

The Relativism of Nietzsche's Views on Punishment

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In this paper, I will argue that Nietzsche is a relativist, as demonstrated by his views on punishment, especially by the second and third essays of his *On the Genealogy of Morals* (1989b), in which Nietzsche discusses the origin of punishment and its relation to morality. Further proof for this interpretation can be found in his *Ecce Homo* (1989a).

Nietzsche opens the second essay of the *Genealogy* with an aphorism mainly about forgetfulness and memory, upon which his views on punishment depend. He implies that the culmination of natural evolution is “man” (1989b, p. 57) – an animal who can commit himself by making promises. This is how man develops the faculty of memory – by actively willing his promise to be retained in his mind, rather than forgotten. Forgetting is a natural mechanism of repression, and hence an active force rather than something that happens to one passively. Forgetting is necessary for the animal to remain in “robust health” (Nietzsche, 1989b, p. 57), but this repressive mechanism is deliberately overcome in order for a commitment to be remembered.

However, there is more to promise-making than simply memorizing the promise. Man needs to become “calculable [and] regular” (Nietzsche, 1989b, p. 58) if he is to be able to keep promises. He needs to be predictable, if only to himself, in order to reliably foresee himself as keeping promises in the future. For Nietzsche, this predictability is achieved through man's

subordination to society, which forces him to conform to its customs and values. Once man fits into a general moral system, he is part of a larger system by which his actions could be understood and explained, and thus becomes predictable.

Occasionally, this process of subordination to society produces extraordinary individuals who rise beyond the society that has brought them up and its morality and make themselves unpredictable (hence free). Possession of a free will (where 'free' is understood to mean 'unpredictable and autonomous', rather than metaphysically free as for Kant) gives the free man the right to make promises, whereas the subordinated man does not fully have this moral right (although he makes promises anyway). The free man's "mastery of himself" (Nietzsche, 1989b, p. 59-60) makes him trustworthy as his will does not waver in the face of unforeseen circumstances – he is strong. The difference between promises of the strong and the weak man, then, is that the strong man's promises are guaranteed through his unwavering commitment, while the weak man's promises are guaranteed through his predictability.

But how does society subordinate the weak man? This subordination has its origins in punishment: since weaker people are not capable of remembering their commitments by sheer force of assertive will, they originally needed to have these commitments branded into them in ways which efficiently impacted their minds, and the best way of doing this was through ruthless cruelty. Any such form of cruelty, then, "has its origin in the instinct that realized that pain is the most powerful aid to mnemonics" (Nietzsche, 1989b, p. 61). In other words, punishment was utilized because it is

extremely efficient at branding awareness of a man's commitments into his mind. This applies to all forms of punishment, including the threat of eternal damnation in the next life. Such punitive cruelty is instinctual. Thus, the origin of punishment must be understood as preceding any rational, moral justification. This is why the origin of punishment is so hard to analyse – it eludes rational understanding.

A contemporary justification of punishment is that the victim 'deserves' punishment because she 'intentionally' performed an action that is wrong. However, as Nietzsche argues, moral concepts like 'deserved/did not deserve' and 'intentional/unintentional' came into existence after punishment, not before. Thus, these concepts cannot be used to understand the origins of punishment.

When is this primal instinct of cruelty unleashed? For Nietzsche, it is unleashed in an instance of anger, that is, when the punished has angered the punisher by not upholding commitments. However, this angered reaction is not merely a spontaneous venting of emotion – rather, the anger is "held in check and modified by the idea that every injury has its *equivalent* and can actually be paid back" (Nietzsche, 1989b, p. 63). In other words, the punisher is aware that punishment can be used as a form of compensation, and uses it strategically, exacting as much as is felt necessary for adequate emotional payback. In fact, the primitive conception of justice was based on the idea that "everything has its price; all things can be paid for" (Nietzsche, 1989b, p. 70).

For Nietzsche, commerce-related notions such as 'price' and 'payback' dominated early-historical man's thought. One of the most primitive forms of relationship was a commercial one – that between creditor (someone who has loaned possessions to another) and debtor (the one who has borrowed from the creditor, and promises to return what was borrowed). Failure on the debtor's part to fulfil his promise triggers the instincts of cruelty, and the creditor demands that the debtor be punished as 'compensation'. This compensation works because the debtor allows the creditor to inflict pain, thereby allowing the creditor to 'have his way'. Even the community was seen as a creditor (due to the advantages it provided, such as protection) to the citizens who were its debtors. Thus, the individual was bound to obey the community's laws.

In a primitive community, disregard of one's social obligations would have been potentially serious for one's community, and thus punished severely. The community does not take the lawbreaker's actions as seriously as it grows more powerful and stable, since these are no longer as potentially harmful. Instead, justice becomes a compromise with the injured party, and an attempt to prevent further disturbance. The criminal is thus separated from the deed (since the deed is condemned but the criminal is not). The criminal and the crime are no longer united – the criminal is now the 'cause', separable from the actual crime, which is the 'effect'. This allows for the criminal to be viewed as a 'free subject' who exists separate from her behaviour, and thus the basis is laid for modern moral systems which are based on this separation.

The origin of punishment can be better understood if one returns to the historical period before such modern moral systems, when criminal and crime were not separable. What is the relation of moral systems of thought to punishment, if punishment came into being independently of the moral judgments made about it? For Nietzsche, morality attempts to justify and make sense of the punishment system, but only does so *a posteriori*; that is, morality comes into being in response to the punishment system. In other words, moral concepts are modified only *after* the institution of punishment has been modified, as a way of interpreting the changes that have occurred within the system. Genealogists of morals before Nietzsche attempted to understand some moral belief as the original cause of the punitive system, but the origins of punishment are amoral. Nietzsche thus says of moral genealogists before him: "they are worthless" (Nietzsche, 1989b, p. 62). These thinkers assumed that the punitive system has an analysable final cause. In fact, this system was not created with a deliberate 'higher purpose', but rather was simply the expression of the instinct to cruelty, and did not help to reach any moral end.

Morality, then, is an interpretation of the punitive system. To (re)interpret a thing is to subdue and transform it according to one's own desired way of understanding it (and thereby to master it). Thus, morality always reflects the interests of the group doing the interpretation, and the dominant morality reflects the interests of the group in control of the punitive system. So as the history of morality progresses, one becomes master by creating new interpretations to replace (and destroy) previous interpretations.

These new interpretations are characterized by a desire to hide their true origins, by presenting themselves as eternal moral truths, while the original master morality did not have this desire. Such new interpretations are always 'slave' interpretations, created by repressed groups to aid them in overcoming the original master groups. Hence, what distinguishes master and slave conceptions of morality and punishment is that master moralities actively embrace the fact that they are an imposition of the masters' personal beliefs onto others, while slave moralities cover up this fact.

Punishment can therefore be understood as having two aspects – the punitive act itself (which remains comparatively stable throughout history) and the purpose assigned to this act (that is, the moral interpretation, which changes according to the group doing the interpreting). Since the meaning of the punitive act has changed so much, there have been many meanings created in many different historical circumstances. These meanings do not completely replace each other, but rather build on each other. Modern understandings of punishment are a mixture of many different interpretations, and have "not *one* meaning but a whole synthesis of 'meanings'" (Nietzsche, 1989b, p. 80). Thus, punishment has become multi-layered and undefinable. Any attempt to define punishment is necessarily relative to the group attempting the definition, and reflects its interests. The same goes with attempts to delineate precisely when somebody deserves to be punished i.e. when someone is 'bad' (hence all moral theories, too, are relative).

It is apparent, therefore, that Nietzsche is a moral relativist. This makes a significant difference to an appraisal of Nietzsche's

views – how ‘true’ does he consider his own views to be? At first, an element of moral relativism is apparent because all systems of morality are reduced to reactions to changes in the punitive system, and are not timelessly true, as they often claim to be. Any framework of moral beliefs is, for Nietzsche, simply a misguided interpretation of the true origin of punishment (the desire for cruelty against the debtor who broke a promise, which is a manifestation of the will to power). Therefore, moral frameworks claiming objective truth are actually subjective interpretations disguising themselves as eternally valid.

However, this idea of a ‘true origin’ of punishment suggests that Nietzsche cannot be considered a complete relativist. He believes that the beginning of punishment is a fact, and he seems to consider it objective – he considers views of this origin that differ from his to be false. This would suggest that Nietzsche believes in objective historical truth, but also in moral relativism.

And yet, Nietzsche presents a unique conception of ‘objectivity’ that is very different from the conventional notion of rationality unaffected by personal prejudices, which for Nietzsche is “nonsensical absurdity” (Nietzsche, 1989b, p. 119). So it seems that Nietzsche denies the possibility of his own views being ‘factual’ in the sense of being true independently of his personal dispositions. For Nietzsche, objectivity is not a static state of affairs – it is a *personal skill*. It is “the ability to *control* one’s Pro and Con” and to “employ a *variety* of perspectives” (Nietzsche, 1989b, p. 119) in one’s thought.

Nietzsche emphasizes the necessity of interpretation in all knowledge. It is only through being able to interpret a phenomenon that one can come to hold any beliefs about it. This fits well with Nietzsche's rejection of the separation of cause from effect, doer from deed, etc. Now, Nietzsche is rejecting the separation of *knower* from *knowledge*. It would follow, though, that Nietzsche's views on the origin of punishment, and hence of morality, are themselves interpretations, and that Nietzsche views them as inseparable from himself. There exists "*only* a perspective seeing; *only* a perspective 'knowing'" (Nietzsche, 1989b, p. 119).

I would argue that one should not understand Nietzsche's views on the 'origin' of morality and punishment as somehow 'objective' in the conventional sense. In *Ecce Homo*, he argues that in order to understand one's beliefs, it is the contextual details of one's life such as "nutrition, place, climate" (Nietzsche, 1989a, p. 256), that are truly important, not higher, supposedly universal concepts such as 'truth'. Such concepts are formed by these 'material' details, and do not exist without them.

Perhaps, then, it would be best to view Nietzsche's own opinions regarding the origin of morality and punishment as being his own interpretations, and as being fundamentally tied to his own personal beliefs and experiences. If even Nietzsche's own attempt to understand these origins is an interpretation, then by his own standard the attempt to uncover the 'factual' origins is doomed to failure. The only chance of 'objectivity', for Nietzsche, is the definition he himself provides – the ability to hold multiple perspectives about the same issue, so that the more perspectives one

holds, “the more complete will our ‘concept’ of this thing, our ‘objectivity’, be” (Nietzsche, 1989b, p. 119).

§ References

Nietzsche, F 1989a, *Ecce Homo*, in *On the genealogy of morals and Ecce Homo*, trans. Kaufmann, Random House, New York.

Nietzsche, F 1989b, *On the genealogy of morals*, in *On the genealogy of morals and Ecce Homo*, trans. Kaufmann, Random House, New York.

