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**Nietzsche on Justice and Democracy**

**Abstract**

*In contrast to the Christian concept of justice as moral virtue, defined by St. Thomas Aquinas as “an attitude with the power of which one is fortified and acknowledges the rights of others of one’s own accord”, Nietzsche identifies the origin of justice in equalisation or an agreement between forces of approximately equal powers, as well as in the compulsion of the less powerful to agree. In support of this standpoint, founded on the claim that life itself is essentially appropriation, i.e. that the will to power is the will of life itself, Nietzsche made use of Thucydides’s imagery of the Athenians and Melians. The author, however, concludes that what Nietzsche does is not only think about power, but that he also seeks a novel understanding of justice, which he strives to expound from the totality of his thought.*

**Key Words**

Justice, democracy, Friedrich Nietzsche, the will to power

**I.**

Nietzsche thinks of justice in the same way as Heraclitus and Plato – it is the principle of the utmost importance for the whole of reality, which, much like a number of his other views, makes Nietzsche be closer to the Greeks than his contemporaries. In the Christian tradition, justice is considered the highest moral virtue, defined by St. Thomas Aquinas as “an attitude with the power of which one is fortified and acknowledges the rights of others of one’s own accord”. Moreover, justice is not only the highest moral virtue for Christians, but is at the same time inseparable from love (*agape*). This definition of justice has its roots in the Christian view on God’s will – it relates to God’s creatures in a way that is convenient to both God and His creatures.

The prevalent opinion of contemporary authors that justice implies respect of a few principles has been derived from Kant’s definition of justice in his *Critique of Practical Reason*, according to which “a constitution to be considered just must achieve the highest possible level of freedom for human individuals and produce laws that facilitate the coexistence of one’s freedom with that of others”.<sup>1</sup> Let me name the most frequent ones: legal equality, an independent and impartial judicial system, the elimination of natural privileges, the protection of the freedom of individuals as the duty of the state, an equal distribution of civic responsibilities and a just distribution of the common goods. In the

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Immanuel Kant, *Kritika praktičkog uma*, Naprijed, Zagreb 1990.

end it all comes down to the realisation of individual claims, i.e. making sure that the same are met.

Nietzsche points to something else – a different interpretation of reality resulting in the transvaluation of all values, which then forms the basis for surpassing man and the emergence of *Übermensch* (overman). (Although this is not the topic of this short exposition, it is, nevertheless, comparable to Plato's understanding of justice as the virtue that perfects man in his relation to himself and his community/polis.)

Nietzsche seeks the origin of justice in the equalisation of and agreement (settlement) between approximately equal powers accepting an agreement, whereby he refers to Thucydides and his report of a colloquy between the Athenians and Melians.<sup>2</sup> This colloquy refers to negotiations between the people of Athens and the inhabitants of the island of Melos, which was, politically speaking, a Spartan colony, although it had remained neutral up to the Peloponnesus War. Thucydides shows the way in which the Melians were slowly yielding, how they stopped discussing justice and injustice, and how interests and benefits gradually became the sole issues they were interested in. Nietzsche takes these negotiations as an illustration of his thesis on the origin of justice.

*“The origin of justice – justice (fairness) originates from parties of approximately equal powers, as Thucydides correctly grasped (in a horrifying colloquy between the Athenian and the Melian ambassadors): where there is no clearly recognisable superiority of force and any contest would result in mutual injury producing no decisive outcome, the ideas of reaching an understanding and of negotiation of each other's demands arise: the characteristic of exchange is the original characteristic of justice. Each satisfies the other, inasmuch as each acquires what he values more than the other does. One gives to the other what the other wants to have to be henceforth called his own and, in return, receives what he himself desires.”*<sup>3</sup>

In addition to the above quote from *Human, All Too Human*, we should point out that Nietzsche repeats the same thesis in his *On the Genealogy of Morals*, where he claims that justice is, first and foremost, the good will of the equally powerful to make a deal and reach an ‘agreement’ by equalisation, while the less powerful are made to accept equalisation.

As Foucault noticed, for Nietzsche the originally signified does not exist – words as such are already interpretations, and all symbols are the interpretations of other symbols. The principle of interpretation is in the interpreter himself, in the “centre of power” with his own “perspective”. Nietzsche, thus, observes the world's multisignification through the issue of strength looking at things through the perspective of their growth, and the whole metaphysical tradition as a way to interpret the world invalidating itself. Nietzsche wants to find out if the interpretations of the world are symptoms of the ruling instinct (inclination), how useful or harmful to *life* they are, life being the only possible object of interpretation that cannot be evaluated.

The key word in understanding interpretation and the interpreter is fairness (justice). In his essay *On the Use and Abuse of History for Life* Nietzsche writes:

*“Very few serve the truth, for only a few possess the pure will to be just (fair), a very few of whom possess the power to be able to be just.”*<sup>4</sup>

Thus, justice ensures true interpretation of an individual perspective, i.e. makes the establishment of values possible, which Nietzsche understands as “serving the truth”. But, what do the expressions ‘the pure will to be just’ and the less frequent ‘the power to be able to be just’ mean?

As Heidegger claims in his interpretation of Nietzsche, in order to reflect on the essence of the term ‘justice’ adequately, one must eliminate all the ideas of justice that originate from Christian, Humanistic, Enlightenment, Bourgeoisie and Socialist morals.<sup>5</sup> Naturally, the context of Heidegger’s claim is his interpretation of Nietzsche’s thinking as the metaphysics of the complete subjectivity of the willpower, where truth appears as justice defined by building, extraction and destruction. Heidegger follows the self-interpretation of western metaphysics and Nietzsche’s place at its end. If we are to understand the problem in the way that Nietzsche himself understood and interpreted it, we must try to transcend the metaphysical tradition.

## II.

As is well known, Nietzsche considers himself to be an anti-metaphysical philosopher and Heraclitus to be the philosopher closest to him in the history of philosophy. According to Heraclitus’s philosophy, the world is Aeon’s innocent game played by the rules of law and justice: “To God everything is beautiful, good and fair, while people consider one thing fair and another unfair”. Nietzsche warns that this does not refer to “the best of all possible worlds” by Leibniz and introduces the term *hybris*, which he thinks to be crucial for understanding Heraclitus’s view:

“This dangerous world, the *hybris*, is really a cornerstone for every follower of Heraclitus, by which he can prove whether he understands his master or not. Is there guilt, injustice, contradiction or suffering in this world?”<sup>6</sup>

The *hybris* world is ‘dangerous’ because it can lead to the misinterpretation of Heraclitus. According to Nietzsche, Heraclitus’s metaphor of “an ever-living fire, kindling itself by regular measures and going out by regular measures” corresponds to Anaximander’s belief in the cycles between the end of the world and its recreation. The latter or “the return to multitude” can be deduced from *hybris*. In other words, one must ask the following question: is the entire world the process rather than the act of punishing *hybris*? Thus, guilt becomes the very heart of the matter, and the world of becoming and individuality are exonerated, although it will suffer the consequences all over again. However, for Heraclitus and Nietzsche the meaning of the term ‘*hybris*’ and its place in their respective conceptions of the world are fully different.

Heraclitus places this term in relation to a lack of human cognition, although not in the way done by Guthrie, who claims that Heraclitus’s idea identifies the causes of *hybris* in the inability of the lower social strata to remain low, i.e. in their disregarding the laws, deduced from the divine law, they are unable to see.<sup>7</sup> In his 43rd fragment Heraclitus states that *hybris* should be

2  
Tukidid, *Povijest peloponeskog rata*, Matica hrvatska, Zagreb 1957, pp. 314–321.

3  
Friedrich Nietzsche, *Menschliches, Allzumenschliches*, KSA 2, Colli und Montinari (ed.), DTV, München 1999, pp. 89–90.

4  
Friedrich Nietzsche, *Vom Nutzen und Nachteil der Historie für das Leben*, KSA 1, p. 287.

5  
Martin Heidegger, *Nietzscheova metafizika*, Visovac, Zagreb 1994, p. 83.

6  
Friedrich Nietzsche, *Die Philosophie im tragischen Zeitalter der Griechen*, KSA 1, p. 830.

7  
William Keith Chambers Guthrie, *A History of Greek Philosophy*, Cambridge University Press, Cambridge 1962, p. 410.

extinguished more so than fire. One does not exceed his measures without suffering the consequences:

“Helios will not exceed his measures, lest Erinys, the apprentices of justice, should find him.”

There is unfairness and injustice in the world process, but only for man – because of his limited condition: “The human being has no power of cognition, but the divine one does.” The building and the destruction of the world are not the result of wantonness (as well as guilt and injustice) in the world’s foundation, as the limited human cognition sees, but of the ever-awake instinct for *playing*, which is analogous to an innocent game between an artist and a child. Nietzsche concludes:

“Thus, the world is observed only by an aesthete, who has discovered from an artist and from the creation of a work of art how a conflict of multitude can indeed carry in itself law and justice, as an artist’s thoughts stand above and act within a work of art, how necessity and game, the opposite and harmony must join together in the creation of a work of art.”<sup>8</sup>

Heraclitus’s philosophy understood this way is later called *artistic optimism* by Nietzsche. Play, as a metaphor of the world, rules out injustice and guilt from the whole. The attempt to determine the meaning of the world as a whole – starting from a child or an artist’s play – is in contrast with the metaphysical opinion and for man it bears a crucial significance. Eugen Fink notices:

“Should we think of the essence of the world as a game, what follows is that man is the only being in the entire universe capable of answering the dominant whole. Only then is man able to correlate his essence with that which is beyond-human.”<sup>9</sup>

The ability to answer the dominant whole (i.e. world) follows from man’s openness to that whole, which amounts to nothing if man is, metaphysically speaking, seen as one of the objects within the world – matter with the qualities man possesses (mind, spirit, etc.). Nietzsche calls this openness to the play of the world *amor fati*, because the freedom in this play corresponds to the acceptance of necessity. This is pre-metaphysical, Dionysian wisdom, for which the most beautiful world system is but a pile of rubbish. According to Nietzsche, from Socrates on philosophy has gone astray, since it altered the interpretation of the world, which was the foundation of the high Pre-Socratic culture of ideas leading, in their final stage, to the unstoppable progress of nihilism.

### III.

Nietzsche divides philosophers into two different kinds:

“... first those who must adhere firmly to great factual evaluations (both logical and moral) and then those who are themselves the legislators of evaluation”.<sup>10</sup>

Setting goals for individual wills is the main task of the legislators. This is necessary because

“... the will desires a goal – and it will rather want nothing than take just anything”.<sup>11</sup>

In other words, unless the legislators set the right goal, the will wants nothing, i.e. in the broader sense, nihilism will prevail (which has indeed been happening at present). The elevation of man is left to chance (accident) or “natural selection”. Nietzsche holds that the state in which the will appears to be the will to nothingness is untenable. However, the legalisation of permanent and

acceptable goals for the will cannot be found in Nietzsche's works. That is the task of "the new philosophers". Nietzsche considers his role to be the preparation of that task – he believes that this is the most that can be done in the upcoming epoch of nihilism (theologically speaking, following the death of God and, politically speaking, following the French Revolution and the masses coming to power).

Nietzsche's criticism of democracy is part of his overall criticism of modernity. At first glance, this criticism may appear to be unimportant. Nietzschean scholars also regard this aspect of his philosophy as less important. And while postmodern philosophy cannot be understood without Nietzsche's criticism of the philosophical tradition, while theologians debate the meaning and consequences of Nietzsche's declaration of the death of God, while ethicists debate his criticism of morals and morality, Nietzsche's theses on politics should be called "Non-modern meditations".

For Nietzsche, the democratic movement is not only a decay of political organisation, but also – and this is more important – a form of man's diminishment, the diminishment of man's value and worth through it having made man mediocre. Accordingly, democracy is heir to Christianity, while the French Revolution is "Christianity's daughter and extension".<sup>12</sup> Nietzsche sees Christians, socialists, anarchists and democrats united in their work:

"United in a fierce insurrection against any particular demand, right and privilege (which means against all rights, for when everyone is equal, no one needs any 'rights' any more)."<sup>13</sup>

This "equality of rights" is odious to Nietzsche because he holds that it is directed against the "creative fullness of power", noblemen and higher-status people. It is a process in which people become similar to each other; what Nietzsche advocates is entirely different. He claims that any elevation of "man" so far was and will always be the work of an aristocratic society. Societies do not exist for their own sake, but to be the groundwork, backbone and scaffolding for the elevation of individuals.

I would like to remind of Alexander Nehamas's opinions on the critics of Nietzsche's views on morals. Nehamas classifies the critics and their remarks into four groups. The first group considers Nietzsche's views to be simply banal or not original, because what they do is try to revive old pagan ideals. The second group thinks that it is impossible to grasp the way in which Nietzsche's perfection can be attained and what the end product of that process is. In other words, Nietzsche is unclear and not fully defined. Critics also consider Nietzsche ambiguous, since his attitudes do not fit his perspectivism in general. (This is Richard Rorty's opinion expressed in his *Contingency, Irony and Solidarity*, claiming that Nietzsche betrayed his own perspectivism, and that his attitudes of an ironic thinker are of little value for the public. As soon as he leaves his perspectivist position and starts writing about Europe's

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F. Nietzsche, *Die Philosophie im tragischen Zeitalter der Griechen*, p. 831.

9

Eugen Fink, "Oaza sreće", *Revija*, Osijek 1979, p. 32.

10

F. W. Nietzsche, *Werke IV*, Karl Schlechta (ed.), Ullstein Materialien, Frankfurt a. M./Berlin/Vienna 1980, p. 28.

11

Friedrich Nietzsche, *Zur Genealogie der moral*, KSA 5, p. 339.

12

F. W. Nietzsche, *Werke IV*, p. 288.

13

Friedrich Nietzsche, *Jenseits von Gut und Böse*, KSA 5.

destiny or modern politics, he becomes shallow or even sadistic. This is my example and not Nehamas's.) The fourth group of critics claims that if we renounce morals altogether, we lose the possibility of saving a part of them and of constructing a better system.

The aforementioned can be viewed as exemplary remarks on Nietzsche's attitudes towards politics and democracy. However, I believe that although Nietzsche's work – which is not in the least clear, articulate and unambiguous (Nietzsche himself did not want it to be such!) – does contain attitudes that can explain such criticism, one must not lose sight of the totality of his philosophy. Moreover, one must not forget that Nietzsche neither is nor wishes to be a philosopher of politics in the traditional sense. The underlying issue is that he does not understand the traditional purpose of politics. None of the so-called real politics have anything in common with what he advocates. As Henning Ottmann points out, "great politics" as advocated by Nietzsche will be the one shaping man himself rather than peoples or nations.<sup>14</sup>

#### IV.

By determining *Rangordnung*, the philosophers become legislators. The fundamental task of legislators is setting goals for individual wills. Unless the legislators set the right goal, the will wishes nothing and, broadly speaking, nihilism will prevail (which has been happening today). Raising man becomes arbitrary, i.e. is left to "natural selection". Nietzsche holds that the state in which the will appears to be the will to nothingness is untenable. However, the legalisation of permanent and acceptable goals for the will cannot be found in Nietzsche's works. That is the task of "the new philosophers". Nietzsche considers his role to be the preparation of that task and holds that, in the upcoming era of nihilism, nothing more can be done.

Thus, any future society should be organised in a way that will facilitate the systematic education of sovereign and strong individuals. However, Nietzsche does not have any progress in mind:

"Mankind does not represent any development towards something better, or stronger, or higher, as is believed today. 'Progress' is a but a modern idea, i.e. a false idea. Today's European is worth far less than a Renaissance European; development does not necessarily imply elevation or strengthening."<sup>15</sup>

Consequently, what Nietzsche does is find examples of successful (or at least desirable) *Rangordnung* and human beings in the pre-modern era: *Manu's Code*, Plato's state, Gaius Julius Caesar, Cesare Borgia. Modern readers may indeed be astonished by the fact that Nietzsche praises *Manu's Code* legalising the caste system<sup>16</sup> – we must, however, bear in mind that he does not do so to advocate some absurd attempt of social change leading to the restoration of a caste society. It is in the *Code* that Nietzsche finds what he advocates – on the one hand, it is an aspiration to educate a "higher group" of people, and on the other, an attempt to implant natural order into human society. According to Nietzsche, only a hierarchical system can educate strong and sovereign individuals. Nietzsche finds *Manu* fascinating, first and foremost, for the following reason:

"To establish a code like *Manu's* means to approve of people becoming masters, becoming perfect – to crave ambitiously for the greatest Art of life."<sup>17</sup>

Nietzsche maintains that society, provided it is healthy, categorises people into three types according to their "physiological gravity": the first are pre-

dominantly spiritual, the second have strong muscles and a temper, and the third are mediocre and have no special qualities. The first type is the fewest and represents happiness, beauty and goodness on earth. They affirm life and the world in the *amor fati* sense – they are the “smiling lions” that should come, according to Zarathustra.

“The most spiritual people, as the strongest, find their happiness where others would find their ruin. In a labyrinth, in their cruelty towards themselves and the others, in an attempt, their satisfaction is self-control: their asceticism is their nature, their need and their instinct.”<sup>18</sup>

## V.

This is not the place to debate the problem of asceticism in Nietzsche and here, together with Daniel W. Conway, we may say the following:

“Nietzsche, consequently, defends aristocratic regimes, but only while they preserve a pathos of distance, which itself enables moral development. His notorious fascination with the morals of ‘cultivation’ is similarly based on ethic preoccupations: with the preservation of a type stratification – and the pathos of distance supports the morals of ‘cultivation’ in containing the possibility of moral development.”<sup>19</sup>

An aristocratic regime of whatever kind cannot, as such, guarantee the attainment of the goal advocated by Nietzsche – what is absolutely essential is a pathos of distance. While legislative changes belong to the future and are the task of future philosophers, Nietzsche assumes the role of preserving the pathos of distance, which has today been drastically disappearing.

Examining the chronology, i.e. looking at the aforesaid from the outside, it looks like this: in *The Birth of Tragedy* Nietzsche still believes that the decadence of contemporaneity can be solved by Wagner’s recreation of the tragic spirit of Pre-Socratic Greece. Later (1886), in his *Attempt at Self-Criticism*, he regrets not daring to use “his own language”, thus spoiling “the magnificent Greek problem” instead:

“Because I have seen hope where there was nothing to hope for, where everything suggested the end all too clearly.”<sup>20</sup>

Later, in *Schopenhauer as an Educator*, Nietzsche identifies the real meaning of man’s being beyond history. The former are trying to apply the things past for the sake of man’s future in order to make the existing or the past world clear and comprehensible, and the latter are legislators (lawmakers) and order-issuing authorities, who – according to Nietzsche – determine “whither” (where to) and “wherefore” (why). Plato is the closest to this definition of a philosopher.

14  
Henning Ottmann, *Philosophie und Politik bei Nietzsche*, Walter de Gruyter, Berlin/New York 1987, pp. 242–243.

15  
Friedrich Nietzsche, *Der Antichrist*, KSA 6, p. 171.

16  
Ibid., p. 241–244.

17  
Ibid., p. 242.

18  
Ibid., p. 243.

19  
Daniel W. Conway, *Nietzsche and The Political*, Routledge, London 1997, p. 41.

20  
Friedrich Nietzsche, *Die Geburt der Tragödie*, KSA 1, p. 20.

Nietzsche believes that philosophers can be considered the ones who go to great pains in their efforts to discover just how high man can go or how far his strength can reach. Plato was such a philosopher. The purpose of philosophers is fulfilled through the work of “the legislators of the future”. How can we understand the task of “the legislators of the future” within the context of this exposition? Nietzsche’s work perhaps does contain viewpoints referring to Trasimachus’s opinion that “justice is the benefit of the stronger”, yet I think that the quote from *Zarathustra* implies something entirely different, which is in full accord with the spirit of Nietzsche’s thinking, which has been misinterpreted all too frequently.

“I do not like your cold justice: and from the eye of your judges only the executioner and his cold steel gaze.

Tell me, where is justice that is love with seeing eyes to be found?

Then devise love that bears not only all punishment but also all guilt!

Then devise justice that acquits everyone except the judges!”<sup>21</sup>

These are the attitudes that refer to what Nietzsche thinks is Christ’s original message opposed to “Paul’s Christianity”. Thus, Nietzsche places the issue of justice within the context of his doctrine of action without a purpose, which is closely connected with Heraclitus’s understanding of play and Christ’s idea of *agape*.

Much like Alexander Nehamas once said, Nietzsche wanted to be and indeed was the Plato of his own Socrates.

Translated by  
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### Nietzsche in Sachen Gerechtigkeit und Demokratie

#### **Zusammenfassung**

*Im Unterschied zum christlichen Begriff der Gerechtigkeit als einer sittlichen Tugend, wie es Thomas von Aquin zusammenfasste, als einer Einstellung, kraft deren ein Mensch festen und steten Willens jedem sein Recht zukommen lässt, erkennt Nietzsche die Herkunft der Gerechtigkeit im Ausgleich oder Kompromiss zwischen ungefähr gleich Mächtigen sowie im Zwang der weniger Mächtigen zu einem Ausgleich. Zur Untermauerung dieser Einstellung, die sich auf der Behauptung gründet, dass das Leben seinem innersten Wesen nach eine Aneignung sei bzw. dass der Wille zur Macht den Lebenswillen schlechthin ausmache, griff Nietzsche auf den von Thukydides geschilderten Dialog der Athener und Melier zurück. Der Autor kommt jedoch zu dem Schluss, dass Nietzsche nicht nur ein Denker der Macht war, sondern nach einem neuen Verständnis der Gerechtigkeit trachtete, das aus der Gesamtheit seines Denkens zu deuten sei.*

#### **Schlüsselwörter**

Gerechtigkeit, Demokratie, Friedrich Nietzsche, Wille zur Macht

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**La justice et la démocratie par Nietzsche**

**Résumé**

*A la différence du concept chrétien de la justice en tant que vertu morale, tel que l'avait énoncé Thomas d'Aquin en la définissant comme une attitude par la force de laquelle quelqu'un dont la volonté est forte reconnaît à autrui son droit, Nietzsche trouve l'origine de la justice dans la négociation de forces dont la puissance est approximativement égale ou bien dans la contrainte des moins forts à un accord. Pour présenter un tel point de vue fondé sur l'assertion que pour la vie-même l'appropriation est essentielle, en d'autres mots que la volonté de puissance est en fait le vouloir vivre, Nietzsche s'est servi de la description des Athéniens et des Méliens par Thucydide. Cependant, l'auteur aboutit à la conclusion que Nietzsche n'est pas seulement un penseur de la puissance mais qu'il cherche aussi un nouvel entendement de la justice qu'il veut expliquer par la totalité de sa pensée.*

**Mots clés**

Justice, démocratie, Friedrich Nietzsche, la volonté de puissance