Second Treatise: “Guilt,” “Bad Conscience,” and Related Matters

1

To breed an animal that is permitted to promise—isn’t this precisely the paradoxical task nature has set for itself with regard to man? isn’t this the true problem of man? ... That this problem has been solved to a high degree must appear all the more amazing to one who can fully appreciate the force working in opposition, that of forgetfulness. Forgetfulness is no mere vis inertiae as the superficial believe; rather, it is an active and in the strictest sense positive faculty of suppression, and is responsible for the fact that whatever we experience, learn, or take into ourselves enters just as little into our consciousness during the condition of digestion (one might call it “inanimation”) as does the entire thousand-fold process through which the nourishing of our body, so-called “incorporation,” runs its course. To temporarily close the doors and windows of consciousness; to remain undisturbed by the noise and struggle with which our underworld of subservient organs works for and against each other; a little stillness, a little tabula rasa of consciousness so that there is again space for new things, above all for the nobler functions and functionaries, for ruling, foreseeing, predetermining (for our organism is set up oligarchically)—that is the use of this active forgetfulness, a doorkeeper as it were, an upholder of psychic order, of rest, of etiquette: from which one can immediately anticipate the degree to which there could be no happiness, no cheerfulness, no hope, no pride, no present without forgetfulness. The human being in whom this suppression apparatus is damaged and stops functioning is comparable to a dyspeptic (and not just comparable—) he can’t “process” anything ... Precisely this necessarily forgetful animal in whom forgetting represents a force, a form of strong health, has now bred in itself an opposite faculty, a memory, with whose help forgetfulness is disconnected for certain cases,—namely for those cases where a promise is to be made: it is thus by no means simply a passive no-longer-being-able-to-get-rid-of the impression once it has been inscribed, not simply indigestion from a once-pledged word over which one cannot regain control, but rather an active no-longer-wanting-to-get-rid-of, a willing on
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and on of something one has once willed, a true memory of the will: so that a world of new strange things, circumstances, even acts of the will may be placed without reservation between the original "I want," "I will do," and the actual discharge of the will, its act, without this long chain of the will breaking. But how much this presupposes! In order to have this kind of command over the future in advance, man must first have learned to separate the necessary from the accidental occurrence, to think causally, to see and anticipate what is distant as if it were present, to fix with certainty what is end, what is means thereto, in general to be able to reckon, to calculate,—for this, man himself must first of all have become calculable, regular, necessary, in his own image of himself as well, in order to be able to vouch for himself as future, as one who promises does!

Precisely this is the long history of the origins of responsibility. As we have already grasped, the task of breeding an animal that is permitted to promise includes, as condition and preparation, the more specific task of first making man to a certain degree necessary, uniform, like among like, regular, and accordingly predictable. The enormous work of what I have called "morality of custom" (cf. Daybreak 9, 14, 16)—the true work of man on himself for the longest part of the duration of the human race, his entire prehistoric work, has in this its meaning, its great justification—however much hardness, tyranny, mindlessness, and idiocy may be inherent in it: with the help of the morality of custom and the social straightjacket man was made truly calculable. If, on the other hand, we place ourselves at the end of the enormous process, where the tree finally produces its fruit, where society and its morality of custom finally brings to light that to which it was only the means: then we will find as the ripest fruit on its tree the sovereign individual, the individual resembling only himself, free again from the morality of custom, autonomous and supermoral (for "autonomous" and "moral" are mutually exclusive), in short, the human being with his own independent long will, the human being who is permitted to promise—and in him a proud consciousness, twitching in all his muscles, of what has finally been achieved and become flesh in him, a true consciousness of power and freedom, a feeling of the completion of man himself. This being who has become free, who is really permitted to promise, this lord of the free will, this sovereign—how could he not know what superiority he thus has over all else that is not permitted to promise and vouch for itself, how much trust, how much fear, how much reverence he awakens—he "earns" all three—and how this mastery over himself also necessarily brings with it
mastery over circumstances, over nature and all lesser-willed and more unreliable creatures? The “free” human being, the possessor of a long, unbreakable will, has in this possession his standard of value as well: looking from himself toward the others, he honors or holds in contempt; and just as necessarily as he honors the ones like him, the strong and reliable (those who are permitted to promise),—that is, everyone who promises like a sovereign, weightily, seldom, slowly, who is stingy with his trust, who conveys a mark of distinction when he trusts, who gives his word as something on which one can rely because he knows himself to be strong enough to uphold it even against accidents, even “against fate”—: just as necessarily he will hold his kick in readiness for the frail dogs who promise although they are not permitted to do so, and his switch for the liar who breaks his word already the moment it leaves his mouth. The proud knowledge of the extraordinary privilege of responsibility, the consciousness of this rare freedom, this power over oneself and fate, has sunk into his lowest depth and has become instinct, the dominant instinct:—what will he call it, this dominant instinct, assuming that he feels the need to have a word for it? But there is no doubt: this sovereign human being calls it his conscience ... 

3

His conscience? ... One can guess in advance that the concept “conscience,” which we encounter here in its highest, almost disconcerting form, already has behind it a long history and metamorphosis. To be permitted to vouch for oneself, and with pride, hence to be permitted to say “yes” to oneself too—that is, as noted, a ripe fruit, but also a late fruit:—how long this fruit had to hang on the tree harsh and sour! And for a still much longer time one could see nothing of such a fruit,—no one could have promised it, however certainly everything on the tree was prepared and in the process of growing towards it!—“How does one make a memory for the human animal? How does one impress something onto this partly dull, partly scattered momentary understanding, this forgetfulness in the flesh, so that it remains present?” ... As one can imagine, the answers and means used to solve this age-old problem were not exactly delicate; there is perhaps nothing more terrible and more uncanny in all of man’s prehistory than his mnemo-technique. “One burns something in so that it remains in one’s memory: only what does not cease to give pain remains in one’s memory”—that is a first principle from the most ancient (unfortunately also longest) psychology on earth. One might even say that everywhere on earth where there is still solemnity, seriousness, secrecy, gloomy colors in the life of man and of a people, something of
that terribleness continues to be felt with which everywhere on earth one formerly promised, pledged, vowed: the past, the longest deepest hardest past, breathes on us and wells up in us when we become "serious." Whenever man considered it necessary to make a memory for himself it was never done without blood, torment, sacrifice; the most gruesome sacrifices and pledges (to which sacrifices of firstborn belong), the most repulsive mutilations (castrations, for example), the cruelest ritual forms of all religious cults (and all religions are in their deepest foundations systems of cruelties)—all of this has its origin in that instinct that intuited in pain the most powerful aid of mnemonics. In a certain sense the entirety of asceticism belongs here: a few ideas are to be made indelible, omnipresent, unforgettable, "fixed," for the sake of hypnotizing the entire nervous and intellectual system with these "fixed ideas"—and the ascetic procedures and forms of life are means for taking these ideas out of competition with all other ideas in order to make them "unforgettable." The worse humanity was "at memory" the more terrible is the appearance of its practices; the harshness of penal laws in particular provides a measuring stick for the amount of effort it took to achieve victory over forgetfulness and to keep a few primitive requirements of social co-existence present for these slaves of momentary affect and desire. We Germans certainly do not regard ourselves as a particularly cruel and hard-hearted people, still less as particularly frivolous or living-for-the-day; but one need only look at our old penal codes to discover what amount of effort it takes to breed a "people of thinkers" on earth (that is to say: the people of Europe, among whom one still finds even today the maximum of confidence, seriousness, tastelessness, and matter-of-factness, qualities which give it a right to breed every type of European mandarin). Using terrible means these Germans have made a memory for themselves in order to become master over their mobbish basic instincts and the brutal heavy-handedness of the same: think of the old German punishments, for example of stoning (—even legend has the millstone fall on the head of the guilty one), breaking on the wheel (the most characteristic invention and specialty of German genius in the realm of punishment!), casting stakes, having torn or trampled by horses ("quartering"), boiling the criminal in oil or wine (as late as the fourteenth and fifteenth centuries), the popular flaying ("Riemenschneiden"), cutting flesh from the breast; also, no doubt, that the evil-doer was smeared with honey and abandoned "Riemenschneiden"] literally: "strap-cutting," a medieval trade equivalent to saddle or harness-making.
to the flies under a burning sun. With the help of such images and processes one finally retains in memory five, six "I will nots," in connection with which one has given one's promise in order to live within the advantages of society,—and truly! with the help of this kind of memory one finally came "to reason"!—Ah, reason, seriousness, mastery over the affects, this entire gloomy matter called reflection, all these prerogatives and showpieces of man: how dearly they have been paid for! how much blood and horror there is at the base of all "good things"! …

But how then did that other "gloomy thing," the consciousness of guilt, the entire "bad conscience" come into the world?—And thus we return to our genealogists of morality. To say it once more—or haven't I said it at all yet?—they aren't good for anything. Their own five-span-long, merely "modern" experience; no knowledge, no will to knowledge of the past; still less an instinct for history, a "second sight" necessary precisely here—and nonetheless doing history of morality: this must in all fairness end with results that stand in a relation to truth that is not even flirtatious. Have these previous genealogists of morality even remotely dreamt, for example, that that central moral concept "guilt" had its origins in the very material concept "debt"? Or that punishment as retribution developed completely apart from any presupposition concerning freedom or lack of freedom of the will?—and to such a degree that in fact a high level of humanization is always necessary before the animal "man" can begin to make those much more primitive distinctions "intentional," "negligent," "accidental," "accountable," and their opposites, and to take them into account when measuring out punishment. The thought, now so cheap and apparently so natural, so unavoidable, a thought that has even had to serve as an explanation of how the feeling of justice came into being at all on earth—"the criminal has earned his punishment because he could have acted otherwise"—is in fact a sophisticated form of human judging and inferring that was attained extremely late; whoever shifts it to the beginnings lays a hand on the psychology of older humanity in a particularly crude manner. Throughout the greatest part of human history punishment was definitely not imposed because one held the evil-doer responsible for his deed, that is, not under the presupposition that only the guilty one is to be punished:—rather, as parents even today punish their children, from anger over an injury suffered, which is vented on the agent of the injury—anger held within bounds, however, and modified
through the idea that every injury has its *equivalent* in something and can really be paid off, even if only through the *pain* of its agent. Whence has this age-old, deeply-rooted, perhaps now no longer eradicable idea taken its power—the idea of an equivalence between injury and pain? I have already given it away: in the contractual relationship between *creditor* and *debtor*, which is as old as the existence of “legal subjects” and in turn points back to the basic forms of purchase, sale, exchange, trade, and commerce.

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Calling to mind these contract relationships admittedly awakens various kinds of suspicion and resistance toward the earlier humanity that created or permitted them, as is, after the preceding remarks, to be expected from the outset. Precisely here there are *promises* made; precisely here it is a matter of *making* a memory for the one who promises; precisely here, one may suspect, will be a place where one finds things that are hard, cruel, embarrassing. In order to instill trust in his promise of repayment, to provide a guarantee for the seriousness and the sacredness of his promise, to impress repayment on his conscience as a duty, as an obligation, the debtor—by virtue of a contract—pledges to the creditor in the case of non-payment something else that he “possesses,” over which he still has power, for example his body or his wife or his freedom or even his life (or, under certain religious conditions, even his blessedness, the salvation of his soul, finally even his peace in the grave: as in Egypt where the corpse of the debtor found no rest from the creditor, even in the grave—and indeed there was something to this rest, precisely among the Egyptians.) Above all, however, the creditor could subject the body of the debtor to all manner of ignominy and torture, for example cutting as much from it as appeared commensurate to the magnitude of the debt:—and everywhere and early on there were exact assessments of value developed from this viewpoint—some going horribly into the smallest detail—legally established assessments of the individual limbs and areas on the body. I take it already as progress, as proof of a freer, more grandly calculating, *more Roman* conception of the law when the Twelve Tables legislation of Rome decreed it was of no consequence how much or how little the creditors cut off in such a case, “*si plus minusve secuerunt, ne fraude esto.*” Let us make clear to ourselves the logic of this whole form of com-

“*si plus ... fraude esto.*”] If they have secured more or less, let that be no crime.
pen sation: it is foreign enough. The equivalence consists in this: that in place of an advantage that directly makes good for the injury (hence in place of a compensation in money, land, possession of any kind) the creditor is granted a certain feeling of satisfaction as repayment and compensation,—the feeling of satisfaction that comes from being permitted to vent his power without a second thought on one who is powerless, the carnal delight "de faire le mal pour le plaisir de le faire," the enjoyment of doing violence: which enjoyment is valued all the higher the lower and baser the creditor's standing in the social order and can easily appear to him as a most delectable morsel, indeed as a foretaste of a higher status. Through his "punishment" of the debtor the creditor participates in a right of lords: finally he, too, for once attains the elevating feeling of being permitted to hold a being in contempt and maltreat it as something "beneath himself"—or at least, if the actual power of punishment, the execution of punishment has already passed over into the hands of the "authorities," of seeing it held in contempt and maltreated. The compensation thus consists in a directive and right to cruelty.—

In this sphere, in contract law that is, the moral conceptual world "guilt," "conscience," "duty," "sacredness of duty" has its genesis—its beginning, like the beginning of everything great on earth, was thoroughly and prolongedly drenched in blood. And might one not add that this world has in essence never again entirely lost a certain odor of blood and torture? (not even in old Kant: the categorical imperative smells of cruelty ...) It was likewise here that that uncanny and perhaps now inextricable meshing of ideas, "guilt and suffering," was first knitted. Asking once again: to what extent can suffering be a compensation for "debts"? To the extent that making—suffer felt good, and in the highest degree; to the extent that the injured one exchanged for what was lost, including the displeasure over the loss, an extraordinary counter-pleasure: making—suffer,—a true festival, something that, as stated, stood that much higher in price, the more it contradicted the rank and social standing of the creditor. This stated as conjecture: for it is difficult to see to the bottom of such subterranean things, not to mention that it is embarrassing; and whoever clumsily throws the concept of "revenge" into the middle of it all has covered and obscured his insight into the matter rather than making it easier "de faire ... plaisir de le faire, "] to do evil for the pleasure of doing it.
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(—revenge simply leads back to the same problem: “how can making-suffer be a satisfaction?). It seems to me that it is repugnant to the delicacy, even more to the Tartuffery of tame domestic animals (which is to say modern humans, which is to say us) to imagine in all its force the degree to which cruelty constitutes the great festival joy of earlier humanity, indeed is an ingredient mixed in with almost all of their joys; how naïvely, on the other hand, how innocently its need for cruelty manifests itself, how universally they rank precisely “disinterested malice” (or, to speak with Spinoza, sympathia malevolens) as a normal quality of man—: thus as something to which the conscience heartily says “yes”! Perhaps even today there is enough of this oldest and most pervasive festival joy of man for a more profound eye to perceive; in Beyond Good and Evil 229 (even earlier in Daybreak 18, 77, 113), I pointed with a cautious finger to the ever-growing spiritualization and “deification” of cruelty that runs though the entire history of higher culture (and in a significant sense even constitutes it). In any case it has not been all that long since one could not imagine royal marriages and folk festivals in the grandest style without executions, torturings, or perhaps an auto-da-fé, likewise no noble household without beings on whom one could vent one’s malice and cruel teasing without a second thought (—think for example of Don Quixote at the court of the Duchess: today we read the entire Don Quixote with a bitter taste on our tongue, almost with anguish, and would as a result appear very strange, very puzzling to its author and his contemporaries—they read it with the very clearest conscience as the most lighthearted of books, they practically laughed themselves to death over it). Seeing-suffer feels good, making-suffer even more so—that is a hard proposition, but a central one, an old powerful human—all-too-human proposition, to which, by the way, even the apes might subscribe: for it is said that in thinking up bizarre cruelties they already abundantly herald and, as it were, “prelude” man. Without cruelty, no festival: thus teaches the oldest, longest part of man’s history—and in punishment too there is so much that is festive!—

—With these thoughts, incidentally, it is by no means my intent to help our pessimists to new grist for their discordant and creaking mills of life-weariness; on the contrary they are meant expressly to show that back sympathia malevolens] ill-willing sympathy.
then, when humanity was not yet ashamed of its cruelty, life on earth was more lighthearted than it is now that there are pessimists. The darkening of the heavens over man has always increased proportionally as man has grown ashamed of man. The tired pessimistic glance, the mistrust toward the riddle of life, the icy "no" of disgust at life—these are not the distinguishing marks of the most evil ages of the human race: rather, being the swamp plants they are, they first enter the light of day when the swamp to which they belong appears,—I mean the diseased softening and moralization by virtue of which the creature "man" finally learns to be ashamed of all of his instincts. Along the way to "angel" (to avoid using a harsher word here) man has bred for himself that upset stomach and coated tongue through which not only have the joy and innocence of the animal become repulsive but life itself has become unsavory:—so that he at times stands before himself holding his nose and, along with Pope Innocent the Third, disapprovingly catalogues his repulsive traits ("impure begetting, disgusting nourishment in the womb, vileness of the matter out of which man develops, revolting stench, excretion of saliva, urine, and feces").

Now, when suffering is always marshalled forth as the first among the arguments against existence, as its nastiest question mark, one would do well to remember the times when one made the reverse judgment because one did not wish to do without making—suffer and saw in it an enchantment of the first rank, an actual seductive lure to life. Perhaps back then—to the comfort of delicate souls—pain didn’t yet hurt as much as it does today; at least such a conclusion will be permissible for a physician who has treated Negroes (taken as representatives of prehistorical man—) for cases of serious internal infection that would almost drive even the best constituted European to despair;—in Negroes they do not do this. (Indeed the curve of human capacity for feeling pain appears to sink extraordinarily and almost abruptly as soon as one gets beyond the upper ten thousand or ten million of the highest level of culture; and I, for my part, do not doubt that when held up against one painful night of a single hysterical educated female the combined suffering of all the animals thus far questioned with the knife to obtain scientific answers simply isn’t worth considering.) Perhaps one may even be allowed to admit the possibility that this pleasure in cruelty needn’t actually have died out: but, in the same proportion as the pain hurts more today, it would need a certain sublimation and subtilization, namely it would have to appear translated into the imaginative and inward, adorned with all kinds of names so harmless that they arouse no suspicion, not even in the most delicate, most hypocritical conscience ("tragic pity" is such a name; another is "les
nostalgies de la croix”). What actually arouses indignation against suffering is not suffering in itself, but rather the senselessness of suffering; but neither for the Christian, who has interpreted into suffering an entire secret salvation machinery, nor for the naive human of older times, who knew how to interpret all suffering in terms of spectators or agents of suffering, was there any such meaningless suffering at all. So that concealed, undiscovered, unwitnessed suffering could be banished from the world and honestly negated, one was almost compelled back then to invent gods and intermediate beings of all heights and depths, in short, something that also roams in secret, that also sees in the dark, and that does not easily let an interesting painful spectacle escape it. For with the help of such inventions life back then was expert at the trick at which it has always been expert, of justifying itself, of justifying its “evil”; today it would perhaps need other auxiliary inventions for this (for example life as riddle, life as epistemological problem). “Every evil is justified, the sight of which edifies a god”: thus went the prehistoric logic of feeling—and, really, was it only the prehistoric? The gods, conceived of as friends of cruel spectacles—oh how far this age-old conception extends even into our humanized Europe! on this point one may consult with Calvin and Luther for instance. It is certain in any case that the Greeks still knew of no more pleasant offering with which to garnish the happiness of their gods than the joys of cruelty. With what sort of eyes then do you think Homer had his gods look down on the fates of humans? What was the ultimate meaning of Trojan wars and similar tragic horrors? There can be no doubt at all: they were meant as festival games for the gods; and, insofar as the poet is in this respect more “godlike” than other humans, probably also as festival games for the poets … The moral philosophers of Greece later imagined the eyes of the gods no differently, still glancing down at the moral struggle, at the heroism and the self-torture of the virtuous: the “Heracles of duty” was on a stage, he also knew he was on it; virtue without witnesses was something entirely inconceivable for this people of spectacles. Wasn’t that philosophers’ invention, so audacious, so fateful, which was first devised for Europe back then—that of “free will,” of the absolute spontaneity of man in good and evil—devised above all in order to create a right to the idea that the interest of the gods in man, in human virtue, could never be exhausted? On this stage, the earth, there would never be a shortage of truly new things, of truly unheard-of tensions, complications, catastrophes: a world conceived as completely deterministic would have

“les nostalgies de la croix”] the nostalgias of the cross.
been predictable for the gods and accordingly soon tiring—reason enough for these *friends of the gods*, the philosophers, not to expect their gods to be able to deal with such a deterministic world! In antiquity all of humanity is full of tender considerations for "the spectator," as an essentially public, essentially visible world that could not imagine happiness without spectacles and festivals.—And, as already mentioned, in great *punishment* too there is so much that is festive! ...

8

The feeling of guilt, of personal obligation—to take up the train of our investigation again—had its origin, as we have seen, in the oldest and most primitive relationship among persons there is, in the relationship between buyer and seller, creditor and debtor: here for the first time person stepped up against person, here for the first time a person measured *himself* by another person. No degree of civilization however low has yet been discovered in which something of this relationship was not already noticeable. Making prices, gauging values, thinking out equivalents, exchanging—this preoccupied man's very first thinking to such an extent that it is in a certain sense thinking *itself*: here that oldest kind of acumen was bred, here likewise we may suspect the first beginnings of human pride, man's feeling of pre-eminence with respect to other creatures. Perhaps our word "man" (*manas*) still expresses precisely something of this self-esteem: man designated himself as the being who measures values, who values and measures, as the "appraising animal in itself." Purchase and sale, together with their psychological accessories, are older than even the beginnings of any societal associations and organizational forms: it was out of the most rudimentary form of personal legal rights that the budding feeling of exchange, contract, guilt, right, obligation, compensation first *transferred* itself onto the coarsest and earliest communal complexes (in their relationship to similar complexes), together with the habit of comparing, measuring, and calculating power against power. The eye was simply set to this perspective: and with that clumsy consistency characteristic of earlier humanity's thinking—which has difficulty moving but then continues relentlessly in the same direction—one arrived straightaway at the grand generalization "every thing has its price; *everything* can be paid off"—at the oldest and most naive moral canon of

(*manas*) Sanskrit: mind; understanding or the conscious will.
justice, at the beginning of all "good-naturedness," all "fairness," all "good will," all "objectivity" on earth. Justice at this first stage is the good will among parties of approximately equal power to come to terms with one another, to reach an "understanding" again by means of a settlement—and in regard to less powerful parties, to force them to a settlement among themselves.—

Always measured by the standard of an earlier time (which earlier time is, by the way, at all times present or again possible): the community, too, thus stands to its members in that important basic relationship, that of the creditor to his debtor. One lives in a community, one enjoys the advantages of a community (oh what advantages! we sometimes under-estimate this today), one lives protected, shielded, in peace and trust, free from care with regard to certain injuries and hostilities to which the human outside, the "outlaw," is exposed—a German understands what "Elend," élend originally means—, since one has pledged and obligated oneself to the community precisely in view of these injuries and hostilities. What happens in the other case? The community, the deceived creditor, will exact payment as best it can, one can count on that. Here it is least of all a matter of the direct injury inflicted by the injuring party; quite apart from this, the criminal is above all a "breaker," one who breaks his contract and word with the whole, in relation to all goods and conveniences of communal life in which he has until this point had a share. The criminal is a debtor who not only fails to pay back the advantages and advances rendered him, but also even lays a hand on his creditor: he therefore not only forfeits all of these goods and advantages from now on, as is fair,—he is also now reminded how much there is to these goods. The anger of the injured creditor, of the community, gives him back again to the wild and outlawed condition from which he was previously protected: it expels him from itself,—and now every kind of hostility may vent itself on him. At this level of civilization "punishment" is simply the copy, the mimus of normal behavior toward the hated, dis-armed, defeated enemy, who has forfeited not only every right and protection, but also every mercy; in other words, the law of war and the

"Elend," élend] The New High German Elend (misery) derives from the Old High German adjective elilenti (in another land or country; banished) via the shortened Middle High German ellende or élend (foreign, miserable).
victory celebration of *vae victis!* in all their ruthlessness and cruelty:— which explains why war itself (including the warlike cult of sacrifice) has supplied all the *forms* in which punishment appears in history.

10

As its power grows, a community no longer takes the transgressions of the individual so seriously because they can no longer count as dangerous and subversive for the continued existence of the whole to the same extent as formerly: the evildoer is no longer "made an outlaw" and cast out; the general anger is no longer allowed to vent itself in the same unbridled manner as formerly—rather, from now on, the evildoer is carefully defended against this anger, particularly that of the ones directly injured, and taken under the protection of the whole. Compromise with the anger of the one immediately affected by the misdeed; a striving to localize the case and prevent a further or indeed general participation and unrest; attempts to find equivalents and to settle the entire affair (the *compositio*); above all the increasingly more resolute will to understand every offense as in some sense *capable of being paid off*, hence, at least to a certain extent, to *isolate* the criminal and his deed from each other—these are the traits that are imprinted with increasing clarity onto the further development of penal law. If the power and the self-confidence of a community grow, the penal law also always becomes milder; every weakening and deeper endangering of the former brings the latter's harsher forms to light again. The "creditor" has always become more humane to the degree that he has become richer; finally the amount of injury he can bear without suffering from it even becomes the *measure* of his wealth. It would not be impossible to imagine a *consciousness of power* in society such that society might allow itself the noblest luxury there is for it—to leave the one who injures it *unpunished*. "What concern are my parasites to me?" it might then say. "Let them live and prosper: I am strong enough for that!" ... The justice that began with "everything can be paid off, everything must be paid off," ends by looking the other way and letting the one unable to pay go free,— it ends like every good thing on earth, by *cancelling itself*. This self-cancel- lation of justice: we know what pretty name it gives itself—*mercy*; as goes *vae victis!*/] Woe to the conquered! Livy, *Ab urbe condita*, Book V, 48, 9.  
*compositio*] term from Roman law referring to the settlement in a case of injury or damage caused by an illegal act.
without saying, it remains the privilege of the most powerful, better still, his beyond-the-law.

11

—Here a word in opposition to recent attempts to seek the origin of justice on an entirely different ground,—namely that of ressentiment. First, for the ears of psychologists, supposing they should have the desire to study ressentiment itself up close for once: this plant now blooms most beautifully among anarchists and anti-Semites—in secret, incidentally, as it has always bloomed, like the violet, albeit with a different scent. And as like must necessarily always proceed from like, so it will not surprise us to see proceeding again from just such circles attempts like those often made before—compare above, section 14—to hallow revenge under the name of justice—as if justice were basically only a further development of the feeling of being wounded—and retroactively to raise to honor along with revenge the reactive affects in general and without exception. At the latter I would least take offense: with respect to the entire biological problem (in relation to which the value of these affects has thus far been underestimated) it would even appear to me to be a merit. I call attention only to the circumstance that it is from the spirit of ressentiment itself that this new nuance of scientific fairness (in favor of hate, envy, ill will, suspicion, rancor, revenge) grows forth. For this "scientific fairness" immediately shuts down and makes room for accents of mortal hostility and prejudice as soon as it is a matter of another group of affects that are, it seems to me, of still much higher biological value than those reactive ones, and accordingly deserve all the more to be scientifically appraised and esteemed: namely the truly active affects like desire to rule, greed, and the like. (E. Dühring, *Value of Life; Course in Philosophy*; basically everywhere.) So much against this tendency in general: as for Dühring's particular proposition that the homeland of justice is to be sought on the ground of reactive feeling, one must, for love of the truth, pit against it in stark reversal this alternative proposition: the last ground conquered by the spirit of justice is the ground of reactive feeling! If it really happens that the just man remains just even toward those who injure him (and not merely cold, moderate, distant, indifferent: being just is always a positive way of behaving), if the high, clear objectivity—that sees as deeply as it does generously—of the just eye, the judging eye, does not cloud even under the assault of personal injury, derision, accusation, well, then that is a piece of perfection and highest mastery on earth—what is more,
something one would be prudent not to expect here, in which one in any case should not all too easily believe. Even with the most righteous persons it is certain that a small dose of attack, malice, insinuation is, on the average, already enough to chase the blood into their eyes and the fairness out. The active, the attacking, encroaching human is still located a hundred paces nearer to justice than the reactive one; he simply has no need to appraise his object falsely and with prejudice as the reactive human does, must do. Therefore in all ages the aggressive human, as the stronger, more courageous, more noble one, has in fact also had the freer eye, the better conscience on his side: conversely one can already guess who actually has the invention of the "bad conscience" on his conscience,—the human being of ressentiment! Finally, just look around in history: in which sphere has the entire administration of justice, also the true need for justice, thus far been at home on earth? Perhaps in the sphere of the reactive human? Absolutely not: rather in that of the active, strong, spontaneous, aggressive. Considered historically, justice on earth represents—let it be said to the annoyance of the above-named agitator (who himself once confessed: "the doctrine of revenge runs through all my works and efforts as the red thread of justice")—precisely the battle against reactive feelings, the war against them on the part of active and aggressive powers that have used their strength in part to call a halt to and impose measure on the excess of reactive pathos and to force a settlement. Everywhere justice is practiced and upheld one sees a stronger power seeking means to put an end to the senseless raging of ressentiment among weaker parties subordinated to it (whether groups or individuals), in part by pulling the object of ressentiment out of the hands of revenge, in part by setting in the place of revenge the battle against the enemies of peace and order, in part by inventing, suggesting, in some cases imposing compensations, in part by raising certain equivalents for injuries to the status of a norm to which ressentiment is henceforth once and for all restricted. But the most decisive thing the highest power does and forces through against the predominance of counter- and after-feelings—which it always does as soon as it is in any way strong enough to do so—is the establishment of the law, the imperative declaration of what in general is to count in its eyes as permitted, as just, what as forbidden, as unjust: after it has established the law, it treats infringements and arbitrary actions of individuals or entire groups as wanton acts against the law, as rebellion against the highest power itself, thereby diverting the feeling of its subjects away from the most immediate injury caused by such wanton acts and thus achieving in the long run the opposite of what all revenge
wants, which sees only the viewpoint of the injured one, allows only it to count—from now on the eye is trained for an ever more impersonal appraisal of deeds, even the eye of the injured one himself (although this last of all, as was mentioned at the start).—Accordingly, only once the law has been established do "justice" and "injustice" exist (and not as Dühring would have it, beginning with the act of injuring). To talk of justice and injustice in themselves is devoid of all sense; in itself injuring, doing violence, pillaging, destroying naturally cannot be "unjust," insofar as life acts essentially—that is, in its basic functions—in an injuring, violating, pillaging, destroying manner and cannot be thought at all without this character. One must even admit to oneself something still more problematic: that, from the highest biological standpoint, conditions of justice can never be anything but exceptional conditions, as partial restrictions of the true will of life—which is out after power—and subordinating themselves as individual means to its overall end: that is, as means for creating greater units of power. A legal system conceived of as sovereign and universal, not as a means in the battle of power complexes, but rather as means against all battle generally, say in accordance with Dühring's communist cliché that every will must accept every other will as equal, would be a principle hostile to life, a destroyer and dissolver of man, an attempt to kill the future of man, a sign of weariness, a secret pathway to nothingness.—

Yet a word on the origin and purpose of punishment—two problems that fall out or ought to fall out separately: unfortunately they are usually lumped together. How do the previous genealogists of morality carry on in this case? Naively, as they have always carried on—: they discover some "purpose" or other in punishment, for example revenge or deterrence, then innocently place this purpose at the beginning as causa fiendi of punishment, and—are done. The "purpose in law," however, is the last thing that is usable for the history of the genesis of law: on the contrary, for history of every kind there is no more important proposition than that one which is gained with such effort but also really ought to be gained,—namely, that the cause of the genesis of a thing and its final usefulness, its actual employment and integration into a system of purposes, lie toto caelo apart; that something extant, something that has somehow or other causa fiendi] cause of the coming into being.
come into being, is again and again interpreted according to new views, monopolized in a new way, transformed and rearranged for a new use by a power superior to it; that all happening in the organic world is an over-powering, a becoming-lord-over; and that, in turn, all overpowering and becoming-lord-over is a new interpreting, an arranging by means of which the previous “meaning” and “purpose” must of necessity become obscured or entirely extinguished. However well one has grasped the utility of some physiological organ (or of a legal institution, a social custom, a political practice, a form in the arts or in religious cult), one has still not comprehended anything regarding its genesis: as uncomfortable and unpleasant as this may sound to earlier ears,—for from time immemorial one had thought that in comprehending the demonstrable purpose, the usefulness of a thing, a form, an arrangement, one also comprehended the reason for its coming into being—the eye as made to see, the hand as made to grasp. Thus one also imagined punishment as invented for punishing. But all purposes, all utilities, are only signs that a will to power has become lord over something less powerful and has stamped its own functional meaning onto it; and in this manner the entire history of a “thing,” an organ, a practice can be a continuous sign-chain of ever new interpretations and arrangements, whose causes need not be connected even among themselves—on the contrary, in some cases only accidentally follow and replace one another. The “development” of a thing, a practice, an organ is accordingly least of all its progressus toward a goal, still less a logical and shortest progressus, reached with the smallest expenditure of energy and cost,—but rather the succession of more or less profound, more or less independent processes of overpowering that play themselves out in it, including the resistances expended each time against these processes, the attempted changes of form for the purpose of defense and reaction, also the results of successful counter-actions. The form is fluid but the “meaning” is even more so ... Even in the individual organism things are no different: with each essential growth of the whole the “meaning” of the individual organs shifts as well,—in some cases their partial destruction, their reduction in number (for example through destruction of the intermediate members), can be a sign of growing strength and perfection. I wanted to say: even the partial loss of utility, atrophying and degenerating, the forfeiture of meaning and purposiveness, in short death, belongs to the conditions of true progressus: which always appears in the form of a will and way to greater power and is always pushed through at the expense of numerous smaller powers. The magnitude of a “progress” is even measured by the mass of all that had to be
sacrificed for it; humanity as mass sacrificed for the flourishing of a single stronger species of human being—that would be progress ...—I emphasize this main viewpoint of historical methodology all the more because it basically goes against the presently ruling instincts and taste of the times, which would rather learn to live with the absolute randomness, indeed the mechanistic senselessness of all happening than with the theory of a power-will playing itself out in all happening. The democratic idiosyncrasy against everything that rules and desires to rule, the modern misarchism (to create a bad word for a bad thing) has gradually transformed and disguised itself into something spiritual, most spiritual, to such an extent that today it is already penetrating, is allowed to penetrate, step by step into the most rigorous, apparently most objective sciences; indeed it appears to me already to have become lord over the whole of physiology and the doctrine of life—to its detriment, as goes without saying—by removing through sleight of hand one of its basic concepts, that of true activity. Under the pressure of that idiosyncrasy one instead places “adaptation” in the foreground, that is to say an activity of second rank, a mere reactivity; indeed life itself is defined as an ever more purposive inner adaptation to external circumstances (Herbert Spencer). In so doing, however, one mistakes the essence of life, its will to power; in so doing one overlooks the essential pre-eminence of the spontaneous, attacking, infringing, reinterpreting, reordering, and formative forces, upon whose effect the “adaptation” first follows; in so doing one denies the lordly role of the highest functionaries in the organism itself, in which the will of life appears active and form-giving. One recalls that for which Huxley reproached Spencer—his “administrative nihilism”: but it is a matter of more than just “administering” ...
as our naive genealogists of morality and law have thus far assumed, all of whom thought of the procedure as *invented* for the purpose of punishing, as one once thought of the hand as invented for the purpose of grasping. Now as for that other element in punishment—that which is fluid, its “meaning”—in a very late state of culture (for example in present-day Europe), the concept “punishment” in fact no longer represents a single meaning at all but rather an entire synthesis of “meanings”: the previous history of punishment in general, the history of its exploitation for the most diverse purposes, finally crystallizes into a kind of unity that is difficult to dissolve, difficult to analyze and—one must emphasize—is completely and utterly *undefinable*. (Today it is impossible to say for sure why we actually punish: all concepts in which an entire process is semiotically summarized elude definition; only that which has no history is definable.) In an earlier stage, by contrast, that synthesis of “meanings” still appears more soluble, also more capable of shifts; one can still perceive in each individual case how the elements of the synthesis change their valence and rearrange themselves accordingly, so that now this, now that element comes to the fore and dominates at the expense of the remaining ones, indeed in some cases one element (say the purpose of deterrence) seems to cancel out all the rest of the elements. To give at least some idea of how uncertain, how after-the-fact, how accidental “the meaning” of punishment is and how one and the same procedure can be used, interpreted, arranged with respect to fundamentally different intentions: I offer here the schema that offered itself to me on the basis of a relatively small and random body of material. Punishment as rendering-harmless, as prevention of further injury. Punishment as payment to the injured party for the injury, in any form (even in that of a compensating affect). Punishment as isolation of a disturbance of equilibrium in order to prevent a further spreading of the disturbance. Punishment as instilling fear of those who determine and execute the punishment. Punishment as a kind of compensation for the benefits the criminal has enjoyed up to that point (for example when he is made useful as a slave in the mines). Punishment as elimination of a degenerating element (in some cases of an entire branch, as according to Chinese law: thus as a means for preserving the purity of the race or for maintaining a social type). Punishment as festival, namely as mocking and doing violence to a finally defeated enemy. Punishment as making a memory, whether for the one who suffers the punishment—so-called “improvement”—or for the witnesses of the execution. Punishment as payment of an honorarium, stipulated on the part of the power that protects the evil-doer from the excesses of revenge. Punishment as
compromise with the natural state of revenge, insofar as the latter is still upheld and claimed as a privilege by powerful clans. Punishment as declaration of war and war-time measure against an enemy of peace, of law, of order, of authority, whom one battles—with the means that war furnishes—as dangerous to the community, as in breach of contract with respect to its presuppositions, as a rebel, traitor, and breaker of the peace.—

14

This list is certainly not complete; obviously punishment is overlaid with utilities of all kinds. All the more reason to subtract from it a supposed utility that admittedly counts in popular consciousness as its most essential one,—precisely the one in which belief in punishment, teetering today for several reasons, still finds its most forceful support. Punishment is supposed to have the value of awakening in the guilty one the feeling of guilt; one seeks in it the true instrumentum of that reaction of the soul called "bad conscience," "pang of conscience." But by so doing one lays a hand on reality and on psychology, even for today—and how much more for the longest part of the history of man, his prehistory! Precisely among criminals and prisoners the genuine pang of conscience is something extremely rare; the prisons, the penitentiaries are not the breeding places where this species of gnawing worm most loves to flourish:—on this there is agreement among all conscientious observers, who in many cases render a judgment of this sort reluctantly enough and against their most personal wishes. In general, punishment makes hard and cold; it concentrates; it sharpens the feeling of alienation; it strengthens the power of resistance. If it should happen that it breaks the vigor and brings about a pitiful prostration and self-abasement, such a result is surely even less pleasing than the average effect of punishment—which is characterized by a dry gloomy seriousness. But if we think, say, of those millennia before the history of man, then one may unhesitatingly judge that it is precisely through punishment that the development of the feeling of guilt has been most forcefully held back—at least with respect to the victims on whom the punishing force vented itself. For let us not underestimate the extent to which precisely the sight of the judicial and executive procedures prevents the criminal from feeling his deed, the nature of his action, as in itself reprehensible, for he sees the very same kind of actions committed in the service of justice and then approved, committed with a good conscience: thus spying, outwitting, bribery, entrapment, the whole tricky
and cunning art of police and prosecutors; moreover—based on principle, without even the excuse of emotion—robbing, overpowering, slandering, taking captive, torturing, murdering as displayed in the various kinds of punishment—all of these thus actions his judges in no way reject and condemn in themselves, but rather only in a certain respect and practical application. The “bad conscience,” this most uncanny and interesting plant of our earthly vegetation, did not grow on this ground,—indeed, in the consciousness of the ones judging, the ones punishing, there was for the longest time nothing expressed that suggested one was dealing with a “guilty one.” But rather with an instigator of injury, with an irresponsible piece of fate. And the one himself upon whom the punishment afterwards fell, again like a piece of fate, had no other “inner pain” than he would have had at the sudden occurrence of something unanticipated, of a frightful natural event, of a plummeting, crushing boulder against which one can no longer fight.

This once entered Spinoza’s consciousness in an ensnaring manner (to the vexation of his interpreters, who really exert themselves to misunderstand him at this point, for example Kuno Fischer) when one afternoon, bothered by who knows what kind of memory, he dwelt on the question of what actually remained for him of the famous morsus conscientiae—he who had sent good and evil into exile among the human illusions and had fiercely defended the honor of his “free” God against those blasphemers who claimed something to the effect that God works everything sub ratione boni (“that, however, would be to subject God to fate and would in truth be the greatest of all absurdities”)—. For Spinoza the world had stepped back again into that innocence in which it had lain before the invention of the bad conscience: what had become of the morsus conscientiae in the process? “The opposite of gaudium,” he finally said to himself,—“a sadness, accompanied by the image of a past matter that has turned out in a manner contrary to all expectation.” Eth. III prop. XVIII schol. I. II. For thousands of years instigators of evil overtaken by punishment have felt no different than Spinoza with regard to their “transgression”: “something has unexpectedly gone wrong here,” not: “I should

morsus conscientiae] sting of conscience.
sub ratione boni] for the sake of the good.
gaudium] joy.
not have done that”—they submitted themselves to the punishment as one submits to a sickness or a misfortune or to death, with that stout-hearted fatalism without revolt by which the Russians, for example, even today have the advantage over us Westerners in dealing with life. If there was a critique of the deed back then, it was prudence that exercised this critique on the deed: without question we must seek the actual effect of punishment above all in a sharpening of prudence, in a lengthening of memory, in a will hereafter to proceed more cautiously, more mistrustfully, more secretly, in the insight that one is once and for all too weak for many things, in a kind of improvement in self-assessment. Generally what can be achieved among humans and animals through punishment is an increase of fear, a sharpening of prudence, mastery of the appetites: punishment thus tames man, but it does not make him “better”—one might with greater justification maintain the opposite. (“Injury makes prudent,” say the common folk: insofar as it makes prudent, it also makes bad. Fortunately, it often enough makes stupid.)

At this point I can no longer avoid helping my own hypothesis on the origin of the “bad conscience” to a first, preliminary expression: it is not easy to present and needs to be considered, guarded, and slept over for a long time. I take bad conscience to be the deep sickness into which man had to fall under the pressure of that most fundamental of all changes he ever experienced—the change of finding himself enclosed once and for all within the sway of society and peace. Just as water animals must have fared when they were forced either to become land animals or to perish, so fared these half animals who were happily adapted to wilderness, war, roaming about, adventure—all at once all of their instincts were devalued and “disconnected.” From now on they were to go on foot and “carry themselves” where they had previously been carried by the water: a horrible heaviness lay upon them. They felt awkward doing the simplest tasks; for this new, unfamiliar world they no longer had their old leaders, the regulating drives that unconsciously guided them safely—they were reduced to thinking, inferring, calculating, connecting cause and effect, these unhappy ones, reduced to their “consciousness,” to their poorest and most erring organ! I do not believe there has ever been such a feeling of misery on earth, such a leaden discomfort—and yet those old instincts had not all at once ceased to make their demands! It’s just that it was difficult and seldom possible to yield to them: for the most part they had to
seek new and as it were subterranean gratifications. All instincts that do not discharge themselves outwardly *turn themselves inwards*—this is what I call the *internalizing* of man: thus first grows in man that which he later calls his “soul.” The entire inner world, originally thin as if inserted between two skins, has spread and unfolded, has taken on depth, breadth, height to the same extent that man’s outward discharging has been *obstructed*. Those terrible bulwarks with which the organization of the state protects itself against the old instincts of freedom—punishments belong above all else to these bulwarks—brought it about that all those instincts of the wild free roaming human turned themselves backwards *against man himself*. Hostility, cruelty, pleasure in persecution, in assault, in change, in destruction—all of that turning itself against the possessors of such instincts: *that* is the origin of “bad conscience.” The man who, for lack of external enemies and resistance, and wedged into an oppressive narrowness and regularity of custom, impatiently tore apart, persecuted, gnawed at, stirred up, maltreated himself; this animal that one wants to “tame” and that beats itself raw on the bars of its cage; this deprived one, consumed by homesickness for the desert, who had to create out of himself an adventure, a place of torture, an uncertain and dangerous wilderness—this fool, this longing and desperate prisoner became the inventor of “bad conscience.” In him, however, the greatest and most uncanny of sicknesses was introduced, one from which man has not recovered to this day, the suffering of man *from man*, from *himself*—as the consequence of a forceful separation from his animal past, of a leap and plunge, as it were, into new situations and conditions of existence, of a declaration of war against the old instincts on which his energy, desire, and terribleness had thus far rested. Let us immediately add that, on the other hand, with the appearance on earth of an animal soul turned against itself, taking sides against itself, something so new, deep, unheard of, enigmatic, contradictory, and *full of future* had come into being that the appearance of the earth was thereby essentially changed. Indeed, divine spectators were necessary to appreciate the spectacle that thus began and whose end is still by no means in sight—a spectacle too refined, too wonderful, too paradoxical to be permitted to play itself out senselessly—unnoticed on some ridiculous star! Since that time man is *included* among the most unexpected and exciting lucky throws in the game played by the “big child” of Heraclitus, whether called Zeus or chance—he awakens for himself an interest, an anticipation, a hope, almost a certainty, as if with him something were announcing itself, something preparing itself, as if man were not a goal but only a path, an incident, a bridge, a great promise …
To the presupposition of this hypothesis on the origin of bad conscience belongs first, that this change was not gradual, not voluntary, and that it presented itself not as an organic growing into new conditions, but rather as a break, a leap, a compulsion, an inescapable doom, against which there was no struggle and not even any resentment. Second, however, that this fitting of a previously unrestrained and unformed population into a fixed form, given its beginning in an act of force, could be brought to its completion only by acts of force—that the oldest “state” accordingly made its appearance as a terrible tyranny, as a crushing and ruthless machinery, and continued to work until finally such a raw material of people and half-animals was not only thoroughly kneaded and pliable but also formed. I use the word “state”: it goes without saying who is meant by this—some pack of blond beasts of prey, a race of conquerors and lords, which, organized in a warlike manner and with the power to organize, unhesitatingly lays its terrible paws on a population enormously superior in number perhaps, but still formless, still roaming about. It is in this manner, then, that the “state” begins on earth: I think the flight of fancy that had it beginning with a “contract” has been abandoned. Whoever can give orders, whoever is “lord” by nature, whoever steps forth violently, in deed and gesture—what does he have to do with contracts! With such beings one does not reckon, they come like fate, without basis, reason, consideration, pretext; they are there like lightning is there: too terrible, too sudden, too convincing, too “different” even to be so much as hated. Their work is an instinctive creating of forms, impressing of forms; they are the most involuntary, unconscious artists there are:—where they appear, in a short time something new stands there, a ruling structure that lives, in which parts and functions are delimited and related to one another, in which nothing at all finds a place that has not first had placed into it a “meaning” with respect to the whole. They do not know what guilt, what responsibility, what consideration is, these born organizers; in them that terrible artists’ egoism rules, that has a gaze like bronze and that knows itself already justified to all eternity in its “work,” like the mother in her child. They are not the ones among whom “bad conscience” grew, that is clear from the outset—but it would not have grown without them, this ugly growth, it would be missing, if an enormous quantity of freedom had not been banished from the world, at least from visibility, and made latent as it were, under the pressure of the blows of their hammers, of their artist’s violence. This instinct
for freedom, forcibly made latent—we have already grasped it—this
instinct for freedom, driven back, suppressed, imprisoned within, and
finally discharging and venting itself only on itself: this, only this, is bad
conscience in its beginnings.

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One should guard against forming a low opinion of this entire phe-
nomenon just because it is ugly and painful from the outset. After all, the
active force that is at work on a grander scale in those violence-artists and
organizers and that builds states, is basically the same force that here—
inwardly, on a smaller, pettier scale, in a backwards direction, in the “la-
yrinth of the breast,” to use Goethe’s words—creates for itself the bad
conscience and builds negative ideals: namely that instinct for freedom
(speaking in my language: the will to power). Only here the matter on
which this force’s formative and violating nature vents itself is precisely
man himself, his entire animal old self—and not, as in that larger and
more conspicuous phenomenon, the other human, the other humans.
This secret self-violation, this artists’ cruelty, this pleasure in giving one-
self—as heavy resisting suffering matter—a form, in burning into one-
self a will, a critique, a contradiction, a contempt, a “no”; this uncanny
and horrifying—pleasurable work of a soul compliant-conflicted with
itself, that makes itself suffer out of pleasure in making—suffer, this entire
active “bad conscience,” as the true womb of ideal and imaginative
events, finally brought to light—one can guess it already—a wealth of
new disconcerting beauty and affirmation and perhaps for the first time
beauty itself ... For what would be “beautiful” if contradiction had not
first come to a consciousness of itself, if the ugly had not first said to
itself “I am ugly”? ... After this hint, that enigma will at the least be less
enigmatic, namely, to what extent an ideal, a beauty can be suggested by
contradictory concepts like selflessness, self-denial, self-sacrifice; and we
know one thing henceforth, this I do not doubt—namely what kind of
pleasure it is that the selfless, the self-denying, the self-sacrificing feel
from the very start: this pleasure belongs to cruelty.—So much for the
present on the origins of the “unegoistic” as a moral value and toward
staking out the ground from which this value has grown: bad conscience,
the will to self-maltreatment, first supplies the presupposition for the
value of the unegoistic.—
It is a sickness, bad conscience—this admits of no doubt—but a sickness as pregnancy is a sickness. Let us seek out the conditions under which this sickness has come to its most terrible and most sublime pinnacle:—we shall see just what it was that thus first made its entry into the world. For this we need a long breath,—and to start off we must return once again to an earlier viewpoint. The civil-law relationship of the debtor to his creditor, of which I have already spoken at length, was once again—and indeed in a manner that is historically exceedingly curious and questionable—interpreted into a relationship in which it is for us modern humans perhaps at its most incomprehensible: namely the relationship of those presently living to their ancestors. Within the original clan association—we are speaking of primeval times—the living generation always acknowledges a juridical obligation to the earlier generation, and particularly to the earliest one, which founded the clan (and by no means a mere sentimental obligation: one might with good reason even deny the latter altogether for the longest part of the existence of the human race). Here the conviction holds sway that it is only through the sacrifices and achievements of the ancestors that the clan exists at all,—and that one has to repay them through sacrifices and achievements: one thereby acknowledges a debt that is continually growing, since these ancestors, in their continued existence as powerful spirits, do not cease to use their strength to bestow on the clan new benefits and advances. For nothing perhaps? But to those brutal and "soul-poor" ages there is no "for nothing." What can one give back to them? Sacrifices (initially only nourishment, in the coarsest sense), festivals, shrines, tributes, above all obedience—for all customs, as works of the ancestors, are also their statutes and commands—: does one ever give them enough? This suspicion remains and grows: from time to time it forces a great redemption, lock, stock, and barrel, some enormity of a counter-payment to the "creditor" (the notorious sacrifice of the firstborn, for example; blood, human blood in any case). The fear of the progenitor and his power, the consciousness of debts toward him necessarily increases, according to this kind of logic, to exactly the same degree that the power of the clan itself increases, that the clan itself stands ever more victorious, independent, honored, feared. By no means the other way around! Rather every step toward the atrophying of the clan, all miserable chance occurrences, all signs of degeneration, of approaching dissolution always diminish the fear of the spirit of the founder and give an ever more reduced notion of his shrewdness, his fore-
sightedness, and his presence as power. If one imagines this brutal kind of logic carried through to its end: finally, through the imagination of growing fear the progenitors of the most powerful clans must have grown into enormous proportions and have been pushed back into the darkness of a divine uncanniness and unimaginability:—in the end the progenitor is necessarily transfigured into a god. This may even be the origin of the gods, an origin, that is, out of fear! ... And those who think it necessary to add: "but also out of piety!" would hardly be right with regard to the longest period of the human race, its primeval period. All the more, admittedly, for the middle period in which the noble clans take shape:—who in fact returned, with interest, to their originators, the ancestors (heroes, gods) all of the qualities that had in the meantime become apparent in them, the noble qualities. Later we will take another look at the aristocratizing and ennobling of the gods (which is by no means their "hallowing"): for the present let us simply bring the course of this whole development of guilt consciousness to a conclusion.

As history teaches, the consciousness of having debts to the deity by no means came to an end even after the decline of the "community" organized according to blood-relationships; in the same way that it inherited the concepts "good and bad" from the clan nobility (together with its basic psychological propensity for establishing orders of rank), humanity also inherited, along with the deities of the clan and tribe, the pressure of the still unpaid debts and of the longing for the redemption of the same. (The transition is made by those broad slave and serf populations who adapted themselves to the cult of the gods practiced by their lords, whether through force or through submissiveness and mimicry: starting from them, this inheritance then overflows in all directions.) For several millennia the feeling of guilt toward the deity did not stop growing and indeed grew ever onward in the same proportion as the concept of god and the feeling for god grew on earth and was borne up on high. (The whole history of ethnic fighting, triumphing, reconciling, merging—everything that precedes the final rank-ordering of all ethnic elements in every great racial synthesis—is reflected in the genealogical confusion of their gods, in the legends of their fights, triumphs, and reconciliations; development toward universal empires is also always development toward universal deities; despotism with its overpowering of the independent nobility also always prepares the way for some kind of
The rise of the Christian god as the maximum god that has been attained thus far therefore also brought a maximum of feelings of guilt into appearance on earth. Assuming that we have by now entered into the reverse movement, one might with no little probability deduce from the unstoppable decline of faith in the Christian god that there would already be a considerable decline in human consciousness of guilt as well; indeed the prospect cannot be dismissed that the perfect and final victory of atheism might free humanity from this entire feeling of having debts to its beginnings, its causa prima. Atheism and a kind of second innocence belong together.—

So much for the present, in short and roughly speaking, on the connection of the concepts “guilt,” “duty” to religious presuppositions: I have until now intentionally left aside the actual moralization of these concepts (their being pushed back into conscience, more precisely the entanglement of bad conscience with the concept of god) and at the end of the previous section even spoke as if there were no such moralization, consequently, as if those concepts were now necessarily coming to an end now that their presupposition, the faith in our “creditor,” in God, has fallen. The facts of the case diverge from this in a terrible manner. With the moralization of the concepts guilt and duty, with their being pushed back into bad conscience, we have in actual fact the attempt to reverse the direction of the development just described, at least to bring its movement to a standstill: precisely the prospect of a conclusive redemption shall now pessimistically close itself off once and for all; the gaze shall now bleakly deflect off, deflect back from a brazen impossibility; those concepts “guilt” and “duty” shall now turn themselves backwards—and against whom? There can be no doubt: first against the “debtor,” in whom bad conscience now fixes itself firmly, eats into him, spreads out, and grows like a polyp in every breadth and depth until finally, with the impossibility of discharging the debt, the impossibility of discharging penance is also conceived of, the idea that it cannot be paid off (“eternal punishment”)—; finally, however, even against the “creditor,” think here of the causa prima of man, of the beginning of the human race, of its progenitor, who is now burdened with a curse (“Adam,” “Original Sin,” “unfreedom of the will”) or of nature, from whose womb man arises and

causa prima] first cause.
into which the evil principle is now placed ("demonizing of nature") or of existence generally, which is left as valueless in itself (nihilistic turning away from it, longing into nothingness or longing into its "opposite," a being-other, Buddhism and related things)—until all at once we stand before the paradoxical and horrifying remedy in which tortured humanity found temporary relief, Christianity's stroke of genius: God sacrificing himself for the guilt of man, God himself exacting payment of himself, God as the only one who can redeem from man what has become irredeemable for man himself—the creditor sacrificing himself for his debtor, out of love (is that credible?—), out of love for his debtor! ...  

22  

One will already have guessed what actually happened with all of this and under all of this: that will to self-torment, that suppressed cruelty of the animal-human who had been made inward, scared back into himself, of the one locked up in the "state" for the purpose of taming, who invented the bad conscience in order to cause himself pain after the more natural outlet for this desire to cause pain was blocked,—this man of bad conscience has taken over the religious presupposition in order to drive his self-torture to its most gruesome severity and sharpness. Guilt before God: this thought becomes an instrument of torture for him. In "God" he captures the most extreme opposites he can find to his actual and inescapable animal instincts; he reinterprets these animal instincts themselves as guilt before God (as hostility, rebellion, insurrection against the "lord," the "father," the primal ancestor and beginning of the world); he harnesses himself into the contradiction "God" and "devil"; he takes all the "no" that he says to himself, to nature, naturalness, the facticity of his being and casts it out of himself as a "yes," as existing, corporeal, real, as God, as holiness of God, as judgement of God, as executionership of God, as beyond, as eternity, as torture without end, as hell, as immeasurability of punishment and guilt. This is a kind of madness of the will in psychic cruelty that has absolutely no equal: the will of man to find himself guilty and reprehensible to the point that it cannot be atoned for; his will to imagine himself punished without the possibility of the punishment ever becoming equivalent to the guilt; his will to infect and make poisonous the deepest ground of things with the problem of punishment and guilt. This is a kind of madness of the will in psychic cruelty that has absolutely no equal: the will of man to find himself guilty and reprehensible to the point that it cannot be atoned for; his will to imagine himself punished without the possibility of the punishment ever becoming equivalent to the guilt; his will to infect and make poisonous the deepest ground of things with the problem of punishment and guilt in order to cut off the way out of this labyrinth of "idées fixes" once and for all; his will to erect an ideal—that of the "holy God"—in order, in the face of the same, to be tangibly certain of his absolute unworthiness. Oh,
this insane sad beast man! What ideas occur to it, what anti-nature, what paroxysms of nonsense; what bestiality of idea immediately breaks forth when it is hindered only a little from being a beast of deed!... All of this is interesting to the point of excess, but also of such black gloomy unnerving sadness that one must forcibly forbid oneself to look too long into these abysses. Here there is sickness, beyond all doubt, the most terrible sickness that has thus far raged in man:—and whoever is still capable of hearing (but one no longer has the ears for it today!—) how in this night of torture and absurdity the cry love resounded, the cry of the most longing delight, of redemption in love, will turn away, seized by an invincible horror ... There is so much in man that is horrifying! ... The earth has been a madhouse for too long! ...

23

Let this suffice once and for all concerning the origins of the "holy God."—That in itself the conception of gods does not necessarily lead to this degradation of the imagination, which we could not spare ourselves from calling to mind for a moment, that there are more noble ways of making use of the fabrication of gods than for this self-crucifixion and self-defilement of man in which Europe's last millennia have had their mastery—this can fortunately be read from every glance one casts on the Greek gods, these reflections of noble and autocratic human beings in whom the animal in man felt itself deified and did not tear itself apart, did not rage against itself! For the longest time these Greeks used their gods precisely to keep "bad conscience" at arm's length, to be able to remain cheerful about their freedom of soul: that is, the reverse of the use which Christianity made of its god. They took this to great lengths, these splendid and lionhearted childish ones; and no lesser authority than that of the Homeric Zeus himself gives them to understand here and there that they make it too easy for themselves. "A wonder!" he says once—it concerns the case of Aegisthus, a very bad case—

A wonder, how much the mortals complain against the gods!

Only from us is there evil, they think; but they themselves
Create their own misery through lack of understanding,
even counter to fate.

But one hears and sees at the same time that even this Olympian spectator and judge is far from being angry at them for this and from thinking
evil of them: "how foolish they are!" so he thinks in the face of the misdeeds of the mortals,—and "foolishness," "lack of understanding," a little "disturbance in the head," this much even the Greeks of the strongest, bravest age allowed themselves as the reason for much that was bad and doom-laden:—foolishness, not sin! do you understand that? ... But even this disturbance in the head was a problem—"indeed, how is it even possible? whence could it actually have come, given heads such as we have, we men of noble descent, of happiness, of optimal form, of the best society, of nobility, of virtue?"—thus the noble Greek wondered for centuries in the face of every incomprehensible atrocity and wanton act with which one of his equals had sullied himself. "A god must have beguiled him," he said to himself finally, shaking his head ... This way out is typical of the Greeks ... In this manner the gods served in those days to justify humans to a certain degree even in bad things, they served as causes of evil—in those days it was not the punishment they took upon themselves but rather, as is more noble, the guilt ...

—I close with three question marks, as one can of course see. "Is an ideal actually being erected here or is one being demolished?" thus one might ask me ... But have you ever asked yourselves enough how dearly the erection of every ideal on earth has exacted its payment? How much reality always had to be libeled and mistaken, how much lying sanctified, how much conscience disturbed, how much "god" had to be sacrificed each time? So that a sanctuary can be erected, a sanctuary must be shattered: that is the law—show me a case where it is not fulfilled! ... We modern humans, we are the heirs of millennia of conscience—vivisection and cruelty to the animal—self: in this we have our longest practice, our artistry perhaps, in any case our sophistication, our overrefinement of taste. For all too long man has regarded his natural inclinations with an "evil eye," so that in him they have finally become wedded to "bad conscience." A reverse attempt would in itself be possible—but who is strong enough for it?—namely to wed to bad conscience the unnatural inclinations, all those aspirations to the beyond, to that which is contrary to the senses, contrary to the instincts, contrary to nature, contrary to the animal—in short the previous ideals which are all ideals hostile to life, ideals of those who libel the world. To whom to turn today with such hopes and demands? ... In so doing one would have precisely the good human beings against oneself; and, in fairness, the comfortable, the reconciled, the vain, the enraptured,
the tired ... What is there that insults more deeply, that separates off so fundamentally, as letting others notice something of the strictness and height with which one treats oneself? And on the other hand—how accommodating, how full of love the whole world shows itself toward us as soon as we do like all the world and "let ourselves go" like all the world! ... For this goal one would need a different kind of spirits than are probable in this of all ages: spirits strengthened by wars and victories, for whom conquering, adventure, danger, pain have even become a need; for this one would need acclimatization to sharp high air, to wintry journeys, to ice and mountain ranges in every sense; for this one would need a kind of sublime malice itself, an ultimate most self-assured mischievousness of knowledge, which belongs to great health; one would need, in brief and gravely enough, precisely this great health! ... Is this even possible today? ... But someday, in a stronger time than this decaying, self-doubting present, he really must come to us, the redeeming human of the great love and contempt, the creative spirit whose compelling strength again and again drives him out of any apart or beyond, whose loneliness is misunderstood by the people as if it were a flight from reality—: whereas it is only his submersion, burial, absorption in reality so that one day, when he again comes to light, he can bring home the redemption of this reality: its redemption from the curse that the previous ideal placed upon it. This human of the future who will redeem us from the previous ideal as much as from that which had to grow out of it, from the great disgust, from the will to nothingness; this bell-stroke of noon and of the great decision, that makes the will free again, that gives back to the earth its goal and to man his hope; this Anti-Christ and anti-nihilist; this conqueror of God and of nothingness—he must one day come ...

—But what am I saying? Enough! Enough! At this point there is only one thing fitting for me, to be silent: otherwise I would be laying a hand on that which only a younger one is free to choose, a "more future one," a stronger one than I am—which only Zarathustra is free to choose, Zarathustra the godless ...
Second Treatise

35:1] *that is permitted to promise* ] *der versprechen darf*. We have translated this phrase as literally as possible here to underscore its *normative* character while at the same time avoiding connotations that are absent from N's German. "That *may promise*" might be more literal still, but too ambiguous and confusing, given that the "permission" sense of "may" is far from its most common sense and that this is not true of the German verb. The only problem with "is permitted" is that the "is" makes it seem more passive than the German and it may suggest that some person or group is granting permission, which is clearly not what N means. Diethe's translation ("*who is able to make promises*") obscures the fact that N is using a normative or value-laden term ("*may*" or "*is permitted*") to describe the task of breeding a normative animal, an animal that accepts and lives up to norms. The "ability" involved here is not simply the ability to *make* promises (to understand the commitment involved) but the ability to *keep* them, to live up to commitments. Kaufmann and Smith do use normative terms ("*with a right to*" or "*which is entitled to make promises*") but ones that involve more specific and complicated normative ideas (rights and titles) than what is conveyed by N's more general and basic normative term. By using such a basic term from the realm of right (the realm of right and wrong, duties and obligations, fairness and justice) in this context, N suggests that nature's task in the case of man, i.e., the task of cultivating a *human* animal, centrally involves cultivating a commitment to the realm of right. If our translation raises the question as to who does the permitting, that may even be an advantage, since N's own wording here raises not merely the descriptive question about the source of norms (which GM attempts to answer directly), but also the normative question about the value or justification of these norms. Although N does not address the latter question directly in GM, section 5 of the preface suggests that such normative questions are his ultimate concern in pursuing the genealogy of morality.

35:10–11 "*inanimation*" ... "*incorporation,*"] N's play on words here, creating a word meaning "to take into the soul/psyche," after the pattern of the existing word "Einverleibung" (=incorporation, "to take into the body") is only possible in English when Latin roots ("corpus" and "animus") are used and is
hence not as immediately intelligible as the original, which uses everyday German roots. The German word “Einverleibung” is also actually used in the specific and literal sense of “to take into the human body,” whereas the English “incorporation” is not. Nevertheless, since both “corpus” and “animus” are widely familiar, it seemed worth preserving N’s construction here rather than paraphrasing it.

35:24 “process”] The German expression used here is fertig werden mit, which means “to cope with,” “to deal with” (literally: to get finished with). Elsewhere we have rendered this expression as “cope with.” We have made an exception here, however, in order to preserve N’s pun connecting mentally processing ideas with physically “processing” (digesting) food.

36:18 “morality of custom,”] The German here is Sittlichkeit der Sitte, which has no precise equivalent in English. “Morality of mores” preserves the etymological connection that exists between the German terms, but does not solve the real problem, which is that no standard English term for “morality” has as its root a standard English word for “custom.” (“Mos,” the singular of “mores,” is not even recognizable as such by most readers of English.) In some contexts, one might preserve the root “Sitte” (“custom,” socially prescribed or expected behavior) by translating “Sittlichkeit” as “customariness,” the quality of being in accord with custom. This would work as an acceptable translation in these contexts, however, only if the word had developed in English as a synonym for “morality,” which is of course not the case. Because “customary” tends to underscore the connotation of “conventional,” it cannot suggest the binding character associated with “morality.” The German term “Sittlichkeit,” in contrast, does suggest this binding character, and has come to mean much the same as the Latinate “morality,” but its root allows Nietzsche to use it to refer to an earlier type of morality based on social or “customary” norms—earlier, that is, than the type of morality whose genealogy he offers in GM. N’s usual word for “morality,” and the one used in the title of GM, is not “Sittlichkeit,” but “Moral,” and it is only the latter that he claims to oppose, and which he claims will “gradually perish” (GM III: 27). It would therefore be very helpful to have two English words for the two German terms we have translated as “morality.” “Ethic” or “ethical life” could be used to render “Sittlichkeit,” as is usually done in translations of Hegel, and this would help to make clearer that Nietzsche does not oppose all forms of ethical life (social life that imposes obligations on members) but only the moralized form analyzed in GM. Because it would make it easier to recognize the “ethic of custom” as an ancestor, rather than an actual part, of the form of ethical life N calls “morality” (Moral), this formulation would also encourage us to understand N’s opposition to morality as a rejection not of the imposition of community standards of right and wrong, but only of the moralized version of such standards. The clear recognition that a form of ethical life existed prior to morality would also suggest that a new form of ethical life might be developed after morality perishes. Despite these advantages, we could not translate Sittlichkeit as “ethical life” in the present context because that would force us to render sittlich
as "ethical," thus to translate Nietzsche as saying that "'autonomous' and 'ethical' are mutually exclusive." But that is not the view he presents here. His "sovereign" or "autonomous" individual has a "conscience," one that requires him to keep promises, including the promise to obey society's laws in exchange for the advantages of social life (cf. GM II: 9). In thus recognizing obligations, he clearly belongs to a form of ethical life. N's point is rather that autonomy is incompatible with the morality of custom—or with morality itself (the moralized form of ethical life analyzed in GM). Or both. The context suggests only the former, whereas the normal connotation of the German word (sittlich) suggests he means that true autonomy is incompatible with morality, an extreme reversal of Kant's claim that autonomy is possible for human beings only through morality. To avoid ruling out the latter interpretation, sittlich must be translated as "moral," which makes "morality" rather than "ethical life" the best translation for Sittlichkeit in this context, and we have used the same translation throughout.

38:16 "at memory"] The German phrase N uses here, "bei Gedächtnis," (literally "at memory") is his own coinage, presumably a parallel construction to the German "bei Verstand" or "bei Sinnen" (roughly: "in one's right mind"); literally: "at reason" or "at senses"). This may be intended to underscore the importance of memory as part of what we call reason, or simply to underscore the "presence" of mind required in order to remember. N also underscores the spatial sense of "presence" in intellectual activities in the first section of the preface—"we were never 'with it': we just don't have our heart there."

38:24 "people of thinkers"] Although the description of the Germans as the "people of thinkers [and poets]" is generally attributed to J. K. A. Musäus—in Popular Fairy Tales of the Germans (1782)—and Jean Paul—in A Sermon on Peace, to Germany (1808), neither uses this precise phrase, and in neither of these instances is it used strictly in reference to the German people. The general idea certainly gained widespread exposure in Madame de Stael's De l'Allemagne (On Germany, 1810/1813) where she describes Germany as "that country in which, of all Europe, study and meditation have been carried so far, that it may be considered as the native land of thought." Germany. Translated from the French. In Three Volumes. London: John Murray, 1813, I: 5.

38:31-32 millstone ... guilty one] N's source here is Albert Hermann Post, Bausteine für eine allgemeine Rechtswissenschaft auf vergleichend-ethnologischer Basis (Building Blocks For a Universal Science of Law on a Comparative-Ethnological Basis) 2 vols. Oldenburg: Schulz, 1880. I: 191. "There is an analogy here in the mythical punishment in Germanic antiquity, letting a millstone fall on the head of the condemned one." N's copy of this work has pencil markings throughout the first volume. N draws on it in a number of places in GM (cf. notes 40:30, 47:14, 53:34, 55:7, 80:30, and 88:35).

38:32-33 breaking on the wheel ... punishment!] N's source: "In contrast, the punishment of the wheel, although presumably of Aryan origin, appears to be a specialty of the Germanic tribes." Post, Bausteine. I: 197.
38:33–34 *casting stakes*] The original here is not the German expression for "impaling"—as Kaufmann and others have translated it. N's source here sheds some light on the odd expression and its relation to impaling: "Is it not likely that the spear is the origin of the punishment of impaling? After all the stake was still thrown in Germanic antiquity." Post, *Bausteine*. I: 201. In N's personal copy of this book the words "stake" ("Pfahl") and "thrown" ("geworfen") are underlined and the entire passage marked by a line in the margin.

38:34 *having torn or trampled by horses ("quartering")*] N's source: "To this corresponds the tying of individual members of the malefactor to the tail of a wild horse or the tearing apart by several horses (quartering), as it occurs in Germanic antiquity and also in Rome." Post, *Bausteine*. I: 192.

38:34–35 *boiling the criminal ... centuries*] N's source: "likewise one finds in Germany in the 14th and 15th centuries that malefactors are boiled in oil or wine." Post, *Bausteine*. I: 196.

38:36 *Riemenschneiden*] literally, "strap-cutting," was a medieval trade—roughly saddle or harness-making. The designation comes from the activity of cutting the leather. In N's source: "Furthermore the punishment of flaying might also have a more general importance. It is mentioned in Abyssinia, in the Assyrian penal laws. One can compare with this the Germanic "strap-cutting" from the skin and the *decalvare*, the punishment involving skin and hair, which is found similarly in the Avesta. In China this same strap-cutting appears as a kind of torture." Post, *Bausteine*, I: 197.

38:36 *flesh from the breast*] N's source: "Finally one might mention being eaten among the Battak on Sumatra, with which one can compare the cutting of flesh from the breast in Germanic antiquity." Post, *Bausteine*. I: 198.

38:37–39:1 *the evil-doer ... burning sun*] N's source: "Whatever other kinds of capital punishment occur are unlikely to have any universal historical importance. When the last emperor of the second Zhou dynasty has the prince of Xu salt cured, it is a matter of an arbitrary act, as they likewise occur in the history of Tongking, of the Central Asian empires, and of Marocco. I would also tend to count it here when the Kandyans on Ceylon mention as a punishment crushing in a mortar, and also perhaps a punishment, which is reported from Bornu, according to which the thief in repeated relapse is buried up to his head, rubbed with butter and honey, and exposed thus for twelve or eighteen hours to the burning sun and countless flies and mosquitoes, a punishment, by the way, that is also found in Germanic antiquity, where the criminal is likewise smeared with honey and, under a burning sun, exposed to the bites of flies." Post, *Bausteine*. I: 198.

40:15–23 *In order to instill ... even in the grave*] cf. Josef Kohler, *Das Recht als Kulturerscheinung* (Law as a Cultural Phenomenon, 1885) 18–19: "when legal consequences are no longer automatic, one attempts to secure them through contractual clauses: if the debtor does not fall forfeit to the creditor automatically, then he must *pledge himself to the creditor*: he pledges his *body*, his *freedom*, his *honor*; he pledges his *bodily members*, he pledges his position in society, he pledges
even the _salvation of his soul_ ..." (emphasis N's). Also on page 18: "If the debtor was _dead_, then one _laid a hand on his corpse_: the custom of denying the debtor the rest of the grave was found among the _Egyptians_ ..." (emphasis N's). Finally, on page 20: "Body, freedom, honor, _salvation of the soul_, everything was put in jeopardy so that the _sacredness of the promise_ could triumph."

40:30–31  _legally established ... areas on the body_] cf. Post, _Bausteine_, I: 334ff. Post gives two examples of lists assigning value to body parts. They are meant to determine the payment required of the perpetrator when the given body part is injured, however, and not the amount the injured party can cut off as compensation. In one case the list gives the number of cattle that must be paid by the one who caused the loss of the part in question, in the other the list gives the number of lashes the perpetrator is to receive for causing the loss of the body part.

40:32–33  _Twelve Tables legislation_] In 450 BC the Roman senate passed a reformed legal code which was then recorded on twelve tablets that were set up in the Forum. These laws remained the core of the Roman legal code until the end of the empire.

40:34–35  "_si plus ... ne fraude esto._]" "If they have secured more or less, let that be no crime." This is taken from paragraph 6 of table III of the Twelve Tables of Roman law. Nietzsche's quotation is not quite correct. Where he has _ne fraude_ it should read _se [=sine] fraude_ (... let it be honestly done). Geuss' note in the Diethe translation suggests this is a difference between older and more recent editions of the text. It seems very likely that N took the quote from Kohler, _Law as a Cultural Phenomenon_. In N's personal copy of Kohler's book, however, the text—underlined by N—reads "se fraude."

41:7  "_de faire ... plaisir de le faire,_]" to do evil for the pleasure of doing it. Prosper Mérimée, _Lettres à une inconnue_, Paris, 1874, I, 8. The letter warns the _inconnue_: "know, too, that there is nothing more common than doing evil for the pleasure of doing it."

42:9  _sympathia malevolens_] ill-will ing sympathy. This phrase is a formulation of Spinoza's idea (Ethics III, P 32) that we wish a person ill if we imagine him enjoying something that only one person can possess. Nietzsche found this formulation in H. Höfding's _Psychologie in Ümrissen_ (Psychology in Outline, Leipzig, 1887), p. 319. See William S. Wurzer, _Nietzsche und Spinoza_ (Meisenheim am Glan, 1975), p. 104.


42:29  "_prelude_""] The original "vorspielen" also has the nuance of "enact before an audience" in addition to the musical idea of "prelude."

43:8–9  _moralization_] The German here is a coinage of N's: _Vermoralisierung_, which implies more than just moralization. The usual German word for this would be _Moralisierung_. The prefix _ver-_ can add a number of different nuances to a verb stem; the most probable here are: _thoroughly moralize_ or _wrongly moralize_ (and hence spoil).
43:15–17 “impure begetting ... saliva, urine, and feces”) The traits are summarized from sections 2 (Of the Vileness of Matter), 3 (Of the Flaw of Conception), 4 (With What Kind of Food the Fetus is Fed in the Womb), and 8 (What Fruit Man Produces) of De Miseria Condicionis Humane (1195) by Cardinal Lotario dei Segni (after 1198 Pope Innocent III). During the Middle Ages the work was extremely popular throughout Europe.

44:19 **Luther**] Martin Luther (1483–1546), instigator of the 16th century Reformation and of Protestantism. Luther was the son of a miner and entered the Augustinian Order of monks in his youth. Luther found the concept of a “righteous,” judging God oppressive, and in his struggles to reconcile his feelings of guilt with his sense that Christianity should make one happy, he developed his doctrine that it is faith that saves us, not our works. The consequences of Luther’s work for German culture were tremendous, and not only in religious and political matters. Luther’s translation of the Bible (New Testament, 1522; Old Testament, 1534) had a profound influence on the development of the modern German language. N’s reading of Janssen’s History of the German People (see note 100:25) had a major impact on his view of Luther. In a letter to Heinrich Köselitz, dated October 5, 1879, he wrote: “on the subject of Luther I am now ... unable to say anything of a praising nature: the aftereffect of a powerful collection of material about him, that J. Burckhardt brought to my attention. I mean Janssen, Hist. of the German People, vol. II, which appeared this year (I own it). For once it is not the falsified Protestant construction of history that speaks, the construction according to which we were taught to believe. ... The dreadful, arrogant, ascerbic-Envious cursing of Luther—who wasn’t happy unless, driven by rage, he could spit on someone—disgusts me too much.” Still N never entirely lost a certain admiration for Luther’s achievements. In a note on the German people in general, written around the time of GM, N observed: “Our last event is still Luther, our only book still the Bible” (KSA 11, 25 [162]).


46:15 “Elend,” élend] The New High German Elend (misery) derives from the Old High German adjective elilenti (in another land or country; banished) via the shortened Middle High German ellende or élend (foreign, miserable). Exclusion from the protection of the tribal laws was a severe punishment and the Modern High German adjective élend and noun Elend are still forceful expressions.

46:20 **criminal is above all a “breaker,”**] There is a play on words here in the original, since the German word for ‘criminal’ is Verbrecher, the stem of which (brechen) is the verb for ‘to break.’ Kaufmann translates this as ‘lawbreaker,’ which makes the play on words visible but at the same time meaningless—to a native speaker of English a ‘lawbreaker’ is obviously a ‘breaker’ and there is no need to call attention to this; with the German Verbrecher, the root meaning has long been assimilated into the meaning ‘criminal’ and is no longer consciously heard by native speakers—unless it is called to their attention.
47:1  *vae victis!* Woe to the conquered! The phrase is from Livy, *Ab urbe condita*, Book V, 48, 9, where Livy narrates a surrender of the Romans to the Gauls where the Gauls demanded a payment of one thousand pounds of gold. As it was being paid, the Romans discovered that the Gauls were using false weights to weigh the payment and complained. The Gallic leader is said to have responded by uttering this phrase while throwing his sword into the balance as well.

47:14  *compositio* cf. Post, *Bausteine*, I: 171, 181ff. Post describes "composition systems" as the precursor to state imposed fines. The tribe or clan avoided a blood feud by paying an agreed upon settlement or *compositio* to the family of the one murdered by a member of their family or tribe. As long as the payment is paid by the family or tribe to the injured family or tribe, it is *compositio*. When a state develops and takes over the function of punishing, a "fine" is paid to the state.

48:2  *his beyond-the-law* N plays here with the expressions "Vorrecht" (privilege; literally, before-law) and "Jenseits des Rechts" (=beyond the law). The translation of this word play is further complicated by the fact that the German word "Recht" encompasses the meanings of both "law" and "right" in English.

48:26  *E. Dühring* Eugen Karl Dühring (1833–1921), prolific philosopher and political economist who was blind from the age of 30. In his autobiography (1882) he claims to have been the founder of anti-Semitism, and he was a major figure in the anti-Semitic movement in Germany (see Katz, note 114:16). N's library included Dühring's autobiography as well as his *Werth des Lebens* (Value of Life, 1867) and *Cursus der Philosophie* (Course in Philosophy, 1875). See the following two notes.

48:28–29  *the homeland ... ground of reactive feeling* Dühring, *Der Werth des Lebens*, 219: "The conception of law and along with it all special legal concepts have their final ground in the drive for retaliation, which in its higher intensification is called revenge. Legal sentiment is essentially ressentiment, a reactive sensation, i.e., it belongs with revenge in the same affective grouping." In N's copy of this book he has underlined the word "ressentiment." This passage stems from the appendix entitled "*Die transcendentale Befriedigung der Rache*" ("The Transcendental Satisfaction of Revenge"). This appendix displays frequent underlining and marginal marks—with the exception of one or two earlier passages, this is the only part of this book that N has marked.

49:18–19  *the doctrine ... red thread of justice* This is a shortened version of the original from Dühring's autobiography, *Sache, Leben und Feinde* (Cause, Life, and Enemies), Karlsruhe and Leipzig, 1882: 283, "The doctrine of revenge was first most pointedly sketched in an appendix to the 1st edition of *Value of Life*, and in its theoretical and practical applications runs through all my works and efforts as the red thread of justice." This book was part of N's personal library.

52:19 Herbert Spencer] see note 11:34.

52:26 Huxley] Thomas H[enry] Huxley (1825–1895), English biologist. Huxley was a largely self-taught scholar who never earned an academic degree though he was awarded several honorary ones. He began training at Charing Cross Hospital but left after his scholarship ran out and secured a position on an exploring ship. He wrote reports of his findings during the expedition and sent them back to England for publication. When he returned four years later he was well known in biology circles. He was one of Darwin's close associates and perhaps his chief defender in the public debates concerning the theory of evolution. Huxley's views on science and religion eventually led him to advocate "agnosticism"—he coined this term himself. In his later years he was very involved in educational reform and was a member of the London School Board.


53:34 Chinese law] The annotations in KSA refer here to a pamphlet N had in his personal library: Josef Kohler, Das chinesische Strafrecht. Ein Beitrag zur Universalgeschichte des Strafrechts (Chinese Penal Law. A Contribution to the Universal History of Penal Law), Würzburg, 1886. This particular aspect of Chinese law is not actually discussed in the pamphlet. In his copy of Post's Bausteine, however, N has marked a passage (I: 204) that indirectly raises this issue: "The decline of capital punishments in Europe is presumably to be attributed essentially to the development of punishments of imprisonment, which make it possible to apply state-of-emergency punishments only in light measure. Since China knows no punishment of imprisonment at all, it must apply many more state-of-emergency punishments for the preservation of ethnic balance."

55:7–15 in the consciousness ... can no longer fight] cf. Post, Bausteine, I: 175. Post observes that there are cultures that consider it "immaterial whether the perpetrator intended his deed or was simply the accidental cause of the disruptive occurrence. The punishment is an ethnic necessity that strikes the individual like a stroke of fortune and to which he must submit with resignation, as to any inevitable natural occurrence." The emphasis is N's, as found in the copy of Post in his library.


55:23–24 sub ratione boni] for the sake of the good. Ethics I, Prop. 33, Schol. 2.
55:24–25 "that, however, ... greatest of all absurdities"] Ethics I, Prop. 33, Schol. 2.

55:27–30 "the opposite ... all expectation."] Nietzsche has manipulated the quotation somewhat. In Curley’s English translation the original reads: “Finally, Gladness is a Joy which has arisen from the image of a past thing whose outcome we doubted, while Remorse is a sadness which is opposite to Gladness.”

55:33 "something ... gone wrong here,"] There is a play on words in the German, between the expression “to go wrong” (=schief gehen) and the term “crime/trespass” (=Vergehen), suggesting that the word “Vergehen” might still retain traces of this earlier attitude.

57:4–5 thin as if inserted between two skins] Although it seems relatively clear what N means here, the image he uses is puzzling; the verb he uses can mean not only “to insert” (as a sheet of paper in a typewriter) but also “to harness” (a horse to a carriage) or “to stretch” (as a canvas into a frame). None of these clearly fit the context “thin as if ... between two skins”—which is itself far from clear. N may mean something like “between two layers of skin,” as on an onion.


59:9–10 “labyrinth of the breast,”] from the final stanza of Goethe’s poem “An den Mond” (“To the Moon”):

Selig, wer sich vor der Welt
Ohne Haß verschließt,
Einen Freund am Busen hält
Und mit dem genießt,
Was, von Menschen nicht gewußt
Oder nicht bedacht,
Durch das Labyrinth der Brust
wandelt in der Nacht.

Blessed whoever closes himself
. Toward the world without hate,
Holds a friend to his bosom
And with him enjoys,
That which, unknown to man
Or not considered,
Through the labyrinth of the breast
walks in the night.

60:28 redemption] The German here is Ablösung, which means redemption or discharge of a debt. In both German and English this legal or economic term is related by root to—in English it is identical with—the religious term “redemption,” “Erlösung.”

61:26 mimicry] in English in the original.

62:9 causa prima] first cause. Aquinas uses this term in describing God as the creator of the world.

62:18 the faith in our “creditor,”] N is playing here on the words “Glaube” (faith, belief) and “Gläubiger” (creditor). Although the two ideas are connected in
English as well (through the Latin root "credo"), the word play does not translate easily.

62:34 "Original Sin"] the doctrine introduced into the West by Augustine (354–430) according to which all human beings are burdened with a hereditary disability of the will and a liability to punishment due to Adam’s disobedience to God. All of the theologians in the Augustinian tradition, including Luther and Calvin, connect a general human disability or unfreedom of the will to Adam’s sin. Augustine develops the doctrine to justify the already existing African practice of infant baptism—a nice illustration of N’s point that the practice comes first and the “meaning” is then interpreted into it—in De peccatorum meritis et remissione (On the merits of sin and their remission, 412). See Althanase Sage, “Peche originel. Naissance d’un dogme,” Revue des études augustiniennes X (1967), 211–248. (James Wetzel supplied information for this note.)

64:30–33 "A wonder ... even counter to fate."] Odyssey 1, 32–34. We have translated N’s version rather than using a common English translation since the wording is important to him—at least the opening word: Wunder! ("wonder!" or "strange!") Lattimore’s “O, for shame” loses the sense of amusement and approval that N is underscoring here. The Liddell-Scott Greek-English Lexicon gives the translation of the exclamation o popoi as either “O, strange” or “O, shame.”