
- ³⁶ What Scholtmeijer draws from this passage is the claim that "Metamorphosis" comes from the spirit of the age.
- ³⁷ Bataille captures the difficulty of moving from humanity to apehood in the anguish of the transgression of the taboo that in his view specifically characterises human eroticism: "But the renunciation [of the woman by the man who gives her away: the father, for instance] based on taboo [on incest] that allows this kind of expenditure is the one thing that makes such giving possible. Even if there is some relief in giving as there is in the sexual act it is not at all a physical, animal relief; its transcendent nature belongs essentially to man. For a close relation to renounce his right, to forego the enjoyment of his own property: this is what defines human beings in complete contrast to the greedy animals. As I have said, such renunciation enhances the value of the thing renounced. But this [renunciation] is also a contribution to the creation of the human world in which respect, difficulty and reservations are victorious over violence. It complements eroticism which heightens the value of the object of desire. Without the counterbalance of the respect for forbidden objects of value there would be no eroticism" (Bataille 1962:218).
- ³⁸ While I think that this element of pain and confinement is essential to these stories, I do not find convincing the following claim of Norris: "Kafka's philosophical aim is to devalue and deprivilege reason, an enterprise which places him in the deconstructive tradition of Darwin, Nietzsche, and Freud. He shares with them the conviction that historical change, in nations, individuals, ideas, or species, is propelled neither by intellect nor imagination, but by physiological and psychological necessity. Reason and art play brilliant, but mediated, roles in this process by virtue of their instrumentality, their liability to use in the production of signification, and, particularly, of pluri-signification, of 'doubled' talk, of lies, and illusions" (1980:1251). I do not find much evidence to suggest this devaluation of reason in the text of "Report," nor is it very convincing to identify, without further ado, reason with "the production of signification, and, particularly, of pluri-signification, of 'doubled talk, of lies, and illusions.'" Nor is there much to suggest that Red Peter "resorts to a technique of appropriating violence to art and science, i.e. to culture and reason – a technique whose pornological significance is more clearly evident in two other Kafka stories, 'A Hunger Artist,' and 'In the Penal Colony'" (1248-1249). (Is it clear what reason is, and is it clear that animals do not reason? See the section of Hume's *Treatise* entitled "Of the reason of animals" [1978:176-179].) We have seen quite clearly the use of violence (more precisely pain, cruelty, confinement, punishment); it is quite literal and undisguised. This reading now forces one to think that Red Peter is not being completely frank, and thus to look behind his words for *the opposite meaning*: he must now be said to deploy a "devious strategy of narrating his victimization as a triumph" (1248). This also misses the point that it is not a triumph, but a *way out*, that he obtains: that is, something that can be called a triumph only if one considers a triumph an animal's chewing a leg away to escape a trap. But leaving that aside, what evidence is there of Red Peter's disingenuousness? "This scholarly pose is merely another version (with rational and rhetorical rather than

behavioral and gestural tricks) of Rotpeter's variety stage act. But how does its theatrical nature manifest itself in the narration? By a lapsus, a wince, an almost involuntary betrayal. 'By day I do not want to see her,' he says of his chimpanzee mate, 'for she has the insane, bewildered look of the half-broken animal in her eye; only I recognize it, and I cannot bear it' (154). This admission attests to an identification which gives us a glimpse at a mask behind the mask – Rotpeter is to the academy as the chimpanzee is to him. Does he flinch because he identifies with her as victim or because he recognizes himself as her victimizer? Either way, his reaction contains an important lesson: to flinch, or wince, is to look away, to avert one's eyes. If his audience flinches, they will not see him and he will fail as a performer and lose his *Ausweg*, his way out. He must therefore not only camouflage himself as a non-victim (by concealing his own insane, bewildered look in the aforementioned ways) but he must also camouflage his audience as non-victims in his imitation of them" (1250-1251). The evidence is thus this *one passage*; but Red Peter does not "flinch" at his "victimisation" of her or at her general "victimisation": he is quite straightforward about her use to him (see note 27 above and the text to which it is appended). What he flinches at is rather that she has not made the transition to a human world (the world in which he says he is *comfortable*): she is in a terrible limbo like the suffering of water animals on land as imagined by Nietzsche. In order to paint Red Peter as victim, Norris now has to attribute to him "his own insane, bewildered look," which he "conceals." What the evidence for that might be I cannot tell, especially if it is concealed. The tendency to see Red Peter as a victim is shared by Peter Stine, who says that "Access to the human world is viewed as a sexual wound, even a castration, as the ape's penchant for pulling down his trousers makes clear" (1981:71). Accordingly he, like Elizabeth Costello and Norris, reads Red Peter's transformation as a loss: "he must renounce the heaven of his former freedom for its laughable equivalent in the human world" (71), and he thinks (or seems to) that "the animal world" is or represents for Kafka "an ancestral inheritance of transmissible wisdom that once offered us wholeness of being (perhaps his sole lapse into mysticism) and has now degenerated into a tradition in decay" (60), and that Kafka himself had the "sense that he was like a banished animal dreaming of home" (80). There is thus an idealisation of a lost animality and a view of human existence as a fall or exile, so that he can describe how "we" react to "Jackals and Arabs" by saying that "We are left gazing awe-struck at what we have lost as the jackals, once thrown a piece of 'stinking carrion,' forget everything else and are lashed into ecstasy in pursuit of primitive cleanliness" (71 – emphasis added, D.M.). What all of this misses is that from the point of view of humanity it is not easy to see animality as a loss precisely because humanity is premised on the suppression of the animal. It also misses what is interesting about the jackals, which is not that they are inclined to a bit of carrion, i.e., just that they are jackals, but that *despite* the fact that they are so inclined, they *also* wish to *refuse* this attribute of their souls.

"Kafka," Norris writes, "engages the reader's interpretive abilities to make the acute point, that only when the human reader recognizes that he has been outwitted by an ape using his own most cherished attributes, can he claim true sapiens" (1251). The "outwitting" would consist in Red Peter's ability to play at being human. "Allegorical readings of Kafka ("Kafka, like Swift, implies that man is a beast" [a quotation from Charles Neider, *The Frozen Sea*, Oxford University Press, 1948]) interpret the ape as *representing* man, as *symbolizing* man, but not as

imitating man” (1251). It is not clear why these options are mutually exclusive, as Norris’s words suggest. Red Peter symbolises or allegorises “man” by, among other things, imitating a being which imitates. But mimicry and imitation are not thought through by Norris as rigorously as Kafka thinks them through: if Red Peter had *merely imitated*, the difference between the empty and the full pipe could not matter: “I could soon smoke a pipe like an old hand; and if I also pressed my thumb into the bowl of the pipe, a roar of appreciation went up between decks; only it took me a very long time to understand the difference between a full pipe and an empty one (*nur den Unterschied zwischen der leeren und der gestopften Pfeife verstand ich lange nicht*)” (255, 308). To actually smoke a pipe, which is what Red Peter achieves, rather than merely make the motions of smoking a pipe, one must understand that the point of a pipe is to smoke it and thus, what an empty and full pipe is, lest, thinking that one is acting *comme il faut*, one continue to puff on an empty pipe. Imitation does not suffice to get one to *understand what it is* to smoke a pipe.

Chapter Three Notes

- ³⁹ In addition to Greer and the authors cited by Greer (2002), see also Assoun (2002), Derrida 1987:262 ff. (note 10, p. 264, has a particularly succinct discussion), and Derrida (2002).
- ⁴⁰ See also *NIL*: “Restriction of the individual’s aggressiveness is the first and perhaps the severest sacrifice which society requires of him. We have learnt the ingenious way in which the taming of this unruly thing has been achieved. The institution of the super-ego which takes over the dangerous aggressive impulses, introduces a garrison, as it were, into regions that are inclined to rebellion” (PFL 2, 144).
- ⁴¹ The notion that instincts turn against those who have them also occurs independently of the view concerning the superego. In “Instincts and their Vicissitudes,” in addition to the vicissitudes of “reversal into its opposite,” “repression,” and “sublimation,” Freud lists “turning round upon the subject’s own self” (PFL 11, 123). Examples of this are found in masochism and exhibitionism: “the masochist shares in the enjoyment of the assault upon himself,” and “the exhibitionist shares in the enjoyment of [the sight of] his exposure” (124). However, between masochism, in which “an extraneous person” (125) is required for the “exercise of violence or power” (124), and sadism, in which violence or power is exercised “upon some other person as object” (124), there is an intermediate stage in which “this object is given up and replaced by the subject’s self” (124), i.e., in which, someone causes him/herself pain.
- ⁴² Cf. Lacan 1992:186.
- ⁴³ In their entry on “super-ego” in *The Language of Psychoanalysis* (1988), this view of the *New Introductory Lectures* is the only one cited by Laplanche and Pontalis. There is *no mention* of aggressiveness or the theory from aggressiveness.

⁴⁴ Assoun, in his book entitled *Freud and Nietzsche*, is committed to the difference between “the paternal model of Freudian guilt and its absence in Nietzsche” (Assoun 2000:176). But it appears that he also thinks that the theory of the superego can be exclusively a matter of identification and desire. He says that absence of the paternal model in Nietzsche “is expressed, briefly speaking, by the absence of a theory of the *superego* in Nietzsche, apart from a truly topical elaboration of what Freud would call the ‘psychic apparatus’. In correlation there is thus no theory of *identification* as an elaboration of the paternal model. That is why, originary guilt, for Freud, flows from its primitive extraction to the Law, which is supported simultaneously by an aspect of the Law, that of the Father.

“For Nietzsche, the model, we could say by way of contrast, is fundamentally *maternal*. It is the schema of a primitive innocence of becoming, a primary enjoyment of the desire for inclusion, that a progressive infection has spoiled whereby the *Other*, the figure of the *intruder*, is introduced between desire and its enjoyment, in the figure of the ascetic priest, before being finally internalized and festering (*consommant la gangrène* [sic]). That is why there was never developed an endogenous instance charged with the mastery of the paternal model, such that guilt is inoculated from the outside, by the *priest*, who plays the role of a Father introjected by force.

“For the same reason there is no originary Oedipal scenario, no specific, dramatic moment where, under the figure of the Father, desire is confronted by the Law. In the end, Nietzsche conceives of only two states, that of a desire of a pure life (health), indifferent to the Law and its significations (guilt), and that of an infected desire. Thus the Law only appears as the figure of illness-morality in Nietzsche, while Freud institutes it as a sort of dialectic of desire, where the Law appears as a necessary term of identificatory constitution. Such is finally the difference in diagnostics between Nietzsche and Freud” (Assoun 2000:176-177).

Force, an inoculation from the outside, the absence of a paternal model – in Nietzsche, and, on the contrary, desire, endogeny, in Freud. But it is not true that the law appears “only” “as the figure of illness-morality” in Nietzsche. And guilt in Nietzsche is a matter, among other things, of a debt to the creator and the ancestors; and the creator and the ancestors are, if not fathers exactly, certainly paternal figures. (These claims about Nietzsche will be justified in Chapters Five, Six and Seven.) From the Freudian side, it is not the case that the paternal origin of the law excludes an “inoculation” “from the outside.” On the contrary: the father brings the message of the law to the child *from the outside*, and it is only subsequently internalized.

⁴⁵ Freud says that the melancholic’s criticisms are largely moral (“In the clinical picture of melancholia,” Freud writes, “dissatisfaction with the ego on moral grounds is the most outstanding feature. The patient’s self-evaluation concerns itself much less frequently with bodily infirmity, ugliness or weakness, or with social inferiority; of this category, it is only his fears and asseverations of becoming poor that occupy a prominent position” [PFL 11, 256; see also 254]). But it is not clear why they would have to be moral if these are merely criticisms of the love object. (The example of “being incapable” (257) which Freud chooses is not particularly moral.)

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- ⁴⁶ Freud writes: “Starting from speculations on the beginning of life and from biological parallels, I drew the conclusion that, besides the instinct to preserve living substance and to join it into ever larger units, there must exist another, contrary instinct seeking to dissolve those units and to bring them back to their *primaeval*, inorganic state. That is to say, as well as Eros there was an instinct of death. The phenomena of life could be explained from the concurrent or mutually opposing action of these two instincts. It was not easy, however, to demonstrate the activities of this supposed death instinct. The manifestations of Eros were conspicuous and noisy enough. It might be assumed that the death instinct operated silently within the organism towards its dissolution, but that, of course, was no proof. A more fruitful idea was that a portion of the instinct is diverted towards the external world and comes to light as an instinct of aggressiveness and destructiveness. In this way the instinct itself could be pressed into the service of Eros, in that the organism was destroying some other thing, whether animate or inanimate, instead of destroying its own self. Conversely, any restriction of this aggressiveness directed outwards would be bound to increase the self-destruction, which is in any case proceeding” (PFL 12, 310).
- ⁴⁷ In a reading that might be related to the link drawn here by Freud between the superego and death, Borch-Jacobsen reads the myth of the father as *directly* concerning death: “The identifying incorporation brought them – brutally, dizzyingly – face to face with what is par excellence unassimilable: their own death, their own being dead, with what escapes all appropriation. That is why ‘the dead became stronger than the living had been’” (1991:76).
- ⁴⁸ It should be noted that this is once again not the superego. These restrictions, as put in place by the brothers, are external. If they are set up as prohibitions, they are set up by the brothers for the brothers. If all the brothers feel this remorse *and will continue to*, there is *no need for the prohibitions*. In that case, there really is a superego in place, but then one wonders why there needs to be prohibitions. On the other hand, if the brothers do not assume that all of them will obey but suspect, or know, that some or all will sometimes, if not always, want to transgress them, then the prohibitions are necessary precisely *because* they have not internalized them.
- ⁴⁹ Lacan avoids these problems by dislocating the paternal function from the factual father: “As far as the father that Oedipus knew is concerned, he only becomes the father, as Freud’s myth indicates, once he is dead.
- “It is thus there, as I’ve said a hundred times, that one finds the paternal function. In our theory the sole function of the father is to be a myth, to be always only the Name-of-the-Father, or in other words nothing more than the dead father, as Freud explains in *Totem and Taboo*” (1992:309). “All the mystery is in that act [the murder of the father]. It is designed to hide something, namely, that not only does the murder of the father not open the path to *jouissance* that the presence of the father was supposed to prohibit, but it, in fact, strengthens the prohibition. The whole problem is there; that’s where, in fact as well as in theory, the fault lies” (1992:176). Since “Whoever enters the path of uninhibited *jouissance*, in the name of the rejection of the moral law in some form or other, encounters obstacles whose power is revealed to us every day in our experience in innumerable forms” (177), “[we] are, in fact, led to the

point where we accept the formula that without a transgression there is no access to *jouissance*, and, to return to Saint Paul, that that is precisely the function of the Law. Transgression in the direction of *jouissance* only takes place if it is supported by the oppositional principle, by the forms of the Law. If the paths to *jouissance* have something in them that dies out, that tends to make them impassable, prohibition, if I may say so, becomes its all-terrain vehicle, its half-track truck, that gets it out of the circuitous routes that lead man back in a roundabout way toward the rut of a short and well-trodden satisfaction” (177). The bliss of the father is mythical: “It is clear that, in his myth, Freud finds a singular balance, a kind of co-conformity – if I may be allowed to thus double my prefixes – of Law and desire, stemming from the fact that both are born together, joined and necessitated by each other in the law of incest and what? – the supposition of the pure erotic bliss of the father viewed as primordial” (1987:89). Since it is mythical, the murdering sons cannot accede to this bliss, and instead discover in this act that the support of desire is, as Saint Paul recognizes, the prohibition; consequently, the entire edifice of civilization as built on prohibition has the happy function or effect of letting desire thrive: “From this point of view, it is the transformation of the energy of desire which makes possible the idea of the genesis of its repression. As a result, the transgression is not in this instance just something which is imposed on us in a formal way; it is instead something worthy of our praise, *felix culpa*, since it is at the origin of a higher complexity, something to which the realm of civilization owes its development” (1992:5-6).

- ⁵⁰ “[...] I have supposed that the sense of guilt for an action has persisted for many thousands of years and has remained operative in generations which can have had no knowledge of that action. [...] It must be admitted that these are grave difficulties; and any explanation that could avoid presumptions of such a kind would seem to be preferable.

“Further reflection, however, will show that I am not alone in the responsibility for this bold procedure. Without the assumption of a collective mind, which makes it possible to neglect the interruptions of mental acts caused by the extinction of the individual, social psychology in general cannot exist” (PFL 13, 220-221).

- ⁵¹ In Nietzsche there is no necessity of such a phylogenetic causality. The origin of the bad conscience occurs with the turning inward of instincts, but until there is confinement, there is not and need not be any turning inward of instincts, for the conditions of this turning inward are not in place as long as there is no confinement. The advantage of Nietzsche’s theory is that this condition of confinement – in a state, or the “social straitjacket” understood in a more general way (inclusive of the family, for instance) – *continues* to be the condition of human beings today, so long as we live our lives out within a state, and there is therefore no need either to explain the reproduction of this condition from generation to generation, or to imagine that this primal event somehow directly, without the necessary intermediary of our present conditions, affects what happens with our instincts.

- ⁵² Derrida interpolates a comment into a quote of Freud’s from *Totem and Taboo*, asking “how and why” the sons felt remorse “if this is *before* morality, *before* law,” and says that “in fact, it

[the crime] inaugurates nothing since repentance and morality had to be possible *before* the crime” (1992a:198).

- ⁵³ It may of course happen that a child wishes her father dead, and, as it happens, the father in fact dies. In fact this is what happens to the Rat Man in whom Freud diagnoses an unconscious sense of guilt (PFL 9, 57-63). However, the rarity of such a case makes it unwieldy for theoretical and systematic purposes.
- ⁵⁴ See also Derrida (2002:251) on Freud and the relation between force and authority.
- ⁵⁵ One can find similar claims in Nietzsche’s *The Antichrist*, 25.
- ⁵⁶ Derrida (1992a:198) emphasizes the importance to him of this claim, though its importance to him is for other reasons than those I will advance. Derrida does not question Freud’s thesis of the strength of the dead father.
- ⁵⁷ This affirmation of Lacan’s seems to me therefore more Nietzschean than Freudian: “The external limit that keeps man in the service of the good is the *primum vivere*. It is fear, we are told, but you can see how superficial its influence is.
 “Between the two for the ordinary man lies the exercise of his guilt, which is a reflection of his hatred for the creator, whoever he may be [...] who made him such a weak and inadequate creature” (1992:309).
- ⁵⁸ On the contract between the brothers, see also PFL 13, 325.
- ⁵⁹ See also Girard’s commentary (1995:211ff.) on this passage and its tension with the argument about deferred obedience. (More generally, Girard credits Freud with the “discovery” that “all ritual practices, all mythical implications, have their origin in an actual murder” [201] but complains that the theory of the horde and the centrality of the father figure, while allowing Freud to maintain the core of his theory, prevent him from appreciating the importance of the surrogate victim and collective murder for social formation.)
- ⁶⁰ It should be noted that later in *Moses*, Freud talks about three “regulations,” on killing, on incest, and the granting of equal rights to the brothers, and says that the first two, i.e., *both* that against killing and that against incest, “operate on the side of the father who has been got rid of” and “carry on his will, as it were,” while *the third* is motivated by the necessity of preventing “a relapse into the earlier state,” which (otherwise) “would have become inevitable” [PFL 13, 367]. I won’t dedicate an analysis to this claim, since, for the most part, it merely takes back the claim presently under discussion. It is worth wondering, however, whether such a “relapse” into a *new* primal horde should be regarded as a necessity to be avoided, or, at least for *one* of the brothers, *success*. The case of such a relapse would presumably have been just what had gotten the previous father, now dead, into his enviable position in the first place.

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- ⁶¹ “In its simplified form the case of a male child may be described as follows. At a very early age the little boy develops an object-cathexis for his mother, which originally related to the mother’s breast and is the prototype of an object-choice on the anaclitic model; the boy deals with his father by identifying himself with him. For a time these two relationships proceed side by side, until the boy’s sexual wishes in regard to his mother become more intense and his father is perceived as an obstacle to them; from this the Oedipus complex originates. His identification with his father then takes on a hostile colouring and changes into a wish to get rid of his father in order to take his place with his mother. Henceforward his relation to his father is ambivalent; it seems as if the ambivalence inherent in the identification from the beginning had become manifest. An ambivalent attitude to his father and an object-relation of a solely affectionate kind to his mother make up the content of the simple positive Oedipus complex in a boy” (PFL 11, 371). Of course Freud gives an account of female development, but I will not go into that here.
- ⁶² It is such passages that explain why I do not make any differentiation between the superego and the ego-ideal. If some distinction is necessary, in these genetic accounts it is secondary. Borch-Jacobsen claims that Freud “amalgamated the two functions” of “identificatory ‘ego-ideal’” and “repressive ‘superego’” (1994:275-276).
- ⁶³ Again: “The abundant communication between the ideal and these *Ucs.* instinctual impulses solves the puzzle of how it is that the ideal itself can to a great extent remain unconscious and inaccessible to the ego (PFL 11, 378-379). And: “One may go further and venture the hypothesis that a great part of the sense of guilt must normally remain unconscious, because the origin of conscience is intimately connected with the Oedipus complex, which belongs to the unconscious” (PFL 11, 393).
- ⁶⁴ It may also be because of this possibility of aggression towards the superego that Freud writes in *Civilization*: “The fear of this critical agency (a fear which is at the bottom of the whole relationship), the need for punishment, is an instinctual manifestation on the part of the ego, which has become masochistic under the influence of a sadistic super-ego; it is a portion, that is to say, of the instinct towards internal destruction present in the ego, employed for forming an erotic attachment to the super-ego” (PFL 12, 329-330). Here fear and love *become one*: even *while* the superego is feared, it is loved.
- ⁶⁵ Again, this is not an original criticism. See the “super-ego” entry in Laplanche and Pontalis (1988). Wilkes (1975:133) claims that Freud “personifies” the id, ego and superego in his more “popular works” but not in his “more technical writings.” Wilkes cites *The Ego and the Id* among the popular works, which seems to me a dubious classification; but, in any event, I do not believe that Freud would have credited this distinction between popular works and technical writings with respect to major works like *Civilization* and *The Ego and the Id*, and I take seriously this injunction of Lacan’s concerning what can more plausibly (than *The Ego and the Id*) be thought of, if not as “popular,” at least as aimed at a broader audience than practitioners and theoreticians of psychoanalysis: “This *Civilization and Its Discontents* that I

invite you to get to know or to reread in the context of Freud's work is not just a set of notes. It is not the kind of thing one grants a practitioner or a scientist somewhat indulgently, as his way of making an excursion into philosophical inquiry without our giving it all the technical importance one would accord to such a thought coming from someone who considers himself to belong to the category of philosopher. Such a view of this work of Freud's is widespread among psychoanalysts and is definitely to be rejected" (1992:6-7; see also the text following this quotation).

- ⁶⁶ Kant however thinks that the conscience is originary, and that the judge and the judged, the accuser and the accused, must be understood as the noumenal and the phenomenal person, respectively: "I, at once accused and accuser, am numerically one and the same person, but, as the subject of the moral legislation, based on the idea Freedom (*homo noumenon*), I must be considered, though only for a practical behoof, as diverse from the phenomenal man endowed with reason" (1886:255).
- ⁶⁷ What Freud writes is as follows: "According to our hypothesis human instincts are of only two kinds: those which seek to preserve and unite – which we call 'erotic', exactly in the sense in which Plato uses the word 'Eros' in his *Symposium*, or 'sexual', with a deliberate extension of the popular conception of 'sexuality' – and those which seek to destroy and kill and which we group together as the aggressive or destructive instinct. As you see, this is in fact no more than a theoretical clarification of the universally familiar opposition between Love and Hate which may perhaps have some fundamental relation to the polarity of attraction and repulsion that plays a part in your own field of knowledge. But we must not be too hasty in introducing ethical judgements of good and evil. Neither of these instincts is any less essential than the other; the phenomena of life arise from the concurrent or mutually opposing action of both" (PFL 12, 356).
- ⁶⁸ Though Velleman (1999) recognizes the difficulties here, he is more optimistic about "a marriage of Freudian and Kantian moral theory" (558). Church (1992:220-221) also recognizes this problem with Freud's view, but responds that what is internalized is an *idealized* version of the parent, and that "after the parent is internalized, its personality will continue to stray from that of the actual parent – both because it is no longer dependent on the external reality of that person and because it will gradually become an amalgamate of many different personalities that have been similarly internalized" (221), so that it begins to represent society in general. But there is no hint in Freud that what is internalized is idealized, not least because the child does not have criteria for idealization other than the parent and before the parent: that is precisely the force of his view against such views as Kant's. Moreover, this response seems to me to lose what is characteristic of Freud's view. It is not that what is internalized is some pliable figurine that can be transmuted into something else; a person is internalized, and not just any person but one that is close enough to have the very powerful psychological effects that are required for the event of the formation of the superego. The feelings of aggression and love that are at stake in Freud's theory are not, I take it, like one's admiration for or dislike of a teacher, for example. Church is right to mark the affinity of Freud's theory to naturalistic

approaches to morality (although her claim seems to me too strong: “Once one accepts naturalism, the appeal to processes of internalization seems inevitable” [220]). But precisely because of this naturalism of Freud’s, one should take seriously that the mechanism of the internalization is essentially and strongly affective, and one risks speaking too loosely of internalization if one thinks that the ‘internalization’ of others – teachers, priests, popstars – would have the same force as that of father or mother, and would be sufficient to modify or blot out characteristics that belonged to the original. (We should bear in mind Freud’s insistence on the durability of traces in the unconscious, as in the first chapter of *Civilization*.) If internalization can be provoked by all these figures indifferently, one might as well just talk of adopting the attitudes to life of people one admires. I would not deny that that happens, but I do deny that that is Freud’s view of internalization.

- ⁶⁹ I earlier noted that although it seems as if the moment of incorporation in the primal horde ought to be the moment of the installation of the superego (just because that is an internalisation), Freud defers the installation of the superego until the return of love *after* the devouring. I suggested that the reason he does so is that if the superego is installed *at the moment of* incorporation, since the father is at that moment the envied and admired *sexual king* of the horde, the superego would have to command the subject to indulge in a sexual tyranny like the father’s. In *The Ego and the Id* Freud says something surprising that seems to have something like this problem in mind: “The super-ego is, however, not simply a residue of the earliest object-choices of the id; it also represents an energetic reaction-formation against those choices. Its relation to the ego is not exhausted by the precept: ‘You *ought to be* like this (like your father).’ It also comprises the prohibition: ‘You *may not be* like this (like your father) – that is, you may not do all that he does; some things are his prerogative” (PFL 11, 373-374). Freud says that “this double aspect of the ego ideal derives from the fact that the ego ideal had the task of repressing the Oedipus complex; indeed, it is to that revolutionary event that it owes its existence” (374). But I cannot see how this double aspect is explained by the fact that the ego ideal repressed the Oedipus complex. For “you may not” can in this context only fail to be synonymous with “you ought not to” on condition that some subject S has both predicates p1 and p2, and one says: “You ought not to emulate p1 but you ought to emulate p2.” But how can that distinction be made, as long as it is *a person* that is internalized, and not *precepts* independent of persons? (And if one allows the ‘internalization’ of such precepts, what is the need for thinking that persons are internalized?) And isn’t Freud here, distracted by the necessities of his theory, simply forgetting the most obvious social facts? For males (*but not little boys* – which are much more important in Freud’s theory than in society) *are* supposed to be like their father, and *do* have the prerogatives of the father *at a certain stage*, just as they get to have his *restrictions*, for, exactly like the father himself (with the unique exception of the father of the primal horde), they are never permitted to mate with their own mothers and daughters. The other important social fact is that they are *never* supposed to be like their fathers if their fathers are evil, or even just obnoxious.

Borch-Jacobsen takes this passage from the *Ego and the Id* as central to Freud’s view, and argues that it is essential to understanding the relation between Freud and Lacan. Lacan’s reworking of the theory of the Oedipus complex stems, he thinks, from an attempt to resolve

the problem posed by what is expressed in this passage. He recaps the problem as follows: “If the oedipal father simultaneously says, be like me (a virile man) and do not be like me (that is, do not enter into homosexual rivalry with me), how is it possible to prevent the normalizing identification with the father from being confounded with the rivalrous, homosexualizing identification with that same father?” (1994:281). This is a way of stating the problem of love and aggressivity that I have been following in this chapter. (Borch-Jacobsen argues further that Lacan’s own view does not in fact solve the problem.)

- ⁷⁰ See e.g. PFL 12, 356, cited above (in note 67); and *Civilization*, sections V and VI, esp. pp. 298-299 and 313. On the other hand, I have also quoted the passage (about the brothers of the primal horde) (PFL 13, 205) in which Freud says that sexuality does not unite men but divides them.

Chapter Four Notes

- ⁷¹ A fuller, if not complete, account would have to include a discussion of the manner in which the Greek conception of the will and agency differs from ours – see Vernant (1990).
- ⁷² I will not say anything whatsoever about whether Greek society is or is not a shame culture. That is much larger than my concerns or competence will allow.
- ⁷³ Without textual evidence for the conceptual point, it seems gratuitous to propose a lexical hunch about the Greeks which is mostly recommended by the lack of an alternative, and which makes little sense even to us. That is not to say, of course, that there are no such possibilities. In isiZulu, for example there is one word for blue and green: *luhlaza*. Hypothetically, one might have begun with a situation in which the translation blue seemed the overwhelmingly correct one. If one were then to notice the paucity of references to green it would be ill-advised to simply hypothesise the duality of *luhlaza* without prior indications (descriptions of grass, for instance, or faces of jealous people). If it turns out that there are such instances and that our translators have stupidly mistranslated *luhlaza* by blue, for example, in the following sentence: “The grass was blue,” one will wonder that readers did not think the author was incompetent. There should likewise be such judgements of incompetence, in Homer for example, at those places where translators ignorant of Williams’s hypothesis translated *aidôs* by shame when it ought to have been translated by guilt.
- ⁷⁴ “If we come to understand our shame,” says Williams, “we may also better understand our guilt. The structures of shame contain the possibility of controlling and learning from guilt, because they give a conception of one’s ethical identity, in relation to which guilt can make sense. Shame can understand guilt, but guilt cannot understand itself” (1994:93). But what this says is that our notion of shame contains presuppositions about our relationship to other people, and that by drawing on these presuppositions we can better understand this relationship and therefore better understand guilt. But (to leave all other questions aside) is it true that guilt “cannot understand itself”? It seems patently untrue if it means that guilt cannot be understood

without reference to shame, and equally untrue if it means that guilt is without reference to other people in interesting and complex ways (which this chapter discusses as crucial to our treatment of the problem of the Greek relationship to guilt).

⁷⁵ Cf. *Daybreak* 366.

⁷⁶ One might adduce against this the phenomenon of unconscious guilt, as when Freud believes that the Rat Man has unconscious guilt about his father's death. Now I think that this is a dubious category if the analyst must claim *both* that there is some cause for guilt and that the patient *really does* feel *guilt*. In the case of the Rat Man, however, the feeling of guilt is not in doubt: "he had come to treat himself as a criminal" (PFL 9, 55), and directed "self-reproaches" (56) at himself. What is unclear – and unconscious – is *the cause of the guilt*. Freud's diagnosis is that the hidden "ideational content" (56) associated with this guilt is a wish for the death of his father, of which the Rat Man is not initially convinced. But even before this diagnosis comes up, there is already some recognition on the Rat Man's part that he has neglected his father (55). This is one example among many others, but it should serve to show that one should not too quickly believe that any given instance is an instance of unconscious guilt in the sense of *guilt which is unconsciously felt*, i.e., not consciously felt at all. I myself find such a category incoherent, but even those who are tempted to take it seriously should look closely, and case by case, at purported examples.

⁷⁷ I therefore see no need to distinguish between what Klein calls persecutory guilt (i.e., self-persecutory guilt) and depressive guilt, which makes reparations to others (see Speziale-Bagliacca 2004: 27-30). A conception of guilt should comprehend both these forms, and it should be recognised that one way of persecuting oneself is to give oneself the duty of heavy reparations.

⁷⁸ Gilligan writes (2003:1164): "In a more general sense, we could say that pain and punishment increase feelings of shame but decrease feelings of guilt. That is the basic psychological reason why punishment – that is, revenge – far from deterring or preventing violence, is the most powerful stimulant or cause of violence that we have yet discovered. To put it another way, the most effective way to provoke someone into committing acts of violence (if that is what we wish to do) is to punish him."

⁷⁹ What Freud's own view is is hard to discern, for although he says that guilt is a need for punishment, he goes so far as to identify this with fear when he presents the one as a gloss of the other: "The fear of this critical agency (a fear which is at the bottom of the whole relationship), the need for punishment" (PFL 12, 329-330). If we are to judge by the theory of the superego, however, I should guess that Freud's most consistent view is the fear-based one; it is certainly his most consequential view.

⁸⁰ This category is recognised by Adam Smith as "the piacular" when he writes of "the man, who, from false information, from inadvertency, from precipitancy and rashness, has

involuntarily deceived.” He writes that “if any unlucky or fatal consequence has followed from his misinformation, he can scarce ever forgive himself. Though not guilty, he feels himself to be in the highest degree, what the ancients called, piacular, and is anxious and eager to make every sort of atonement in his power. Such a person might frequently be disposed to lay his case before the casuists, who have in general been very favourable to him, and though they have sometimes justly condemned him for rashness, they have universally acquitted him of the ignominy of falsehood” (2004:400). He says (126) that this “fallacious sense of guilt” is what Oedipus and Jocasta feel. They are “in the highest degree piacular, though not one of them is in the smallest degree guilty.”

- ⁸¹ Creighton (1990:286) provides another, again Freudian, example of the view I am arguing against: “Initially guilt is associated with the fear that committing a negative act will result in punishment being meted out by the parent. Later this fear is internalized, so that guilt feelings result whether there is an actual threat of punishment or not. In effect, the anxiety created by the superego automatically ‘punishes’ the wrongdoer for transgressing or approaching a negative pole.” See also Williams (1994:89-90), and Ho, Fu, Ng (2004:73).
- ⁸² “And so the avengers, the dark destroyers late but true to the mark, now lie in wait for you, the Furies (*Erinyes*) sent by the gods and the god of death to strike you down with the pains that you perfected!”
- ⁸³ For evidence of the purifications Orestes has undergone, see *Eumenides*, ll. 235-239, 280-286, 445-453, 474, 576-578 (Apollo’s testimony for Orestes’ compliance).
- ⁸⁴ *À propos* lines 1016-1017 (*algô men erga kai pathos genos te pan,/ azêla nikês tês d’ echôn miasmata*) of *Choephoroi* [*The Libation Bearers*], A.F. Garvie cites U. Stebler’s argument that “though Orestes’ *algos* is not the pangs of conscience, we may find here the seed that was to lead to the development of that concept” (Aeschylus 1986:334). Stebler’s claim is quite remarkable, and evidently helpful to my argument, but I am arguing for a slightly stronger reading of *algos* as it occurs in other places, in Aeschylus and elsewhere. My view is that the general category ‘*algos*’ can be used to refer to more and less specific sorts of pains, and when it is used for the symptoms brought on by wrongful deeds, that is as close to the feeling of guilt as we need to get. Should one of us moderns under such circumstances refer to ‘a pain in the heart’, etc., we would not think that this demonstrates a deficient or rudimentary understanding of guilt (in the sense in which we are concerned with it) that could be remedied if only the speaker were taught that he could just as well use the word ‘guilt’ in this context. This is of course not to say that the Greeks possessed a concept of the conscience, as a faculty which allows us to distinguish between right and wrong, as that which is discomfited when we have feelings of guilt, as that which can be either “clean” or “bad.” They may not have identified some specific part of the soul or spirit or psyche as that which feels these pains or bites or stings, but they nevertheless felt them. However – I thank John Hilton for this point – one must consider in this connection Socrates’ *daimon* (although it be a rather late development and

although one cannot consider Socrates as *typical* of Ancient Greece). The notion of *syneidesis* is also relevant here.

- ⁸⁵ I assume, quite safely I think, that these usages are metaphorical, but it is worth noting the difficulty here which Hegel locates: “In living languages the difference between actual metaphors and words already reduced by usage to literal expressions is easily established; whereas in dead languages this is difficult because mere etymology cannot decide the matter in the last resort” (1975:404).
- ⁸⁶ The English “compunction” too is derived from the Latin *compungere*, to prick sharply, sting, and both the verb and the noun *compunctio* were used by Roman authors to mean (to be goaded by the) sting of conscience, or (to feel) remorse. *Remorse* itself contains a reference to the bite, *morsus*, and “agenbite” (as in the 14th century *Ayenbite of Inwyrt*) is (as it were) a literal translation of *re-morse*, a biting again, or “biting back” (Untermeyer 1959:8).
- ⁸⁷ Nietzsche writes: “No one utters an accusation without there being present in his mind the thought of revenge and punishment – even when he accuses his fate, or indeed himself” (*HH*, *AOM*, 78). I would not go as far as this, for one should leave a little margin for accusations that do not carry this charge. Self-accusations probably fall into that category, for although one might bring punishment on oneself, one might also accuse oneself without taking that step.
- ⁸⁸ For other evidence of Apollo’s part see also *Libation Bearers*, lines 1029-1033, *Eumenides*, lines 84, 465-467, 579-580.
- ⁸⁹ Translation in parenthesis by A.J. Podlecki (Aeschylus 1989:71).
- ⁹⁰ “No one can compel Zeus or require an account from him” (Burkert 1987:129).
- ⁹¹ See *Oedipus the King*, 1369-1377. “What I did was best – don’t lecture me, no more advice. I with *my* eyes, how could I look my father in the eyes when I go down to death? Or mother, so abused . . . I have done such things to the two of them, crimes too huge for hanging.
“Worse yet, the sight of my children, born as they were born, how could I long to look into their eyes? No, not with these eyes of mine, never” (1984:243).
- ⁹² “Not this city either, her high towers, the sacred glittering images of her gods – I am misery! I, her best son, reared as no other son of Thebes was ever reared, I’ve stripped myself, I gave the command myself. All men must cast away the great blasphemer, the curse now brought to light by the gods, the son of Laius – I, my father’s son” (*Oedipus the King*, 1378-1383; 1984:243). He accordingly asks Creon to banish him: “*Creon*: What do you want? Why so insistent?” *Oedipus*: Drive me out of the land at once, far from sight, where I can never hear a human voice” (1435-1437; 1984:245).

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- ⁹³ Williams writes: “The reaction in Homer to someone who has done something that shame should have prevented is *nemesis*, a reaction that can be understood, according to the context, as ranging from shock, contempt, malice to righteous rage and indignation. It should not be thought that *nemesis* and its related words are ambiguous. It is defined as a reaction, and what it psychologically consists of properly depends on what particular violation of *aidôs* it is a reaction to. As Redfield has put it, *aidôs* and *nemesis* are ‘a reflexive pair’” (1994:80).
- ⁹⁴ Compare the following poem, also by Levi, entitled *Shemà*: “You who live secure/ In your warm houses,/ Who return at evening to find/ Hot food and friendly faces:/ Consider whether this is a man,/ Who labors in the mud/ Who knows no peace/ Who fights for a crust of bread/ Who dies at a yes or a no./ Consider whether this is a woman,/ Without hair or name/ With no more strength to remember/ Eyes empty and womb cold/ As a frog in winter./ Consider that this has been:/ I commend these words to you./ Engrave them in your hearts/ When you are in your house, when you walk on your way,/ When you go to bed, when you rise./ Repeat them to your children./ Or may your house crumble,/ Disease render you powerless,/ Your offspring avert their faces from you./ 10 January 1946” (Levi 1992:9).
- ⁹⁵ Konstan (2003) seems also to affirm the view that the Greeks had a broader concept that comprehended both shame and guilt. But he also thinks that our own concepts of guilt and shame are less clearly demarcated from each other than we might think. “With this schema, Aristotle seems to bridge the difference that modern investigators suppose exists between shame and guilt, according to which guilt is elicited by a specific act of wrongdoing, while ‘we feel shame about the very essence of our selves’” (1043).

The concept of shame would be broader than that of guilt, but would encompass it, because shame includes many of the things that elicit guilt: “Shame, for Aristotle (and I would say for Greeks in the classical period generally) results from imagining particular acts or events, whether committed or intended – for example, doing someone an injustice or failing to help another when it is in one’s power to do so. It is possible to make amends for such offenses, whether by apologizing or by some other form of compensation. They are limited acts, and do not necessarily entail an annihilation of one’s sense of self.” But shame encompasses more: “Shame-inducing behavior, however, in addition to being unjust or inappropriate, also testifies to a character flaw or moral failing, and in this respect it is damaging, like modern shame, to one’s self-esteem, or at least to one’s self-representation in the world” (1043-1044).

But, I would argue, these premises only allow one to claim that there is a broader notion (for Konstan: *aiskhunê*) that encompasses guilt if one thinks that the *only* differences between them concern 1. the kinds of acts that elicit them, and 2. the kinds of reactions (reparations, etc.). Of course certain acts may elicit both shame and guilt (at once, even) – and of course one may make reparations both for acts for which one is ashamed and for those for which one feels guilty. Attending to that alone, however, misses the differences that come to light when one raises the questions I have taken as central: *What is the place and nature of punishment?* And: *Who is it that accuses and calls for punishment?*

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- ⁹⁶ I am not arguing of course, nor does my argument require, that they could not use a pain vocabulary to refer to shame. I would not be surprised if they did. But they also have words like *aidôs* which designate shame, and therefore other expedients are in that case less necessary.

Chapter Five Notes

- ⁹⁷ “sich selbst als einem schweren widerstrebenden leidenden Stoffe eine Form zu geben, einen Willen, eine Kritik, einen Widerspruch, eine Verachtung, ein Nein einzubrennen.”
- ⁹⁸ A similar thought can be found at *BGE* 30, although this concerns not different times but different types and ranks.
- ⁹⁹ While it would be worthwhile I cannot here investigate the relation of this view to Hegel’s *Sittlichkeit*. For Hegel what distinguishes *Sittlichkeit* from morality in the Kantian sense is that “[at] the level of morality, subjectivity is still distinct from freedom” while in “the ethical substantial order” “the self-will of the individual has vanished together with his private conscience which had claimed independence and opposed itself to the ethical substance. For, when his character is ethical, he recognises as the end which moves him to act the universal which is itself unmoved but is disclosed in its specific determinations as rationality actualised. He knows that his own dignity and the whole stability of his particular ends are grounded in this same universal, and it is therein that he actually attains these” (Hegel 1967:109). This view is very close to Nietzsche’s; on the other hand, where Hegel thinks that this situation is ideal, Nietzsche thinks that while such a situation has been actualized (with much pain and tyranny of course), it is to be overcome in the sovereign individual. (Thanks to Danny Herwitz for pointing out this connection to me.)
- ¹⁰⁰ Cf. Max Weber, as quoted by Jameson (1973:64), who says that “social action” of the “traditional” type is “habit become instinctive.”
- ¹⁰¹ *Human, All Too Human*, Assorted Opinions and Maxims, 90, is also relevant here.
- ¹⁰² Cf. Heidegger: “Only he can truly command [...] who is always ready and able to place himself under command. By means of such readiness he has placed himself within the scope of the command as first to obey, the paragon of obedience” (1991a:41).
- ¹⁰³ A promise is in one sense an assurance that one gives *to others* that a certain thing will be done, and in this sense it is not clear that one can make a promise *to oneself*. It is in this sense the assurance that, indeed, one actually wills what one says one wills or has led someone to think one wills. What the promise in this sense does is therefore to let someone think (‘be assured’) that their desire that *x* be done by you is *matched by* your willingness to do *x*. (That should make it clear why one cannot make a promise – in this sense – to oneself.) It thus purports to report one’s mental state, and functions to give them a higher level of confidence

(than they previously had) that x will be done. There is however a second sense of ‘promise’. When one says something like: “That was the day I promised myself never to mix beer and wine,” what one means is that on that day *one set oneself a task* (the task of always thenceforth resisting the temptation to mix beer and wine). It is this second sense of ‘promise’ that is at stake in my discussion of Nietzsche, as well as in the *Genealogy* itself, and in this sense, one *can* give a promise to oneself as much as to others. And although one talks not of ‘obeying’ a promise but of ‘keeping’ a promise, to obey a promise in the second sense simply means: actually carrying out the task that 1. one has set for oneself, or 2. that others have set for you (as when you promise your personal trainer that you will do her prescribed number of sit-ups). In sum, a *faulty* promise can mean either: 1. a *false* promise – an ‘assurance’ about something that one never intended to do – the mere pretence of taking on some task without actually taking it on, or 2. a *broken* promise – the sincere taking-on of a task, and the non-completion of it. (Of course, many promises to others are both an assurance and the taking on of a task, but the promise to oneself can only be the taking on of a task.) Again, it is the second kind that is at stake in Nietzsche and in my discussion of Nietzsche: Nietzsche is not concerned with the possibility of false promises; he is concerned with the possibility, which ‘the sovereign individual’ must avoid, of broken promises.

Nietzsche is also not concerned with the promise in that aspect that matters to Hume and that shapes the latter’s discussion of it, namely, with the question of the ground of obligation or the nature of the “tye” (1978:523) that bends us towards (or binds us to) the keeping or ‘performance’ (i.e., the not breaking) of it. (Hume answers that the tie is not “natural” [518-519; 524] but is based on “conventions” [522], which create a “sense of interest” [522] in the keeping of the promise and – later – a “sentiment of morals” [523].) Nietzsche is not in the least concerned with the question of obligation. Rather his interest concerns *the ability to carry through to completion a plan that is spread out in time*. As such – rightly or wrongly – what interests him is something that the promise and the contract have *in common* (and that they both have in common with any commitment at all), and one should bear in mind here the fact that what frames Nietzsche’s discussion of the promise are the contractual relations in which, for him, the ideas of duty and guilt have their origin.

¹⁰⁴ Regarding Nietzsche’s denials of will and free will, Heidegger writes: “For that reason Nietzsche can declare, ‘Today we know that it [i.e., the will] is merely a word’ (*Twilight of the Idols*, 1888; VIII, 80). Corresponding to this is an earlier assertion from the period of *Zarathustra*: ‘I laugh at your free will and your unfree one too: what you call will is to me an illusion; there is no will’ (XII, 267). It is remarkable that the thinker for whom the basic character of all beings is will should say such a thing: ‘There is no will.’ But Nietzsche means that there is no such will as the one previously known and designated as ‘a faculty of the soul’ and as ‘striving in general’” (1991a:38).

¹⁰⁵ These “sub-wills” raise interesting questions for eliminativist readings of Nietzsche on the will like that of Leiter (2007) and for a view which would take Nietzsche’s conception here entirely seriously. (I take it seriously only in part, as will be seen by my subsequent discussion.) For it seems that while Nietzsche denies the existence of *a* will as effective and the cause of action or

motion, he does so in order to disaggregate it into these sub-wills which would be co-ordinated (and therefore not simple) *but effective*, since they are what effect action and motion under command from some centre (which would remain to be described and explained in itself as much as in its ‘communication’ with these sub-wills).

¹⁰⁶ Cf. *LN* 16.

¹⁰⁷ I believe that this reading can claim some support from Heidegger’s discussion in volumes one and three of *Nietzsche*: 1991a:37-66 (Chapters 7-10); and 1991b:119-121, 194-197.

¹⁰⁸ Abbott places this text under the head of ‘Introduction to the Metaphysical Elements of Ethics’. It can be found in *Die Metaphysik der Sitten*, Zweiter Teil: Metaphysische Anfangsgründe der Tugendlehre, II. Erörterung des Begriffs von Einem Zwecke, der zugleich Pflicht Ist.

¹⁰⁹ Cf. *BGE* 21: “The ‘unfree will’ is a mythology; in real life it is only a matter of *strong* and *weak* wills.”

¹¹⁰ This notion of the disaggregation of impulses raises difficult questions which I cannot enter into. To the extent that the view here is of training, of a burning in of *No*’s, this suggests, given a multiplicity of drives, that some of these drives are muted or weakened or emaciated, so that the others are freer to assert themselves. (That follows a model laid down by Pascal: “But at least realize that your inability to believe, since reason urges you to do so and yet you cannot, arises from your passions. So concentrate not on convincing yourself by increasing the number of proofs of God but on diminishing your passions. [...] Follow the way by which they began: by behaving just as if they believed, taking holy water, having masses said, etc. That will make you believe quite naturally, and according to your animal reactions” (Pascal 1995:155-156). In Nietzsche there is a *discouragement* of these drives through a terrorism of punishment. (An alternative view might have it that certain drives – the obedient ones, in short – are *strengthened, encouraged*, by being given more opportunities to assert themselves. Given Nietzsche’s emphasis on punishment, however, this seems the less likely option.) Both of these views are relatively simple, since they both concern the accentuation of certain drives and the etiolation of others. But Nietzsche sometimes talks of what is something else entirely, namely – as we have already seen him say – of systematicity and ordering. Here it is not merely that there is an impulse that has been made stronger than the others, but that the others are *coordinated under* it and *subordinated to* it. But it is very hard to understand by what process this happens, or even might happen, or even how one individuates drives such that one can claim that others are subordinated *to it*. (There is a further discussion of this general issue in the section of Chapter Six entitled ‘The Diabolization of Instincts’.)

¹¹¹ In section 13 of *The Antichrist* Nietzsche squarely places modern-day free spirits within the line of these triumphant innovators when he explains that “*we ourselves*, we free spirits, are already a ‘revaluation of values’, an *incarnate* declaration of war and victory over all ancient conceptions of ‘true’ and ‘untrue’. [...] [Every] ‘thou shalt’ has hitherto been directed *against*

us . . . Our objectives, our practices, our quiet, cautious, mistrustful manner – all this appeared utterly unworthy and contemptible to mankind.”

- ¹¹² This question is intimately related to the question of the originality of our thoughts, since a sovereign commanding of the future would presuppose that I am the originator of my thoughts. I would even say that these are the same questions, although I am here elaborating it on the plane of the social and political, rather than at the metaphysical level of the freedom of the will. For a discussion of the question of the originality of thoughts see Leiter (2007). Leiter’s already mentioned refusal to take seriously Nietzsche’s claims about the sovereign individual is also asserted in this paper on the grounds of “the idiosyncratic nature of this passage” and that “it is hard to see why this one passage should be thought more significant than the extensive textual evidence” provided and considered in Leiter’s paper. I would not suggest that the passage on the sovereign individual is “*more significant*” than any other, but it cannot be dismissed *on any grounds*, even if it were the only such passage in Nietzsche. *A fortiori* it cannot be dismissed given that it is not the only such passage. Every passage in Nietzsche that concerns willing the superman or willing the future (or, indeed, the past) is of the same type. (This sort of freedom of will does not concern *moral* responsibility, just as promising can be severed from moral responsibility. On the other hand promising cannot be severed from *responsibility in general*, and Nietzsche explicitly and emphatically links the passage on the sovereign individual [GM II:2] with responsibility. It begins [the emphasis is Nietzsche’s]: “This precisely is the story [*die lange Geschichte*] of how *responsibility* originated [*der Herkunft der Verantwortlichkeit*].”) Given *both* the affirmation of *that sort* of possibility of freedom of will *and* the denial of metaphysical free will, two options are available: to dismiss one or the other as “idiosyncratic” or (which is not the same thing) out of character – or to understand the *necessity* for both in Nietzsche’s thought *as well as* the tension between them. I am choosing the latter option, because it is truer to the letter of Nietzsche and because the spirit of Nietzsche seems not to be reducible to one to the exclusion of the other: Nietzsche most certainly – I agree with Leiter – denies the existence of free will, and the history of the morality of mores as a deterministic history precisely coheres with that denial; but the heroic dream of twisting free from societal norms, or an *active* revaluation of values (including an active forgetting) – which are Nietzsche’s reactions *to* that history, his ‘what is to be done’ – are just as fundamental, since whatever Nietzsche may be fatalist about, he could never have resigned himself to determination by Christianity. One might respond that for Nietzsche we are, if anti-Christian, anti-Christian for (as Freud puts it) “organic reasons” – but that is precisely the point: if his history is to be believed, then not a single one of us should *be capable of being* anti-Christian, even less capable of willing something else.

- ¹¹³ See the very interesting passage at *The Gay Science* 370, for something close to an acknowledgement by Nietzsche of the slipperiness of these judgements.

- ¹¹⁴ At *Beyond Good and Evil* 198, Nietzsche is not quite so complementary about these two, however.

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- ¹¹⁵ Freud too uses the notion (see *Group Psychology*), but he also declares in *Civilization* that “[it] does not seem as though any influence could induce a man to change his nature into a termite’s” (PFL 12, 285). (That is why civilization can have discontents, after all.)
- ¹¹⁶ I grant of course that we would not now easily and suddenly want to burn cats alive even if we were suddenly allowed to, and in that sense, one would have to supplement Elias’s theory, at least as I have presented it above. That is after all, a complex case, which includes both the decrease in the acceptability of sadism in general, and then of sadism towards animals, as well as what each of our attitudes is to cats in particular: vegetarians (cf. Costello) might be much more sensitive while others might be much less queasy; and those today who eat dogs as a matter of course might feel differently from those who don’t, unless they feel that eating is alright but burning for pure pleasure is not.

Chapter Six Notes

- ¹¹⁷ Nietzsche does however write, at *BGE* 188: “That for thousands of years European thinkers thought merely in order to prove something – today, conversely, we suspect every thinker who ‘wants to prove something’ – that the conclusions that ought to be the result of their most rigorous reflection were always settled from the start, just as it used to be with Asiatic astrology, and still is today with the innocuous Christian-moral interpretation of our most intimate personal experiences ‘for the glory of God’ and ‘for the salvation of the soul’ – this tyranny, this caprice, this rigorous and grandiose stupidity has *educated* the spirit.” Cf. *LN* 7.
- ¹¹⁸ I do not mean to suggest that punishment is the only way these instincts can be diabolised. There are familiar ways in which gluttony or concupiscence can bring trouble. Since this factor does not play much of a role in Nietzsche, I leave it aside. If it were to be taken more seriously, however, my guess is that it would not move us beyond the prudential calculations I am talking about here.
- ¹¹⁹ See Heidegger 1991:196; 2002:176.
- ¹²⁰ Ultimately isn’t a drive the product of a certain not too rigorous classification *by the intellect* of the operations of our bodies (one that is indeed free to detect a *virtus dormitiva* – after all, Nietzsche here mentions a “drive to restfulness”) and of essentially the same operation of detecting faculties for which Nietzsche (*BGE* 11) criticizes Kant? This manner of classification would not easily be able to decide whether thirst and hunger are the same drive or different; whether the desires to avoid, say, pain, tickling, heat, and nausea, belong to the same drive or not. Here Nietzsche is perhaps not too much to blame; no doubt he is talking in the terms of his epoch, to which Freud also belonged. However he is in other cases *very careful* to avoid the leap from theoretical constructions to ontology.
- ¹²¹ Gemes (2009) does not raise any questions about this conception (on which is based his understanding of Nietzschean autonomy as an achievement). Nor does Foucault (2001:8-14).

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- ¹²² Risse (2001:58) seems to recognise the tension in Nietzsche's account, but he avoids it by talking about different stages.
- ¹²³ One might object here that when one is punished it is not *your* instinct for cruelty that is satisfied, since you are not doing the punishing. In that case, however, one should also not be able to take pleasure in the punishment of others as Nietzsche says we do, since most of the time we are not doing the punishing.
- ¹²⁴ Cf. *Daybreak* 184.
- ¹²⁵ Nietzsche writes in *Human, All Too Human* (252): "*Pleasure in knowledge*. – Why is knowledge, the element of the scholar and philosopher, associated with pleasure? Firstly and above all, because one here becomes conscious of one's strength; for the same reason, that is to say, that gymnastic exercises are pleasurable even when there are no spectators. Secondly, because in the course of acquiring knowledge one goes beyond former conceptions and their advocates and is victor over them, or at least believes oneself to be. Thirdly, because through a new piece of knowledge, however small, we become superior to all and feel ourselves as the only ones who in this matter know aright. These three causes of pleasure are the most important, though there are many other subsidiary causes, according to the nature of the man who acquires knowledge."
- ¹²⁶ It may be worth noting that Freud understands the pleasure of the achievements involving "instinctual renunciation" as the pleasure of pleasing the superego – see PFL 13, 364.
- ¹²⁷ If examples are needed, one might usefully consult Kafka's *Letter to His Father* (1966:53-57). (These instances of course tormented the young Kafka.)
- ¹²⁸ Huizinga's *The Waning of the Middle Ages* contains a discussion of the description, by the chronicler and poet Georges Chastellain, of a very brutal battle between two non-noblemen (1955:101-103). Huizinga introduces his discussion in this way: "One must read the vivid and realistic description given by Chastellain in order to appreciate how a chivalrous writer who never succeeded in giving more than a vaguely fanciful description of a Passage of Arms, made up for it here by giving full rein to the instincts of natural cruelty" (101-102). In this battle between non-noblemen there is "no code of honour to observe," says Huizinga, and it is consequently of "unbridled ferocity," but he writes that "the old Duke Philip wanted to see the rare spectacle at any cost" (101).

Taussig's recap of Mbembe is perhaps also worth recalling here, although I am of course wary of over-generalising the post-colonial condition Mbembe is describing: "The mystical foundation of State authority is composed not of a division between rulers and ruled, says Mbembe, but by a promiscuous, 'convivial tension,' between the command and its targets. The command has an erotic surplus. Is this the public secret that most everyone knows but none dare speak, this 'simulacrum' which keeps the leaky ship of State afloat?" (1992:65).

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- ¹²⁹ Nietzsche says that Christianity, as contrasted with Buddhism, makes “its suffering and capacity for pain *decent* to itself by interpreting it as sin” (A 23). Although this passage does not necessarily claim that the Christian *wants* suffering, it is consistent with that claim.
- ¹³⁰ Janaway (2007:3) says that “guilt came to be valued positively because it made suffering inflicted internally upon ourselves by our natural instincts legitimate and meaningful to us.” “There is a standing need to express power and hence to inflict cruelty, which adapts to socialization by inflicting the suffering on the self. Then there is the debtor-creditor relationship, which interprets the infliction of suffering as rightful or permitted,” and “the same primitive standing need to inflict cruelty co-opts the debtor-creditor relationship so as to legitimize the internalized version of itself” (134-135). Again the idea is that we first inflict suffering, and *then* look for something to legitimate it. Janaway does not seem to consider it necessary to ask why – or indeed *how* – we would impose upon ourselves something that, it is readily acknowledged, is not legitimate or meaningful in the first place. He writes: “Earlier in the narrative human beings cannot be said to have regarded the self-cruelty and self-punishment into which they fell as anything particularly good per se. Suffering in this way began as an enforced psychological adaptation, then became a kind of burden or sickness. There were good, even spectacularly good, consequences of internalization: Nietzsche mentions the development of the inner mental life, creativity, beauty, and the promise of self-overcoming (GM II. 16, 18). But implicit in his account is that no one prior to Christianity conceived self-cruelty or self-punishment as a good per se” (141). Human beings ‘fell into’ self-punishment *without* regarding it as good or as “a good per se.” It was an “enforced psychological adaptation” to social conditions, but Janaway does not ask why one would adapt in this particular way, through cruelty to oneself, and how, under these conditions, it could be *any* kind of good (since it is not a good per se) to the individual at all. The good consequences cannot be an answer since these are hardly foreseeable consequences, and so cannot have been the *aim* of cruelty to oneself.
- ¹³¹ One might admire a certain quality in another, and in so far as instantiated by this other person, it is not counterfactual. But as a model of emulation for oneself, it is counterfactual relative to the actuality of one’s own being.
- ¹³² This allows us to understand why it *might* be thought, as Williams and Konstan (see note 95 above) do, that *aidôs* or *aiskhunê* can function to refer to guilt also. The thought is possible if one conflates guilt and the conscience or the bad conscience, such that any dread or remorse (conscience or bad conscience) can be thought of as feeling guilty. Hugh G. Evelyn-White writes in his edition of Hesiod: “Aidôs, as a quality, is that feeling of reverence or shame which restrains men from doing wrong” (1914:17). (Hesiod is here describing the men of the fifth generation that Zeus creates; Aidôs – whom Hesiod personifies – will abandon them, they will do all manner of evil to each other, and the evil-doers will be praised.) But this function of restraining us from doing wrong is indeed one of the effects of what we call the conscience, and C.C.W. Taylor, in his translation of the *Protagoras*, translates *aidôs* as “conscience”

(1991:14-15). This is in line with the conception of the conscience that I defend in this thesis. According to the *Protagoras* Zeus sees that men are in danger of destroying one another through the “wrongs” they do “to one another through the lack of civic art,” and sends “Hermes to bring respect and right (*aidô te kai dikên*) among men, to the end that there should be regulation of cities and friendly ties to draw them together” (322c; 1952:134,135). It is clear that “conscience” as Taylor understands it, i.e., in the sense of reverence or respect, is not what we should call feeling guilty.

- ¹³³ While Reginster argues that one can turn one’s instincts on oneself on prudential grounds (2011:65 – see also 63), he does not question Nietzsche’s view that the Christian has “a passion for self-debasement” and a “will to find himself guilty”: “The Christian’s guilt is another instance of rational passion: it is the passion for thinking ill of himself, or, as Nietzsche puts it, the ‘will to find himself guilty and condemned without hope of reprieve’ (GM, II, 22). Nietzsche argues that Christian guilt operates with normative expectations that have been distorted by this passion for self-debasement” (76). “It is not, in other words, because he happens to believe in a ‘holy God’ to whom he owes more than he can repay that the Christian feels guilty. It is rather because of his ‘will to find himself guilty’ that he believes in such a God” (77).

Chapter Seven Notes

- ¹³⁴ While I agree with Aaron Ridley’s argument against Risse’s view that “belief in God is a conceptual prerequisite of the notion of guilt” (2005:42), Ridley’s counter-claim that “guilt [...] is a logical condition [...] of belief in God” (42) and that “only the guilty need God” (41) is utterly indefensible. It certainly is not Nietzsche’s view, for Nietzsche clearly maintains not only that the Greeks had a guilt-free view of their behaviour *despite* their theism, but that their belief in those gods *aided* them in remaining guilt-free. Whether Nietzsche is right here or not, gods that do what he claims the Greek gods did are certainly conceivable, and that alone suffices to falsify Ridley’s claim.
- ¹³⁵ Cf. *Daybreak* 10, 12, 13.
- ¹³⁶ The translation is my own.
- ¹³⁷ First Tablet, 28 (Langdon 1923:71).
- ¹³⁸ As in the following passage of *The Gay Science* (357): “This is the locus of [Hegel’s] whole integrity; unconditional and honest atheism is simply the *presupposition* of his way of putting the problem, as a victory of the European conscience won finally and with great difficulty; as the most fateful act of two thousand years of discipline for truth that in the end forbids itself the *lie* of faith in God . . . One can see *what* it was that actually triumphed over the Christian god: Christian morality itself, the concept of truthfulness that was taken ever more rigorously; the father confessor’s refinement of the Christian conscience, translated and sublimated into a

scientific conscience, into intellectual cleanliness at any price. Looking at nature as if it were proof of the goodness and care of a god; interpreting history in honour of some divine reason, as a continual testimony of a moral world order and ultimate moral purposes; interpreting one's own experiences as pious people have long interpreted theirs, as if everything were providential, a hint, designed and ordained for the sake of salvation of the soul –that is *over* now; that has conscience *against* it; every refined conscience considers it to be indecent, dishonest, a form of mendacity, effeminacy, weakness, cowardice. With this severity, if with anything, we are simply *good* Europeans and heirs of Europe's longest and most courageous self-overcoming."

- ¹³⁹ Cf. this claim from the notebooks: "The *lex talionis* *may* be dictated by the spirit of retaliation [...]; but in the case of *Manu*, for example, it's the need to have an equivalent, so as to *expiate*, to be free again in a religious sense" (LN 266); and the passage from Freud's *Civilization*, quoted in Chapter Three, on the primitive man's use of his fetish (PFL 12, 319).
- ¹⁴⁰ One might add that the notion that interests Freud, that *a mere thought* is a transgression, may be part of the process of the becoming-inexpungeable of the debt. One can make amends for a mere deed, and one can even believe that one did it unintentionally. But a thought is *in you*, and even if it does not ultimately produce a deed, it has ineffably been had. Moreover, a thought cannot be excused as a mistake of the soul, as a deed can be excused by blaming the twitchiness of the trigger finger; here one cannot say, "my tongue swore but my heart did not."
- ¹⁴¹ Cf. *The Antichrist*, 23. See also *Works and Days* (ll. 54-105) where, as in *Genesis*, the flaw is already a punishment for a previous transgression.
- ¹⁴² Assuming that Freud's thesis on the strength of the superego despite a kindly upbringing has any empirical truth, one might explain it along such lines.
- ¹⁴³ Ridley claims that guilt, and "the moralization of debt into guilt" "involves not merely 'inward pain' and the thought 'I ought not to have done that,' but also the thought that one's deed, the type of one's action *as such*, is reprehensible" (2005:37). When one 'repudiates' one's "debt-incurring actions" "as such" and thinks to oneself that one ought not to have done that, it "now hurts, now constitutes the 'inward pain' of 'guilt,' for one is turning the fact of one's indebtedness back against oneself, as something with which to torment oneself" (37) (and Ridley seems to accept that one does this for the reason given by Nietzsche, that "in the absence of any other outlet, one makes oneself suffer 'out of joy in making suffer'" [37]). 1. What can it mean to call my pain "inward"? Is there pain that is not inward? 2. Why is the thought 'I ought not to have done that' painful? Notice that if it were, Kant could immediately be transformed into a consequentialist: disobeying the categorical imperative would itself cause me pain. 3. Why is an action that incurs a debt and that I regret *because* it has incurred a debt thought to be reprehensible *as such*? Isn't the contrast precisely the contrast between the *consequentialist* regret that it has incurred a debt and, on the other hand, the notion that it is reprehensible *as such*, i.e., *irrespective* of its consequences? If this is not the contrast that is

being marked, what work is the “as such” doing in this formulation? Let’s say I steal although I have condemned stealing as such, and now I condemn myself for stealing. Why does this have to *hurt*? And why does it hurt through the *debt* it incurs? If *that* is why it hurts then the hurt has nothing to do with the fact that I categorically repudiate stealing. Rather the hurt I might feel because of the debt is an anxiety about either being found out (if I have not been found out yet) or being punished (if I have already been found out). What ‘hurts’ is the dread of having to repay the debt. If he were to leave aside the issue of debt, Ridley might say that doing something I condemn hurts because ‘my worth as a person’ is diminished. This is the line taken by Reginster. (On that issue see my note 149 below.) 4. Assuming that being indebted causes ‘inward pain’, is there something *extra* that one can do which would amount to tormenting oneself with the fact of one’s indebtedness? If I feel pain because my arm is being twisted, can I *additionally* at that point (because I get joy from making myself suffer) *torment myself with* this pain? If being indebted hurts, I could understand that I could hurt myself *more* by getting *more greatly* indebted, or by getting indebted *more often*, just as I hurt myself more by falling down more often or by falling from a greater height. But I cannot understand the notion that I *torment myself* with some given hurt I am already suffering.

¹⁴⁴ Gilligan (2003) writes: “Conversely, the fact that pain and punishment relieve or diminish feelings of guilt is a psychological truth that the Catholic Church institutionalized centuries ago in the sacrament and rituals of confession and penance. Confession is self-exposure or self-shaming. And penance is self-punishment; it comes from the same Greek and Latin roots as pain and punishment. What the Church discovered was that these are means by which a person can experience the feeling of no longer being guilty (which the Church calls the absolution of sins) (1164-1165). Though Gilligan here acknowledges the point that I have been insisting on, my argument does not concern the institution of penance. Penance is a punishment like any other and depends on the fact that Christianity remains a structure of reward and punishment, but it is interesting because it is a punishment that the guilty one asks for and is pleased to get since it satisfies the desire to be forgiven and relieved. Indeed the punishment is secondary since the very condition of *being penitent* (and in more secular contexts, showing that one is remorseful) is itself what, beyond the pain of punishment, is required.

¹⁴⁵ The argument that Nietzsche makes against Renan’s conception of Jesus as hero (*A* 29) applies also to the view of Jesus as rebel that we get in Chesterton as here quoted by Žižek: “They [revolutionists who search through all the gods of the world] will not find another god who has himself been in revolt. [...] They will find only one divinity who ever uttered their isolation; only one religion in which God seemed for an instant to be an atheist” (Žižek 2009:48). “Because of this overlapping between man’s isolation from God and God’s isolation from himself, Christianity is [the following are Chesterton’s words] ‘terribly revolutionary. That a good man may have his back to the wall is no more than we knew already; but that God could have His back to the wall is a boast for all insurgents for ever. Christianity is the only religion on earth that has felt that omnipotence made God incomplete. Christianity alone has felt that God, to be wholly God, must have been a rebel as well as a king.’” This is an attempt to affirm

an “incomplete” omnipotence, while one nevertheless insists that “God” is *both* “rebel” and “king,” both king and opposer of the king in one.

¹⁴⁶ In consonance with this, Nietzsche says strikingly: “In the entire psychology of the ‘Gospel’ the concept guilt and punishment is lacking; likewise the concept reward. ‘Sin’, every kind of distancing relationship between God and man, is abolished – *precisely this is the ‘glad tidings’*. Blessedness is not promised, it is not tied to any conditions: it is the *only* reality – the rest is signs for speaking of it . . .” (A 33). (He goes on to draw out some consequences of this, but not the consequences regarding guilty feeling that I argue follow from it.)

¹⁴⁷ It is hard to imagine what it would be like to be in the position of Jesus, that is of one condemned to die by his father, for the sake of others. It is true, of course, that this is not *Jesus’s own* understanding of his position. But it struck me, in writing the lines to which this note is appended, that one might read Kafka’s “The Judgement” in order to peek into the family scene when the decision is made, without – as usual – ignoring the viewpoint of the son (Jesus himself). On re-reading it, such an interpretation of the story seemed to me quite viable, and to colour the story in a very interesting way. (It is true that Georg is being *punished* [and not sacrificed]; on the other hand, he has done nothing wrong at all, unless it be that he worked [ran the business] in his father’s name, which his father seems to resent.) Particularly gratifying is the fact that when Georg’s sentence (death by drowning) is thundered out, and behind him his father collapses on the bed with a crash, Kafka has written: “On the staircase, which he rushed down as if its steps were an inclined plane, he ran into his charwoman on her way up to do the morning cleaning of the room. ‘Jesus!’ she cried, and covered her face with her apron (*und verdeckte mit der Schürze das Gesicht*), but he was already gone (*aber er war schon davon*)” (87, 60-61). (The brilliant strangeness of that “but” should not be missed.) Above all, what has to be noted is the fact that *the father takes the side of a third party against the son* who is also a friend of that third party. There are readings that connect this story and the figure of Georg with Jesus (see Robertson 2006 and his references), but not in the specific sense of the family scene of the giving of the son for humanity.

¹⁴⁸ Saint Paul similarly writes (Romans 8:31-34): “If God be for us, who can be against us? He that spared not his own Son, but delivered him up for us all, how shall he not with him also freely give us all things? Who shall lay any thing to the charge of God’s elect? It is God that justifieth. Who is he that condemneth? It is Christ that died, yea rather, that is risen again, who is even at the right hand of God, who also maketh intercession for us.”

¹⁴⁹ Reginster (2011) holds the view that feeling guilty – equivalent to “moral bad conscience” – only occurs on condition that my estimation of myself as a person, or my worth as a person is diminished: “[The failure to fulfill a contractual obligation] arouses a feeling of *guilt* only if I come to see my worth as a person at stake in the fulfillment of my obligations, that is to say, using such non-Nietzschean terminology in a broad sense, when they take on a *categorical*, as opposed to a merely *prudential*, character” (66); and “[If] such a feeling of indebtedness produces no diminution in my estimation of myself as a person, it is hard to see how it could be

marshaled to produce *moral* bad conscience, or a feeling of *guilt*" (67). "Another necessary condition for guilt concerns the nature of the norms being violated: they must be not merely prudential norms, but norms that have a bearing on my worth as a person" (69). A bad conscience that is not (yet) moral is "self-directed cruelty" (67): "'pushing back' indebtedness into bad conscience could produce a distinctively *moral* bad conscience, namely, self-directed cruelty manifested under the distinctive guise of moral self-reproach, or reproach of myself *as a person*. Self-directed cruelty ('animal bad conscience') could not assume this guise by making use of the feeling of indebtedness, unless I already took my worth as a person to be at stake in my indebtedness" (68). His view is then that guilt and duty diminish the self-esteem of the agent because when they are inserted into the relationship to God in the form of an "inexpiable guilt," "the contractual obligation that cannot be fulfilled [...] represents a normative standard – a 'duty' – designed only to leave man 'palpably convinced of his own absolute worthlessness' (GM, II, 22)" (68). But "an agent becomes 'responsible' only when [as in the case of the sovereign individual] the feeling of power is substituted for the fear of pain in motivating his promisekeeping" (71). But "Nietzsche goes one significant step further (which the second essay leaves unmotivated): promise-keeping, and the self-mastery it requires, is a source not only of pleasure, but also of 'pride' or self-esteem" (72). Hence "the breaking of a promise will, in and of itself, decrease one's worth as a person in the way characteristic of ordinary guilt since it puts the individual's standing as a responsible agent into question" (73). Feeling guilty is therefore occasioned by a failure of responsible agency because such failure is a diminution of one's (worth, self-esteem as a) person, and guilt before god makes one worthless in this sense because the religious standard is designed to be unfulfillable.

I find nothing convincing here. Why, if there is this condition of unfulfillability, can Christians rejoice, not only in the form in which we see it in Nietzsche's quote from Thomas Aquinas (GM I:15), in which the good – successful – Christian is not punished while those who are punished are precisely, by contrast, only those that have failed? And what of passages like those in Saint Paul in which the victory over the law of sin is celebrated? ("By the righteousness of one [Jesus Christ] the free gift came upon all men unto justification of life" [Romans 5:18]. Or: "There is now no condemnation to them which are in Christ Jesus, who walk not after the flesh, but after the Spirit" [Romans 8:1]. And so forth.) And is the feeling of guilt really the feeling I have when I have shirked my responsibility to a normative standard? When a warrior shrinks from a battle, or a duelist does not turn up at the appointed hour, does he feel *guilty* – rather than ashamed or dishonoured? When, virtually every day, I fail to do something I had imagined I would, do I feel guilty – rather than *irritated*, or even *angry* – at myself? And if I have never promised anything at all, and nothing depends on my trustworthiness or reliability but I feel like I have done some wrong, could I not feel guilty? Imagine Zeus in his relation to the horses, for example. But imagine also someone who for a long time is a loyal and steadfast servant of, say, Nazism, or apartheid, and has therefore in Reginster's sense been a Person (if not a *Mensch*), since she has kept all her promises, but now that the regime has ended feels guilty about her involvement. Should she not by Reginster's standards be immune to feeling guilty, since she acted as she promised? And if she feels guilty, has she not precisely *broken her promise*, since she now tergiversates and betrays her party as Nietzsche says the criminal betrays his deed? What appears to cause the confusion here is that

since, in feeling guilty, one in some sense has a change of heart about one's deed, there is associated with it a certain *reneguing*. But that does not mean that reneguing is the cause of guilt. (Compare Orestes. Reginster writes: "Prior to its Christian reinterpretation, the distinctive feeling of diminished self-esteem experienced by the guilty could only be an imperfect instrument of self-torture because guilt could always in principle be expiated: he only had to undergo the appropriate amount of punishment to restore his worth as a person" (77). In what sense does the pre-Christian Orestes have his "worth as a person" restored by the terrorism of the Erinyes? Didn't Orestes do what he should, not only to avenge his father, but because Apollo bids him do it? He is not diminished in either Apollo's eyes or the eyes of his friend Pylades, and the leader of the chorus even says: "But you've done well. Don't burden yourself with bad omens, lash yourself with guilt. You've set us free, the whole city of Argos, lopped the heads of these two serpents once for all" [1044-1047; Aeschylus 1979:224]. And why does the Christian who gets confession, or absolution in the Last Rites, not feel her worth as a person restored?)

According to Reginster (who supports this view with a passage from Gabriele Taylor), "What matters to the guilty is the fact that, by violating her obligations, she has diminished her standing, or her worth as a person, and not (primarily) the fact that she has caused harm in doing so. Accordingly, the point of undergoing punishment is to restore her damaged standing, not to repair the harm she has caused, even if the punishment happens to provide such reparation, as it apparently always does for Nietzsche" (74). "By welcoming and withstanding his punishment, the wrongdoer would seek to demonstrate that he still possesses [the] capacity [of "keeping one's promises," which "requires the capacity to withstand the suffering caused by the deliberate frustration of conflicting desires and emotions"] contrary to what his present wrongdoing may suggest" (75). If this is true (and if we accept the change from "self-esteem" to "standing," which now introduces the gaze of *the other person*), then the person who has broken his promise is not diminished in his own eyes, since he *still believes* he can keep promises and since what his "present wrongdoing" "suggests" is not what *he* takes to be the case. In that event, he only goes through the process to restore the trust of others in him, his "standing"; and if that is true, he is not feeling guilty about much.

¹⁵⁰ Nietzsche might also object to the falsity of fantasy. In *The Antichrist* it is precisely the disrespect for truth that Nietzsche condemns in Christianity, both in the Church and in Christ himself. (A sampling: A 8-10, 12, 15, 23, 26, 27, 29-30, 32, 34, 38.) I cannot enter into an examination of that question here, but I do wonder what grounds Nietzsche has for such criticisms when such 'interpretations' make life endurable, etc.

¹⁵¹ Aufhauser argues for the association of guilt and power, although she thinks that guilt is *fear of one's own power*: "A child who wishes his brother dead is not in fact guilty of anything, though he may think he is" (a rather remarkable claim), "and though some degree of guilt feeling is appropriate to his recognition of the fact that if his parents discovered his thoughts he might be in danger of losing their approval or even their love. What is fearful to him is his own power; and though he exaggerates its extent, he is not wrong in perceiving that there are consequences to what he does and even sometimes to what he feels. Not freedom of the will

but will itself, the fact that we can intend to do all kinds of things which some of the time we can carry out, is the heart of the feeling of guilt” (1975:295).

- ¹⁵² See also May (1999): “Guilt is an experience of reprehensible failure (not necessarily intentional) to respect ethical obligations which one recognizes as justified,” and “there must be a witness (or enforcer) to point out the failure and thereby to trigger the experience. This witness is *necessarily* internal – i.e. the inner censor who recognizes the obligations and their failure to be respected – but can, in addition, be external (though an external witness need not be the same as the victim, if there is one). Fourth – and least important by far – guilt is an experience of impotence. For once the debtor accepts that credits must be repaid (a precondition for his feeling guilt), it is only insufficient self-mastery or bad luck or inability to know the terms of the creditor or, in moralized guilt, the liability of an essentially flawed nature – all of them forms of powerlessness – that prevents a mutually agreed discharging of the debt” (77-78). And although “guilt is not a ‘reactive’ emotion, as interpreters of Nietzsche sometimes claim, but is, rather, quintessentially ‘active’” (75) and “accepting guilt may, on occasion, be the only way of attributing efficacy to oneself – and, as a corollary, [...] the pain of guilt may, in such circumstances, be less than the pain of irrelevance” (76), “[such] self-attribution of guilt would [...] arise *from* [the feeling of being a victim] (or from the urge to overcome it)” (76).
- ¹⁵³ In this sense, mercy can come both from power, as Nietzsche explains in section 10 of the second essay, or from powerlessness.
- ¹⁵⁴ Nietzsche (*A* 41) acknowledges that Jesus neutralizes guilt, but insists on Paul’s clinging to it. But what he does not see is that Jesus does not for all that deny that we are guilty. He resists the *act of judging* people to be guilty. But he does that precisely through the assertion that *all are guilty* and none, therefore, may condemn. Jesus does not deny guilt so much as our right to condemn the guilty. (It is therefore false to say as Nietzsche does that Jesus “[does] away with the concept ‘guilt’ itself.”) Nor, in establishing this cleft between Jesus and Saint Paul, does Nietzsche perceive the role of Saint Paul himself in displacing the law and demoting the function of judgement.
- ¹⁵⁵ Freud himself dismisses this as an explanation of the brother’s guilt. I quote the relevant passage (PFL 12, 324-325) in the conclusion of the thesis.
- ¹⁵⁶ Žižek (1999) comes close to this in his rewriting of the superego: “The parental figure who is simply ‘repressive’ in the mode of symbolic authority tells a child: ‘You must go to grandma’s birthday party and behave nicely, even if you are bored to death – I don’t care whether you want to, just do it!’ The superego figure, in contrast, says to the child: ‘Although you know how much grandma would like to see you, you should go to her party only if you really want to – if you don’t, you should stay at home.’ [...] The superego orders you to enjoy doing what you have to do. What happens, after all, if the child takes it that he has a genuinely free choice and says ‘no’? The parent will make him feel terrible. ‘How can you say that!’ his mother will

say: ‘How can you be so cruel! What did your poor grandma do to make you not want to see her?’”

Conclusion Notes

- ¹⁵⁷ This disagrees with the view of Janaway (2007:129), who denies that bad conscience is a form of conscience.
- ¹⁵⁸ “Rejection by God; the state of being so rejected and thus condemned to eternal misery” (SOED). Indeed, in a passage of Joyce’s *Portrait*, we are given the religious form of the panopticon: “[...] the Son of God cometh at an hour when you little expect Him. Be therefore ready every moment [...]” (1992:123)
- ¹⁵⁹ See also Mauss’s (1985:18-19) remarks on *syneidesis*.
- ¹⁶⁰ This is merely a conceptual claim, not a historical one.
- ¹⁶¹ This is the quotation from the Gospel According to Saint Matthew that Derrida (2008) ponders in Chapter Four (“*Tout Autre est Tout Autre*”) of *The Gift of Death*.
- ¹⁶² Andries Gouws has pointed out to me that I could be misinterpreted here as drawing a distinction between a conscience made up of beliefs and one – perhaps Kantian – made up of knowledge, and that I favour the first sort but not the second. That is not the point of my argument. Mere belief (*doxa*, what I think I know) and true knowledge – this is a crude view, but I cannot engage in the epistemological niceties here – have *in common* that someone holds them to be true. It is by what they hold to be true that they will judge their acts or thoughts, and it is therefore in the light of this that they will either come to feel guilty or not, or come to have a troubled consciousness or not. I talk cautiously about “knowing” in the text, but this is perhaps over-cautious, for I am here talking about the kinds of things that we can mostly regard ourselves as knowing: the Erinyes know that they should be pursuing Clytaemnestra’s killer and not sleeping; Zeus knows that he has brought suffering on the horses, and *knows* that horses should not be needlessly hurt; and so forth. I am here arguing that conscience is the word for the totality of what I in this sense know to be wrong or right, and that what happens when I am unconscientious is not that I question the epistemological warrant of my beliefs but rather that I do not listen to or accord with what I already take to be epistemologically unquestionable. Accordingly it would be silly to think in many cases that the conscience in this sense is what I could successfully appeal to. It is not clear that Orestes’ conscience would have told him anything clear about whether or not to kill his mother (the murderer of his father who is in turn the sacrificer of his sister); and I do not know what exactly I think about Philippa Foot’s case (2002:23), for example, of the magistrate and the threatening mob, and my conscience comes up with nothing clear. That just means that I do not know whether it is right to frame the innocent man, or to save the man and let the mob do its worst. If I as magistrate decided one way or the other in this case, I could not be accused (or accuse myself) of being

unconscientious in the sense of not listening to what it tells me, since about this case it tells me nothing decisive. I *could* however be accused of being unconscientious if I make my decision without carefully going through all that is *relevant* to this case that I know or hold to be true, for my conscience *does* at least *know* about this case, as it does about all others that are as serious, that one should judge it carefully.

- ¹⁶³ Cf. Hegel: “In hypocrisy the following moments are contained: (α) knowledge of the true universal, whether knowledge in the form merely of a feeling for right and duty, or of a deeper cognition and apprehension of them; (β) volition of the particular which conflicts with this universal; (γ) conscious comparison of both moments (α) and (β), so that the conscious subject is aware in willing that his particular volition is evil in character” (1967:94). (Hegel goes on to distinguish acting with a bad conscience from hypocrisy, but the distinction does not matter too much to my purposes.)