

**NIETZSCHE'S TRAGIC JUSTICE AND THE REHABILITATION  
OF *DIKÉ***

by

Martina Louise Mabile

Submitted in partial fulfillment of the requirements of the degree

Doctor Philosophiae

UNIVERSITY OF PRETORIA

FACULTY OF HUMANITIES

Supervisor: Prof M. J. Schoeman

Pretoria, November 2007

## Abbreviations

<i>AC</i>	Der Antichrist
<i>DD</i>	Dionysos-Dithyramben
<i>EH</i>	Ecce Homo
<i>FW</i>	Die Fröhliche Wissenschaft
<i>GD</i>	Götzen-Dämmerung
<i>GT</i>	Die Geburt der Tragödie
<i>JGB</i>	Jenseits von Gut und Böse
<i>PHG</i>	Die Philosophie im tragischen Zeitalter der Griechen
<i>GM</i>	Die Genealogie Der Moral
<i>IM</i>	Idyllen aus Messina
<i>M</i>	Morgenröte.
<i>MA</i>	Menschliches, Allzumenschliches
<i>NL</i>	Nachgelassene Fragmente
<i>UB</i>	Unzeitgemässe Betrachtungen
<i>WA</i>	Der Fall Wagner
<i>WL</i>	Ueber Wahrheit und Lüge im Aussermoralischen Sinne
<i>Z</i>	Also sprach Zarathustra
<i>KSA</i>	Sämtliche Werke. Kritische Studienausgabe in 15 Bände.

## INTRODUCTION: THE CRUELLEST ILLUSION

Man has never been the same since God died.  
He has taken it very hard. Why, you'd think  
It was only yesterday, the way he takes it.  
Not that he says much, but he laughs  
Much louder than he used to.  
And he can't bear to be left alone  
Even for a minute, and he can't  
Sit still.  
Edna St. Vincent Millay, *Conversations at Midnight*

There is such a thing as trying to be too just, and the inevitable result, as any tragedian will testify, is injustice. Or Christianity, which according to Nietzsche is but injustice by a special name. Christianity in this context stands here metonymically for the cluster of values that attempts to insulate man from tragedy and tries to turn justice into Justice: an immanent principle into an absolute and transcendental condition. Nietzsche, the lover of masks and the defender of illusion, could never forgive Christianity for introducing one illusion in particular to the world: the illusion that the source of 'all our woe', namely the world itself, and the subject that suffers in it, can be rendered transparent and brought under rational control. This ascetic ideal raises an untenable and ultimately inhumane hope of justice *sans reserve*, an unworldly egalitarian standard that holds that justice is only achieved when the claims of everybody have been met, and pain as absolute and unconditional evil has been eradicated. Not for nothing has Nietzsche called Christianity the religion 'unable to cope with reality'.

Eine Religion, wie das Christenthum, die sich an keinem Punkte mit der Wirklichkeit berührt, die sofort dahinfällt, sobald die Wirklichkeit auch nur an Einem Punkte zu Rechte kommt, muss billiger Weise der 'Weisheit der Welt', will sagen der Wissenschaft, todt feind sein. (AC 47, KSA 6.225).

Such broad, naïve hopes were bound to be met with disappointment and would eventually culminate in nihilism. But it would take a remarkably long time, because the Platonic-Christian tradition succeeded in providing an answer to one of the most fundamental of all human problems, a problem to which only the Greeks could respond satisfactorily. And then only for a lamentably short time.

The Platonic-Christian tradition departs from a position that takes pain – its mere existence as well as unfair distribution – as the ultimate philosophical problem. This moralistic position, which is especially fierce in its secular form, recognizes in all forms of pain a variation of injustice and derives from it a program for its redress. This tendency would eventually become the basis for every grand narrative that graces the history of political philosophy.

Kritik des modernen Menschen (seine moralistische Verlogenheit) ‘der gute Mensch’, nur verdorben und verführt durch schlechte Institutionen (Tyranen und Priester) der christliche Staat ‘der Gott der Heerscharen’ das Reich der ‘Gerechtigkeit’ der Cultus der ‘Menschheit’ die ‘Freiheit’ (Aphorism 11463, KSA 12.411).

From Plato’s idea of the best regime as the one that frees humans from the pain of longing after those earthly goods whose possession can never be guaranteed absolutely and for all, to Locke’s insistence upon the orderly satisfaction of those needs and Marx’s prophecy of socialist revolution as the revolution through which the entire history of human suffering will finally be redeemed, suffering has been posed as a problem to which philosophy and politics must offer some kind of solution. Or at least some kind of *meaning*. For as Nietzsche reminds us:

Der Mensch, das tapferste und leidgewohnteste Thier, verneint an sich nicht das Leiden: er *will* es, er sucht es selbst auf, vorausgesetzt, dass man ihm einen *Sinn* dafür aufzeigt, ein *Dazu* des Leidens. (GM III 28, KSA 5.411).

According to Nietzsche, morality itself is an interpretation of human vulnerability, be it physiological pain, socio-political conditions or the fundamental character of existence in itself. With the advent of morality, he argues, suffering was given an ‘interpretation’ (GM III, 28). The most popular response hitherto – and despite Nietzsche’s valiant efforts, the shadow of this idea is still going strong – has been some or other form of soteriology. Soteriology – from the Greek *soter* meaning ‘salvation’ – can take many forms, but be it religious, psychoanalytical, philosophical or economical, such narratives usually begin with a grand claim that humanity (or in some cases, only part of it, as the obvious case of Marxism suggests) has become estranged or alienated from something of fundamental importance and then proceed to describe the remedy by which this estrangement is to be overcome. Although

perfected by Christianity, the soteriological model is at least as old as Plato and as contemporary as the latter-day romantic concern for the environment. In the case of justice, soteriology manifests itself as the hope for a secret, solid, stable element that will manifest itself if certain rules are identified and obeyed, and as a result thereof, injustice and disaster will be forever exiled.

The great irony – perhaps tragedy in a very particular sense – in this misinterpretation of suffering is that it does not eliminate suffering or what it perceives as injustice, but exacerbates it. It appears to make suffering and injustice more meaningful and hence tolerable, but at the same time, moral interpretations of suffering compounds suffering in that it occasions the suffering associated with *ressentiment*, guilt, asceticism, and bad conscience. But that is not to say that it does not have a remarkable capacity for survival. The moral hope engendered by the Christian myth proved stronger than the myth itself. From the mid-nineteenth century, the Christian tradition itself was taken to task for ‘not being Christian enough’, and attacked by a plethora of proto-socialist ‘improvers of mankind’ – from the meliorists to the Fabian society. George Eliot will serve as perfect example: ‘G. Eliot. — Sie sind den christlichen Gott los und glauben nun um so mehr die christliche Moral festhalten zu müssen’ (*GD* 9.5, *KSA* 6.113). Remembering a conversation held with Eliot shortly before her death, F.W.H. Meyers writes: ‘Taking as her text the three words which have been used so often as the inspiring trumpet-call of men – the words *God*, *Immortality*, *Duty* – she pronounced with terrible earnestness, how inconceivable was the first, how unbelievable the second, and yet how peremptory and absolute the third. Never, perhaps, have sterner accents affirmed the sovereignty of impersonal and unrecompensing Law’.<sup>1</sup> This kind of metaphysical thinking is of course precisely Nietzsche’s problem. It is only an illusion that after the death of God his moral law remains untouched and solid, ready to serve as transcendental foundation in his place. For a long time of course, the shadow of God was to be happily embraced in the form of moral remnants:

Die ausklingende Christlichkeit in der Moral. – ‘*On n'est bon que par la pitié: il faut donc qu'il y ait quelque pitié dans tous nos sentiments*’ – so klingt jetzt die Moral! Und woher kommt das? – Dass der Mensch der sympathischen, uninteressirten, gemeinnützigen, gesellschaftlichen Handlungen jetzt als der

---

<sup>1</sup> Brooks, F. L. *Essays on the thought of George Eliot*. Cambridge: Cambridge University Press, 1956, p. 31.

moralische empfunden wird, – das ist vielleicht die allgemeinste Wirkung und Umstimmung, welche das Christenthum in Europa hervorgebracht hat: obwohl sie weder seine Absicht, noch seine Lehre gewesen ist. Aber es war das residuum christlicher Stimmungen, als der sehr entgegengesetzte, streng egoistische Grundglaube an das ‘Eins ist noth’, an die absolute Wichtigkeit des ewigen persönlichen Heils, mit den Dogmen, auf denen er ruhte, allmählich zurücktrat, und der Nebenglaube an die ‘Liebe’, an die ‘Nächstenliebe’, zusammenstimmend mit der ungeheuren Praxis der kirchlichen Barmherzigkeit, dadurch in den Vordergrund gedrängt wurde. Je mehr man sich von den Dogmen loslöste, um so mehr suchte man gleichsam die Rechtfertigung dieser Loslösung in einem Cultus der Menschenliebe: hierin hinter dem christlichen Ideale nicht zurückzubleiben, sondern es womöglich zu überbieten, war ein geheimer Sporn bei allen französischen Freidenkern, von Voltaire bis auf Auguste Comte: und Letzterer hat mit seiner berühmten Moralformel *vivre pour autrui* in der That das Christenthum überchristlicht (M, KSA 3.123).

Christianity required its founder to die again, this time so that its morality can live. Karl Löwith, for example, sees modernity as the secularization of the Christian view on world history. For Löwith the Christian notion of a divine intervention that would bring an end to mundane history becomes translated into the modernist ideology of progress, according to which at some time in the future humanity will have reached some kind of perfection, and history will effectively come to a halt. There is a strong Nietzschean parallel to this: morality in the Nietzschean sense is a form of ideology, and like all forms of ideology it tends toward the absolute. In the name of absolute justice, the moral, secular *ideology* of Christianity – as opposed to the faith itself – has one particular ‘taboo’ that sustains it, namely any form of ‘discrimination’ or exclusion. Often, the faith itself that gave birth to these values is regarded as one of the main obstacles to a universally just state, because of its capacity to engender difference and dissensus.<sup>2</sup> There are other examples that embody this vice as well: all moralities of good and evil that take themselves to be the embodiment of an ultimate principle – the Law of laws, the will of God, the ethical principle at the heart of being – are ultimately doomed to commit injustice. Concomitantly, so is any idealization of justice as a state or condition ontologically prior to the human lifeworld. Every absolute or universal moral framework, precisely because it sets itself up in such a way as to exclude the negative, creates the possibility of being disrupted by it. The fixed parameters that define the limits of every universe of meaning are put in place to

---

<sup>2</sup> See for example A. C. Grayling’s *Against All Gods*. London: Oberon 2007. It is highly ironic that much of the criticism against religion from the contemporary atheist movement sees Christianity as too ‘Nietzschean’, i.e. a source of passion and conflict.

prevent ingress or egress, to separate outside from inside, above all, to seal the *safe* off from the dangerous. Such separation, however, sets up the very possibility it was developed to prevent, namely the invasion of human life by pain, disaster and injustice. Those who have reconciled themselves to the inevitability of tragedy are of course much wiser:

Nein! nicht mehr mit der Bitterkeit und Leidenschaft des Losgerissenen, der sich aus seinem Unglauben noch einen Glauben, einen Zweck, ein Martyrium selbst zurecht machen muss! Wir sind abgesotten in der Einsicht und in ihr kalt und hart geworden, dass es in der Welt durchaus nicht göttlich zugeht, ja noch nicht einmal nach menschlichem Maasse vernünftig, barmherzig oder gerecht (*FW* 346, *KSA* 3.580).

The only referential framework that could achieve the purpose for which such frameworks are designed, would be one that would include the outside within itself, an all-encompassing structure that would leave nothing outside itself. This is what Emmanuel Levinas refers to as a ‘totality’.<sup>3</sup> A totality is the dream-structure that would be immune to deconstruction, the center that would not only hold, but be immovable, the irrefragable *archē* against which anarchy does not stand a chance. This is the ascetic ideal at its most destructive.

Ascetic ideals in general posit a domain of high value, towards which humanity should strive, that is in conflict with the current domain or value system which is less highly regarded, and must therefore be suppressed, transcended, or even destroyed. This polarity of superior and inferior value domains determines to a great extent conceptions of the functions, priorities and aims of the living, especially definitions of suffering. According to this way of thinking, a ‘meaningful’ life is one dominated by the idea that a worthwhile life consists of striving towards attaining unity with the ‘higher’ domain, and by implication, taking a stand against the ‘lower’ domain. The ascetic ideal is no mere ordinary hierarchy of values; it sets the terms according to which all other values are determined – ethical, aesthetic, political, religious and so on – and is therefore the ‘foundational’ framework for all other values. In ascetic thinking, the ‘lower’ domain is not simply to be ignored, but is to be overcome or repudiated if the higher domain is to be attained at all. Here man adopts ‘[d]ie ganze Attitüde ‘Mensch gegen Welt, der Mensch als Welt-verneinendes

---

<sup>3</sup> Levinas, E. *Totality and Infinity*. Translated by Alphonso Lingis. Pittsburg: Duquesne University Press 1969.

Princip, der Mensch als Werthmaass der Dinge, als Welten-Richter, der zuletzt das Dasein selbst auf seine Wagschalen legt und zu leicht befindet –’ (*FW* 346, KSA 580). In other words, the higher value is taken as an ideal *extrinsic* to life, which means that temporality and contingency are automatically devalued. Values structured by the ascetic ideal therefore tend towards *ressentiment*, and justice understood as an underlying order of fairness beyond the contingencies of life is a prime example.

For Nietzsche, asceticism tends to be an *aspect* of the life of the great, the fruitful and the inventive: ‘die eigentlichsten und natürlichsten Bedingungen ihres besten Daseins, ihrer schönsten Fruchtbarkeit’ (*GM* III 8, KSA 5.352) and not its ultimate aim. This is especially true of philosophical asceticism. Intellectual energy cannot be expanded sensually, and the philosopher prefers intellectual expenditure for selfish rather than moral reasons. This is not a problem as long as the ascetic ideal remains restricted to the intellectual class. Ascetic ideals should under no circumstances become moral or transcendental. When this happens, man turns against life and creates untenable ideals, static, eternal ideals completely at odds with the world of becoming. This is the priest’s morality, not the philosopher’s. Nobody puts it better than Nietzsche himself:

Die ganze Attitüde ‘Mensch gegen Welt’, der Mensch als ‘Weltverneinendes’ Princip, der Mensch als Werthmaass der Dinge, als Welten-Richter, der zuletzt das Dasein selbst auf seine Wagschalen legt und zu leicht befindet – die ungeheuerliche Abgeschmacktheit dieser Attitüde ist uns als solche zum Bewusstsein gekommen und verleidet, – wir lachen schon, wenn wir ‘Mensch und Welt’ nebeneinander gestellt finden, getrennt durch die sublime Anmaassung des Wörtchens ‘und’! (*FW* 346, KSA 3.581).

The ascetic ideal in its most life-denying guise reflects the human will, ‘der Wille, ein Ideal aufzurichten’ (*GM* II 22, KSA 5.332) and ‘seiner absoluten Unwürdigkeit handgreiflich gewiss zu sein’. Here the higher valuation denotes a realm of the absolute and the timeless, and the lower valuation equals the human, the animal, the sensual, the material, and other features of ordinary life. This valuation is driven by ‘*einen Willen zum Nichts*, einen Widerwillen gegen das Leben, eine Auflehnung gegen die grundsätzlichen Voraussetzungen des Lebens’ (*GM* III 28, KSA 5.412), and is usually catalysed by the priest. The issue is the low *valuation* the priest places on this life, which is outrightly opposed to a better mode of existence, to which this life is merely a means, and a means only through its own denial. The ascetic ideal is



not limited to religious ideals. In the modern age, no one makes better priests than political revolutionaries and utopians. They are the ‘politische und sociale Phantasten, welche feurig und beredt zu einem Umsturz aller Ordnungen auffordern, in dem Glauben, dass dann sofort das stolzeste Tempelhaus schönen Menschenthums gleichsam von selbst sich erheben werde’ (*MA* I 463, KSA 2.229). Although Nietzsche discusses this phenomenon specifically by referring to the French Revolution, his critique also applies to any great ideal that offers a this-worldly utopia. Utopian ideals are as part of the ascetic *ethos* as their religious counterparts: in both cases one finds a general *dissatisfaction* with the world as it *is*, and a hope for a better one.

Even the Enlightenment itself would qualify. Nietzsche shows a general skepticism towards progress as *ideal*, not however towards those who simply go ahead and overcome themselves: ‘Wenn man den *Fortschritt* rühmt, so rühmt man damit nur die Bewegung und die, welche uns nicht auf der Stelle stehen bleiben lassen’ (*MA* 554, KSA 3.324). Any ideal that strives to ‘improve’ humanity by removing the negative, the unjust or just the unpleasant in the name of creating a more ‘just’ world is stupidity personified: ‘Die Nothstände aller Art überhaupt als Einwand, als Etwas, das man abschaffen muss, betrachten, ist die *naiserie par excellence*, ins Grosse gerechnet, ein wahres Unheil in seinen Folgen, ein Schicksal von Dummheit – beinahe so dumm, als es der Wille wäre, das schlechte Wetter abzuschaffen – aus Mitleiden etwa mit den armen Leuten... (*EH* ‘Warum ich ein Schicksal bin’, KSA 6.368). This is at the heart of the ascetic ideal and an important part of our problem: the insistence upon defining justice as the ‘absence of all evils’. In order to function and thrive, however, the world – and humanity – needs the exact *opposite*:

In der grossen Ökonomie des Ganzen sind die Furchtbarkeiten der Realität (in den Affekten, in den Begierden, im Willen zur Macht) in einem unausrechenbaren Maasse nothwendiger als jene Form des kleinen Glücks, die sogenannte ‘Güte’; man muss sogar nachsichtig sein, um der letzteren, da sie in der Instinkt-Verlogeneheit bedingt ist, überhaupt einen Platz zu gönnen. Ich werde einen grossen Anlass haben, die über die Maassen unheimlichen Folgen des Optimismus, dieser Ausgeburt der hominess optimi, für die ganze Geschichte zu beweisen. Zarathustra, der Erste, der begriff, dass der Optimist ebenso *décadent* ist wie der Pessimist und vielleicht schädlicher, sagt: gute Menschen reden nie die Wahrheit. Falsche Küsten und Sicherheiten lehrten euch die Guten; in Lügen der Guten wart ihr geboren und geborgen. Alles ist in den Grund hinein verlogen und verbogen durch die Guten (*EH* ‘Warum ich ein Schicksal bin’ KSA 6.369)

In a remarkable essay ‘Vernunft als Grenzreaktion. Zur Verwandlung der Vernunft durch Theodizee’<sup>4</sup> Odo Marquard describes the development of the notion of theodicy and the demise of evil or negativity. Theodicy seeks reasons for evil and generally tries to demonstrate that evil is simply good in disguise. The first instance of theodicy is of course Plato’s doctrine of the good. It is the very source of Plato’s moralist censure of the poets in the *Republic*: Given his understanding of God as Good, Plato states that we must devise an interpretation of tragic literature that shows that the hero properly deserved his fate as chastisement by a good and just God, otherwise it must be censored. In other words, divine justice must be vindicated in the face of the existence of evil – human suffering must be rendered as theodicy. In the modern age, Leibniz would attempt something similar. The answer to the existence of evil and injustice that Leibniz provides is simply that the end justifies the means: ‘the optimal as end, justifies evil as the means of its possibility’. Reason in its most inclusive variation attempts the ‘rehabilitation’ of all that was traditionally considered *mala* or evil. There is first of all epistemological evil, or falseness or the lie. Even before Nietzsche, as one can see in the hermeneutic tradition, for example, a rigid distinction between ‘truth’ and ‘falsity’ was no longer possible. As we shall see in chapter three, Nietzsche has a complex relationship with this history. Then there is negativity in the aesthetic sense, or the ugly, the perverse and the horrific. This is largely a twentieth century phenomenon, but one can point to precursors like Goya, and even Rembrandt (e.g. ‘Slaughtered Ox’). A side effect of the liberation of the development of an aesthetics of the ugly is of course the obsolescence of taste: when everything has aesthetic value, what is the point of making aesthetic distinctions? The most obvious example though is the sanitization of evil in the *ethical* sense, which began with the development of the ‘bohemian’, but really reached its peak with psychoanalysis. Now the only evil is repression. If that is overcome, the ‘true’ nature of the so-called evil would come to pass, in the form of the ‘creative’, the ‘emancipatory’ or simply the ‘different’. This is the most deceptive of all the ‘rehabilitations’. As Foucault has demonstrated, it leads to new power formations and new limitations on freedom. Important for our purpose, however, is the fact that the ‘abolition’ of negativity generates a society scarcely capable of judgement. For Nietzsche, modern man is

---

<sup>4</sup> Marquard, Odo. *Glück im Unglück*. München: Wilhelm Fink Verlag, 1995.

immoderate and unbridled, and in *Menschliches, Allzumenschliches* the Christian faith is characterized as the generator of this measurelessness:

Auf diesen krankhaften Excess des Gefühls, auf die dazu nöthige tiefe Kopf- und Herz-Corruption wirken alle psychologischen Erfindungen des Christenthums hin: es will vernichten, zerbrechen, betäuben, berauschen, es will nur Eins nicht: das Maass, und desshalb ist es im tiefsten Verstande barbarisch-, asiatisch, unvornehm, ungriechisch (*MA* 114, KSA 2.118).

This is even truer of our cosmopolitan age in which the self is overwhelmed by a diversity of standards, tastes and options. The other side of the coin is of course dogmatism, where a particular standard is imposed upon everything and everybody, a standard or measure that developed from a particular world or lifestyle. The main reason for the development of a dogmatic attitude towards life is the dominance of science of the lifeworld. Science not only measures according to what it perceives to be universal standards, but even with the human being as the definite and final standard, a ‘der Mensch als eine *aeterna veritas*, als ein Gleichbleibendes in allem Strudel, als ein sicheres Maass der Dinge vor’ (*MA* 2, KSA 2.24). The result is a petrification, a narrowing and a reduction not only of the human world, but of the human being himself. We can state right at the beginning that for Nietzsche, this *is* injustice:

Du solltest vor Allem mit Augen sehn, wo die Ungerechtigkeit immer am grössten ist: dort nämlich, wo das Leben am kleinsten, engsten, dürftigsten, anfänglichsten entwickelt ist und dennoch nicht umhin kann, *sich* als Zweck und Maass der Dinge zu nehmen und seiner Erhaltung zu Liebe das Höhere, Grössere, Reichere heimlich und kleinlich und unablässig anzubröckeln und in Frage zu stellen [...] (*MA Vorrede* 6, KSA 2.12).

Not even Nietzsche himself escapes modernity’s sanitizing touch. Although there has been in recent times a remarkable effort to recover the ‘political’ Nietzsche, the ‘postmodern’ Nietzsche is generally a domesticated, reconfigured proto-democrat who is pushed into service of a blasé, post-philosophical discourse in which rarely anything is at stake or truly momentous. Walter Kaufman’s Nietzsche is more of a cultured European, uncontroversial and of course rather liberal<sup>5</sup>. This is a Nietzsche

---

<sup>5</sup> Naturally, it has to be taken into account that Kaufman faced the difficult task of having to rehabilitate Nietzsche from association with the Nazis.

who, in the words of Richard Wolin, ‘resembles a mildly dyspeptic Voltaire’.<sup>6</sup> This is not the philosopher who philosophized with a hammer, who described his work as ‘assassination attempts’, the prophet of active nihilism who held that if contemporary Europe is collapsing, one should give it a final shove. Even Richard Rorty, a self-described ‘postmodern’ bourgeois liberal would be comfortable with this Nietzsche. Consider too, Arthur Danto’s description of the *Übermensch*:

The *Übermensch*, accordingly, is not the blond giant dominating his lesser fellows. He is merely a joyous, guiltless, free human being, in possession of instinctual drives which do not overpower him. He is the master and not the slave of his drives, and so he is in a position to make something of himself rather than being the product of instinctual discharge and external obstacle.<sup>7</sup>

While this definition of the overman certainly has its merits (especially the notion of the mastery of the drives), he is certainly not simply a harmless model of Maslowian self-actualization. He is also a Nay-sayer, capable of despising what he considers to be unworthy.

Another way of referring to the dual problem of dogmatism and measurelessness is *nihilism*. Nihilism emerges when the false promises held out by metaphysics reveal themselves to be empty and unsustainable. Because the history of morality is for Nietzsche the history of nihilism, our investigation into the Nietzschean conception of justice cannot proceed without a brief summary of the different forms of nihilism in his work. Although there are paragraphs where Nietzsche tends to speak of nihilism as merely a transitional pathological stage in human history, to underestimate the importance of nihilism would lead to a misconstruction of Nietzsche’s thinking on creation, lawgiving and its function in human willing. Nihilism in its final state opens up possibilities for new beginnings, for recovering the evaluative will to power, and a new justice. Dispensing fully with nihilism, in its most robust sense, would mean to eliminate the possibility for beginning anew, or to recover a more mature or sophisticated sense of justice.

What began as the moral cleanliness of the Christian trying to live his life as cleanly and transparently as possible (‘die Psychologie alles Verantwortlichmachens’ (*GD* 7, *KSA* 6.95)), gradually transformed itself into the intellectual cleanliness of the

---

<sup>6</sup> Wolin, R. *The Seduction of Unreason: the Intellectual Romance with Fascism from Nietzsche to Postmodernism*. Princeton: Princeton University Press 2004, p. 32.

<sup>7</sup> Danto, A. *Nietzsche as Philosopher*. New York: Columbia University Press, 1980, pp. 199-200.

scientific/philosophical consciousness. This apostate conscience then discovers that contrary to the fabrications of the metaphysicians, the world has no unity, no truth, and ultimately no justice. According to Nietzsche, no living thing can be healthy, strong or productive, except by living within a certain horizon – a set of values and beliefs that are unconditionally, uncritically accepted, because without it ‘kein Künstler wird sein Bild, kein Feldherr seinen Sieg, kein Volk seine Freiheit erreichen, ohne sie in einem derartig unhistorischen Zustande vorher begehrt und erstrebt zu haben.’ (UB II, KSA 1.254). Nihilism emerges when these life-enhancing horizons disappear.

In Aphorism 11828 (KSA 13.46) in which Nietzsche gives a brief ‘genealogy’ of nihilism, he defines nihilism as the condition that occurs ‘wenn wir einen ‘Sinn’ in allem Geschehen gesucht haben, der nicht darin ist’. Nihilism is here the recognition of ‘der langen Vergeudung von Kraft’, the agony of the in *vain*, of goallessness. At this stage, disappointment regarding an absent or lost goal of existence is the main characteristic of nihilism. Nietzsche characterizes nihilism at this stage as *pessimistic*.

The second form of nihilism is reached ‘wenn man eine Ganzheit, eine Systematisierung, selbst eine Organisierung in allem Geschehn und unter allem Geschehn angesetzt hat: so daß in der Gesamtvorstellung einer höchsten Herrschafts- und Verwaltungsform die nach Bewunderung und Verehrung durstige Seele schwelgt’ (Aphorism 11828, KSA 13.46). This may be called transcendental nihilism. Nietzsche holds that this metaphysical faith in unity gives man the feeling of being dependent upon something that is infinitely superior to him, and he sees himself as a kind of representative of a deity, and ascribes value to himself accordingly. No such universal exists, however, and by losing faith in this unity, man is no longer able to sustain value in infinitely valuable wholes. Whereas the first form of unity was characterized by pessimism, this one is typified by skepticism. Platonism posits a realm of true Ideas allows access to this rarefied world, but only for the assiduously schooled ‘knowers’. Christianity also posits an otherworldly realm inaccessible in this world, though the repentant sinner may attain it in the next world. Kantianism locates it in the *Ding-an-sich* and the *a priori* structure of consciousness.

The third form of nihilism can be called ‘passive’ nihilism’. Intimidated by the fact of meaningless becoming, no opportunity of a unity in which the individual can immerse himself is offered. The Platonic escape of dismissing the world and of fabricating a whole, stable and *true* world behind the apparent one, disappears:

‘Sobald aber der Mensch dahinterkommt, wie nur aus psychologischen Bedürfnissen diese Welt gezimmert ist und wie er dazu ganz und gar kein Recht hat, so entsteht die letzte Form des Nihilismus, welche den Unglauben an eine metaphysische Welt in sich schließt, – welche sich den Glauben an eine wahre Welt verbietet’. The source of this passive nihilism is what Nietzsche refers to as ‘faith in categories’: we have, in pseudo-Platonic<sup>8</sup> fashion, measured the world according to categories that refer to an entirely fictitious realm.

In antithesis to the three incomplete or passive forms of nihilism stands what Nietzsche terms active nihilism. The symptoms of nihilism are ambiguous and could also indicate strength:

Nihilism als Zeichen der gesteigerten Macht des Geistes: als activer Nihilismus. Er kann ein Zeichen von Stärke sein: die Kraft des Geistes kann so angewachsen sein, daß ihr die bisherigen Ziele (‘Überzeugungen’, Glaubensartikel) unangemessen sind – ein Glaube nämlich drückt im Allgemeinen den Zwang von Existenzbedingungen aus, eine Unterwerfung unter die Autorität von Verhältnissen, unter denen ein Wesen gedeiht, wächst, Macht gewinnt. Andererseits ein Zeichen von nicht genügender Stärke, um produktiv sich nun auch wieder ein Ziel, ein Warum? einen Glauben zu setzen (Aphorism 11368, KSA 12.350).

The difference between active and passive nihilism lies in the fact that, while both forms of nihilism aim at devaluating the categories of aim, unity and reality, active nihilism is not restricted to destruction, but aims at the same time at opening up the possibility for creating new values. Nietzsche notes that every major growth is accompanied by an equally great major crumbling and passing away: suffering, the symptoms of decline, belong to the times of tremendous advances. Active nihilism means legislating anew, the erasure and replacement of existing values, or else their sublimation. With the abolition of the distinction between ‘real’ and ‘apparent’ worlds, men are faced with the challenge of overcoming themselves as they have hitherto existed, and embracing *Übermenschlichkeit*.<sup>9</sup> This is however much more difficult than it sounds. Overcoming nihilism is not simply an easy recovery of the ‘sensuous’ and the ‘real’. This leads far too easily to positivism (epistemologically

---

<sup>8</sup> The role of Plato in ‘falsifying’ the world is far more complex than appears at first sight, and this fact is also acknowledged by Nietzsche. It is not possible to examine this topic here in depth, but this will be done in later research.

<sup>9</sup> I use the word *Übermenschlichkeit* instead of *Übermensch*, in order to stress that a quality, and not a readily identifiable subject, is indicated.

speaking) or to the inability to negate. To use an example from *Also Sprach Zarathustra*: After Zarathustra informed the higher men of what is to be their singular duty in overcoming the last men, he moves off to commune with his animals. His musings are, however, interrupted by the sweet-smelling vapour of incense. When he returns to his guests, he is, like Moses before him, enraged to find them kneeling around an ass, praying to it. The all-affirming ass is the caricature of Zarathustra's teaching on affirmation. The ugliest man describes the animal as one who is 'patient from the heart', and importantly for our purpose, *never says nay*. The 'higher man' of Book Four is clearly not yet ready to take on his duty to legislate. Because he longs to affirm, but cannot bear the pain of nay-saying, he has relapsed into permanent reactivity and therefore dispensed utterly with his role as negator. And without negation, there are neither values nor justice.

This is an element of Nietzsche's thought that is rather underappreciated in Nietzsche's French afterlife. While thinkers like Bataille and Derrida have rightly put Nietzsche to use in order to think beyond the metaphysical tradition (we shall see in chapter four how Nietzsche's subversion of metaphysics inspired Foucault's reconfiguration of the self), their ethical thinking tends to *continue* rather than to subvert the Christian-cum-modern ideal of a moral totality at *all costs*. Derrida's notion of 'justice beyond the Law' is as much an instance of 'Christian' measurelessness as the form of Christianity under attack in *Menschliches, Allzumenschliches* 114. Derrida goes as far as to equate the act of legislation with injustice, relishing in *Force of Law: On the Mystical Foundation of Authority* Kierkegaard's famous adage that 'The moment of decision is madness'.<sup>10</sup> For Derrida, there is a sharp divide between justice and the law. The latter, being founded upon something, such as traditions, conventions, norms or 'nature' can and should be deconstructed. This is not true of justice. Because justice is for Derrida the experience of the *aporia*, the undecidable, the impossible. Deconstruction *is* justice for Derrida. From Derrida's perspective, general laws and maxims are 'logocentric', they are representative of the tyranny of the *logos* instead of remaining open to the *otherness* of the other. It appears that for Derrida, justice is not only deconstruction, but also ethics:

---

<sup>10</sup> Derrida, J. 'Force of Law: The Mystical Foundations of Authority' in *Deconstruction and the Possibility of Justice*. Ed. D. Cornell et al. New York: Routledge 1992, p. 26.

The deconstruction of all presumption of all determinant certitude of a present justice, itself operates on the basis of an infinite ‘idea of justice’ infinite because it is irreducible, irreducible because it is owed to the other, owed to the other, because before any contract, because it has come, the other is coming as the singularity that is always other.<sup>11</sup>

This conception of justice may be valuable in its own right, but here Derrida and Nietzsche part ways. In this extract, Derrida joins the measureless tradition that began, but is not reducible to, Christianity. For Nietzsche, justice is something extra-moral, and the moment of decision-making or lawmaking is of cardinal importance. For Nietzsche, *this* is justice. From a Nietzschean perspective, Derrida’s hope for a ‘justice to come’ is but a continuation of moralism. And his notion of the ‘mystical’ as the mysterious process by which the merely factual (the law) is suffused with something supramundane and transcendent, would not be a major improvement on the Christian ideal.

What makes Nietzsche such a remarkable – and even today still controversial thinker – is that he cuts through the Gordian knot of moralism that has plagued modernity since its inception. He is the only thinker to reverse the relationship between morality and life: instead of deriding life from the perspective of an eternally dissatisfied moral ideal, he began to observe morality from the perspective of an eternally *unimprovable* life, bringing all utopian ideals to a drastic halt. Nietzsche’s *allogodicy*<sup>12</sup> stands in opposition to all programs of moral abrogation. Drawing inspiration from ‘untimely sources’ he develops a tragic ethic of affirming negativity against the modern desire to abolish it. Because he conceives of justice in a radically immanent fashion, as opposed to the transcendent, as an aesthetic law governing change beyond the complete control of the individual, he eschews all metaphysics of redemption, including its modern manifestations in programs for the elimination or negation of pain. For justice defined in its broadest terms, namely as the ideal, ethically correct state of things and persons also allows for an alternative conception of justice that returns to its tragic roots. This view does not see pain or injustice as something to be made obsolete by successful socio-economic planning, but as essential for personal and collective self-creation. Nietzsche insists – against Plato, against Marx and against Locke – that far from being a defect, a flaw or disorder in

---

<sup>11</sup> Derrida, J. *ibid.* p. 32.

<sup>12</sup> A justification of morality after the death of God.



the organization of society, there is something genuinely transformative about the chaos into which we are thrown in the experience of suffering. In failure, frustration and loss we are faced with our vulnerability, our dependence on others and on our bodies, but also our strength and resilience and our remarkable capacity to re-organize anew. The playwright Eugene O'Neill proclaims that 'the tragedy of man is perhaps the only significant thing about him... the individual life is made significant just by the struggle.'<sup>13</sup> This however is still perhaps a little too moralistic for Nietzsche: man is not redeemed by his suffering, and tragedy is less a condition to be repaired than a condition to aspire to. If Kant urged his readers 'only to think!' then Nietzsche dares his readers only to be *tragic*. Suffering is a kind of crucible in which the unique human capacity for self-creation and legislation is revealed in all its splendor. Nietzsche's aesthetic exoneration of life is grounded in an algodicy that attempts to draw pain into the immanence of life that no longer requires redemption, but rather acceptance of the inherent 'lawfulness' of the world. This is why Nietzsche's revaluation of justice consists of two parts: the recovery of generosity and playfulness, but also the recovery of man's most essentially human function, that of lawgiver.

*Chapter one* examines Nietzsche's engagement with the ancient tragic and immanent conception of justice. I argue that tragedy presented the option of a disinterested, and therefore a non-moralistic conception of justice. My examination of Nietzsche's use of tragedy is not confined to *Die Geburt der Tragödie*, for Nietzsche's treatment of tragedy is not limited to his study of tragic *drama*. Indeed, the tragic is one of the few themes that are consistently present in all his books, in one form or another, even when, as we shall see in chapter five he chose to call it by another name. In chapter one I also examine the ways in which the tragic, as an apparently 'untimely' phenomenon, operates as inspiration to a form of justice greater than the narrow definitions surrounding the modern legalistic subject, and how the interest in the tragic paved the way for what were to become Nietzsche's most celebrated and famous concepts: the will to power, *amor fati* and the eternal recurrence.

*Chapter two* traces the roots of the transformation of justice from an immanent concept to a transcendental one in Platonism. It is here that justice becomes, if not

---

<sup>13</sup> O'Neill, E. *Mourning becomes Electra*. New York: Simon and Schuster 1988, p. vi.

exactly moral yet, then at least *static*. It is during this period that man first began to abandon his role as artist and legislator, an abandonment that would culminate in flat-out denial during the rise of the moral subject.

*Chapter three* illustrates the untenability of a metaphysical conception of justice. I argue that there is no ‘original’ justice from which man has become alienated, but that the very concept of justice itself depends on humanity’s inherent capacity to legislate. I illustrate this point by turning to the origin of justice in the debtor/creditor relationship, Nietzsche’s perspectivism and his view on the origin of language.

*Chapter four* is an examination of the moralization of justice through a genealogical study of the subject. It describes the ‘fall’ of justice from a healthy pre-modern virtue to a mask for modern *ressentiment*. Continuing the themes of chapter three, it is demonstrated that what is commonly understood as justice in the liberal tradition is but the product of a slavish morality, driven by ascetic ideals and a bad conscience. According to this morality, there is somehow something *wrong* with the world; somewhere along the line there should be a better explanation for the pain, struggle and blatant injustice that characterizes life in the human world. Along with the rest of the moral edifice, justice in this sense of the word developed out of a spirit of revenge. It was fashioned by the weak and disempowered in an effort to gain conceptual solace – or hope of otherworldly compensation – for the slings and arrows of their outrageous (mis)fortunes on earth. This ensured the slave revolt in morality: here the pursuit of justice became a sublimated, rationalized cruelty. It developed as a means of causing others, especially the strong, to suffer because they reminded the weak – by their words, deeds, or mere existence – that the world was not made to fit cleanly into conceptual or moral categories. What is more, the world was not made with them in mind. And such an indifferent, hateful world needed to be transformed in terms of *their* morality. Nietzsche maintains that the rule of this justice would lead to the dwarfing, levelling, animalization, and castration of man.

[W]ir brauchen unser Ohr nicht erst gegen die Zukunfts-Sirenen des Marktes zu verstopfen – das, was sie singen, ‘gleiche Rechte’, ‘freie Gesellschaft, ‘keine Herrn mehr und keine Knechte’, das lockt uns nicht! – wir halten es schlechterdings nicht für wünschenswerth, dass das Reich der Gerechtigkeit und Eintracht auf Erden gegründet werde (weil es unter allen Umständen das Reich der tiefsten Vermittelmässigung und Chineserei sein würde) (*FW* 377, *KSA* 3.629).

‘Justice’ – of the moralistic variety – is thus a form of vengeance, sometimes explicitly enacted (retributive justice), sometimes cunningly hidden in social institutions (distributive justice). To supersede the ‘reactive’ metaphysics of justice, Nietzsche proposes the rule of ‘higher types’ who would overcome justice and recover it as virtue again. With a great goal, after all, one is superior even to justice, not only to one’s deeds and one’s judges. What currently passes under the name of justice in the modern world, however, is a corruption and a debasement of the original virtue. As it is, it brings out the worst possible kind of *ressentiment* in those who proclaim to be just:

Auf solchem Boden der Selbstverachtung, einem eigentlichen Sumpfboden, wächst jedes Unkraut, jedes Giftgewächs, und alles so klein, so versteckt, so unehrlich, so süßlich. Hier wimmeln die Würmer der Rach- und Nachgefühle; hier stinkt die Luft nach Heimlichkeiten und Uneingeständlichkeiten; hier spinnt sich beständig das Netz der böartigsten Verschwörung, – der Verschwörung der Leidenden gegen die Wohlgerathenen und Siegreichen, hier wird der Aspekt des Siegreichen *gehasst*. Und welche Verlogenheit, um diesen Hass nicht als Hass einzugestehn! Welcher Aufwand an grossen Worten und Attitüden, welche Kunst der ‘rechtschaffnen’ Verleumdung! Diese Missrathenen: welche edle Beredsamkeit entströmt ihren Lippen! Wie viel zuckrige, schleimige, demüthige Ergebung schwimmt in ihren Augen! Was wollen sie eigentlich? Die *Gerechtigkeit*, die Liebe, die Weisheit, die Überlegenheit wenigstens *darstellen* – das ist der Ehrgeiz dieser ‘Untersten’, dieser Kranken! Und wie geschickt macht ein solcher Ehrgeiz! Man bewundere namentlich die Falschmünzer-Geschicklichkeit, mit der hier das Gepräge der Tugend, selbst der Klingklang, der Goldklang der Tugend nachgemacht wird. Sie haben die Tugend jetzt ganz und gar für sich in Pacht genommen, diese Schwachen und Heillos-Krankhaften, daran ist kein Zweifel: „wir allein sind die Guten, die Gerechten, so sprechen sie, ‘wir allein sind die *homines bonae voluntatis*.’ Sie wandeln unter uns herum als leibhafte Vorwürfe, als Warnungen an uns, – wie als ob Gesundheit, Wohlgerathenheit, Stärke, Stolz, Machtgefühl an sich schon lasterhafte Dinge seien, für die man einst büssen, bitter büssen müsse: oh wie sie im Grunde dazu selbst bereit sind, büssen zu *machen*, wie sie darnach dürsten, *Henker* zu sein! (GM I 14, KSA 5.283).

Justice is firstly about the creation or development of a framework that makes sense of the world, that ‘humanizes’ or ‘justifies’ it, and secondly, maintaining the order thus established or created. Nietzschean justice is not a moral concept. Nietzsche overcomes the moralization of justice in three distinct ways. First, by recognizing the inherently legislative dimension to human life, and that the possibility for a lifeworld

depends on this capacity. Justice is a principle that manifests itself in the workings of the cosmos and the human lifeworld, and is not a given, transcendent principle to *look for*. Secondly, he overcomes morality by developing a richer economy than the one that produced the subject: a non-moral ethic of gift-giving and generosity. But thirdly, he also recognizes the importance of setting laws and limits and that their abolition is as tantamount to a nihilistic condition as is clinging to rigid dogma. A new justice would be as dependent on exclusions and hierarchies as any previous conception of justice, but *for much better reasons*.

Chapter five describes Nietzsche's recovery of tragic justice. I argue that notions like *amor fati*, the *Übermensch* and the eternal recurrence can best be understood in terms of the recovery of a *tragic* framework, but a newly forged tragic framework that should under no circumstances be regarded as *identical* to the ancient framework. A mere resurrection of the ancient ideals of justice and tragedy would be a crude betrayal of one of Nietzsche's most important points, namely that an excess of history is as bad for creativity as a lack of it. In order to create an *außermoralische* sense of justice, however, it is necessary to think justice on a greater scale. In order to do this, it is necessary to re-think the self's relationship to time. Beginning with Nietzsche's examination of justice and time in the second *Untimely Meditation*, I argue in this chapter that the eternal recurrence is an attempt to place man again within a grander, cosmological framework. This allows man to think tragically, that is, to reconcile himself to the indifference of the universe without submitting to fictions like laws of necessity. This is the task of the *Übermensch*, Nietzsche's re-conceived *just* man. This figure is a legislator at ease with his role, and able to think justice in terms beyond morality. He is capable of legislation in post-metaphysical terms, certainly over the world, but firstly over himself.