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Jacob Palmer April 9, 2024

Nietzsche's Creative Superpolitics: Towards a Politics Beyond Antagonistic Legal Power

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Abstract

Nietzsche's Creative Superpolitics: Towards a Politics Beyond Antagonistic Legal Power
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The law is often exercised with violence, demanding retribution in ways that are intentionally painful. This thesis thus hopes to challenge and question the basis for such antagonistic exertions of legal power. Ultimately, I find that antagonistic modes of legal power are not only violent in their punishments but inflict grave harm on the existential state of humanity in the form of bad conscience. I begin with a genealogy of legal power that uncovers the origins of legal power in the creditor-debtor relationship, while also finding connections between the divine authority of God and the power of the state. After exposing the cruel nature of antagonistic legal power, I then turn to visions for politics that are more conducive to creative individuality and becoming. I analyze Lawrence J. Hatab's attempt at constructing a postmodern agonist democracy and find it insufficient in its attempt to move beyond antagonistic forms of legal power. I then construct my own vision for a postmodern politics with the hope of forwarding a more creative and affirmative form of sociality that liberates us from bestowed systems of power, enforced through antagonistic governance. To construct this politics, I read Nietzsche's Übermensch and new philosopher-commander as political charges to affirmatively take up modes of politics that are continually generative of something beyond themselves and beyond hierarchal modes of legal authority. I argue that such a politics would begin with the transvaluation of transcendental values, recognizing that a prior question to what our politics looks like in a substantive sense is what tropes shape our politics and how we historicize systems of power.

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Introduction: Embarking on Nietzschean Political Philosophy Today

"I say unto you: you still have chaos in yourselves."

– Friederich Nietzsche, *Thus Spoke Zarathustra*

There have been major roadblocks to viewing Nietzsche as a legitimate political theorist. Despite his undeniable popularity as a philosopher, Nietzsche's references to politics or political ideas have often been overlooked, if not overtly dismissed. There are likely many reasons why Nietzsche has struggled to be seen as a political philosopher, despite his general popularity. Two reasons in particular, however, stand out. First, for many, Nietzsche's philosophy was (and still is) seen as deeply tied to Nazism. For even modern Nietzsche scholars, "the central role that Nietzschean philosophy played in the Third Reich is an unavoidable fact."[1] While it is now generally accepted that Nietzsche himself was not a national socialist and while interpretations of Nietzsche as forwarding a pan-European philosophy have become increasingly popular, nonetheless, "it is an equally undeniable fact that the Nazis interpreted Nietzsche. They studied him assiduously, quoted him extensively, analyzed and expanded on key concepts, deemphasized others and even 'corrected' his 'mistakes.'"[2]

[1] Charles M. Yablon, "Nietzsche and the Nazis: The Impact of National Socialism on the Philosophy of Nietzsche," *Cardozo Law Review* 24, no. 2 (2003): 740.

[2] Yablon, 742. Notably, Nietzsche was not a national socialist and was in fact highly critical of German nationalism. When Nietzsche fell ill, however, his works were appropriated by his sister who was a member of the Nazi party. For a comprehensive analysis of how Nietzsche's works were abused by his sister in service of Nazi propaganda, see the introduction of David B. Allison, *Reading the New Nietzsche: The Birth of Tragedy, The Gay Science, Thus Spoke Zarathustra, and On the Genealogy of Morals* (Rowman & Littlefield Publishers, 2001).

Second, Walter Kaufmann, who established himself as one of the greatest and most influential Nietzschean thinkers of the 20th century, cemented Nietzsche's status as neither a social nor political philosopher. Kauffman instead characterized Nietzsche as a thinker "primarily concerned about the realm of Absolute Spirit, i.e., art, religion, and philosophy."[3] Kaufmann may very well have had the best intentions in such an interpretation. Possibly, he was making an effort to save Nietzsche from his own notoriety as associated with the Nazi party by disentangling Nietzsche's thoughts from politics entirely.[4] Ultimately, however, Kaufman ascribed Nietzsche's opposition to statism and liberalism to Nietzsche being a "gadfly."[5]

Because of these hurdles, Daniel Conway rightfully characterized his own early attempt at constructing a Nietzschean political philosophy as a "voyage of the damned," nearly a full century after Nietzsche had passed away.[6] His 1997 book, *Nietzsche & the Political*, was further characterized as "fight[ing] on two fronts."[7] Conway had the dual task of "simultaneously rebutting the views of the many contemporary interpreters who argue[d] that Nietzsche [was] either an anti-political philosopher or else a distinctively inferior political thinker," while at the same time "reclaiming Nietzsche's political thought from the race-theorists and Nazis who so

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[3] Walter Kaufmann, *Nietzsche: Philosopher, Psychologist, Antichrist* (Princeton: Princeton University Press, 1974), 123.

[4] Hugo Drochon, *Nietzsche's Great Politics* (Princeton: Princeton University Press, 2016), 1-2.

[5] Kaufmann, 412.

[6] Daniel W. Conway, *Nietzsche & The Political* (London: Routledge, 1997), 1.

[7] Daniel Breazeale, "Nietzsche and the Political (Review)," *Journal of the History of Philosophy* 37, no. 1 (1999): 177.

successfully appropriated it earlier in this century."[8] This struggle that Conway faced was representative of much of early Nietzschean political philosophy. Though Conway is not of particular focus in this thesis, it is important to keep in mind his sentiment that, because of these hurdles to Nietzschean political philosophy, "Nietzsche's contributions to politics, and to political philosophy, are notoriously difficult to reckon." Early Nietzschean political philosophy is thus characterized by an effort to contend with the dual tasks of recovering Nietzsche as a political philosopher and rebutting the limited set of early political interpretations of Nietzsche which were nearly exclusively forwarded by Nazis. No early Nietzschean political philosopher was able to avoid that burden. Nietzschean political philosophy thus remains fairly new, underdeveloped, and controversial, especially in comparison to other Nietzschean thought.

That being said, today, Nietzsche is more accepted as a political philosopher.[9] In fact, there is now a growing tradition of interpreting Nietzsche as a radical, pluralist democrat.[10] At

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[8] Breazeale, 177.

[9] Importantly, during the defense of this thesis, one additional concern that was brought up, which early Nietzschean political philosophy almost entirely ignored and modern Nietzschean political philosophy has yet to fully contend with, was Nietzsche's own racism. To illustrate this, Robert Bernasconi, notes that "his [Nietzsche's] antiblack racism, including his defense of colonialism and slavery, has not been given the attention it merits." For more information about Nietzsche's own antiblack racism see Robert Bernasconi, "Nietzsche as a Philosopher of Racialized Breeding" in *The Oxford Handbook of Philosophy and Race*, ed. Naomi Zack (Oxford: Oxford University Press, 2017): 54-64. Because of these concerns, George Yancy noted, during the defense, that recognizing and attending to Nietzsche's racism is necessary for any Nietzschean political philosophy so that it does not fail to take seriously questions of actual racist injustice. Though not an explicit goal of this thesis, I hope to show that Nietzsche's political philosophy can be interpreted in ways that offer insights into the liberation of people from oppression, especially as it is structurally constructed, forwarded, and maintained through the law.

[10] For reference see William Connolly, *Identity/Difference: Democratic Negotiations of Political Paradox* (Ithaca: Cornell University Press, 1991); Bonnie Honig, *Political Theory and the Displacement of Politics* (Ithaca: Cornell University Press, 1993); Lawrence J. Hatab, *A Nietzschean Defense of Democracy* (Chicago: Open Court, 1995); Alan Schrift, "Nietzsche for

the forefront of this understanding of Nietzsche's politics is Lawrence J. Hatab's *A Nietzschean Defense of Democracy*, which will receive much attention in the second chapter of this thesis. All of that is to say that this thesis is coming out of a very different philosophical climate surrounding Nietzsche. Unlike Hatab, Conway, and the other early Nietzschean political philosophers who had to lay the groundwork for even regarding Nietzsche as a political philosopher, this thesis has the luxury of building on a new body of Nietzschean philosophy that has, to a large extent, both cemented his status as a political thinker and successfully separated his thinking from the Nazi party. In the end, that means this thesis, as with all new Nietzschean political philosophy today, is no longer forced into a voyage of the damned and is instead enabled to voyage into the unknown, the still unsettled waters of Nietzschean political philosophy.

With that different philosophical context, this thesis returns to many of the questions that guided early Nietzschean political philosophy. Like Hatab, this thesis maintains the hope of finding "different answers to old questions."[11] However, instead of beginning with Hatab's

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Democracy?" *Nietzsche-Studien* 29, no. 1 (2000): 220-33; David Owen, "Equality, Democracy, and Self-Respect: Reflections on Nietzsche's Agonal Perfectionism," *Journal of Nietzsche Studies* 24, no. 1 (2002): 113-131; William Connolly, *Pluralism* (Durham: Duke University Press, 2005); Patton, Paul, "Nietzsche on Power and Democracy circa 1876–1881" in *Nietzsche as Political Philosopher*, ed. Manuel Knoll and Barry Stocker (Berlin, Boston: De Gruyter, 2014), 93-112. Needless to say, however, this interpretation of Nietzsche is by no means universally accepted. For an overview of the debates over Nietzsche's position as a democratic theorist see the collection of essays titled "Nietzsche and Democracy / Nietzsche contra Democracy" in *Nietzsche, Power, Politics: Rethinking Nietzsche's Legacy for Political Thought*, ed. Herman W. Siemens and Vasti Roodt (Berlin: Walter de Gruyter, 2008): 105-296. For a more direct response to the democratic interpretation of Nietzsche, see Frederick Appel, *Nietzsche Contra Democracy* (Ithaca: Cornell University Press, 1999).

[11] Lawrence J. Hatab, *A Nietzschean Defense of Democracy: An Experiment in Postmodern Politics* (Chicago: Open Court, 1995), 4.

foundational question of "why should one want to live in a democratic society?"[12] this thesis begins with a question much more inspired by Conway who "wishes to return to the very ground of politics itself, to excavate the site of politics, and to retrieve the founding question of politics"[13] – the question of "why should one want to live in a legal society?" Thus, by placing Nietzschean conceptions of overcoming within Nietzschean critiques of the state and law as manifestations of power, this essay hopes to challenge the presupposition that life cannot exist without coercive and violent hierarchy. For Nietzsche, life itself is endless creative striving – life is becoming. Thus, this thesis ultimately argues that the structuring of becoming via social institutions is something to be overcome.

The ultimate aim of this thesis is to recenter Nietzsche's critique of state power and legal authority within his critique of divine power and religious authority, and to further understand how Nietzsche's guidance in navigating the death of God might also provide guidance for more creative and life affirming forms of politics. The thesis thus proceeds as follows: Chapter 1, "The Antagonism of Legal Power," sets the stage for a Nietzschean political philosophy by interrogating the nature of politics and power. Chapter 1 begins in a truly Nietzschean fashion by providing a genealogical analysis of the state and the legal subject, ultimately finding that the law assumes power that is antagonistic to creative becoming in that it is restrictive, normative, and hegemonic. This genealogy further uncovers the nature of legal power as similar to divine authority, in that Nietzsche finds both these forms of authority to assume a transcendental form of power that obscures its own basis in humanity and generates bad conscience. Chapter 2,

[12] Hatab, 4.

[13] Conway, 2.

"Democracy and Antagonistic Legal Power" then analyzes the popular interpretation of Nietzsche as a radical, agonistic democrat to assess agonist democracy as a potential solution to antagonistic forms of legal power. Ultimately, this chapter concludes that agonist democracy fails to overcome the restrictive nature of antagonistic legal power in both its maintenance of transcendental power and its herd instinct. The final chapter of this thesis, "A Nietzschean Politics of Becoming," then attempts to construct a Nietzschean politics as a politics of becoming by reading the Übermensch and new philosopher-commander as political charges to affirmatively take up modes of politics that are continually generative of something beyond themselves and beyond hierarchical modes of legal authority.[14]

[14] Although it has become popular to translate the term Übermensch as "superman" or "overman," in this thesis, unless quoting a translation, I will be using the term "Übermensch" rather than "superman" or "overman" because it is a technical term that has a meaning which cannot be entirely captured by the terms "superman" or "overman." I agree with much of what Bernd Magnus has to say about both the inadequacies of the terms "superman" and "overman" and the benefits of using the term "Übermensch." To read more on the significance of the maintaining the language of "Übermensch" see the introduction of Bernd Magnus, "Perfectibility and Attitude in Nietzsche's Übermensch," *The Review of Metaphysics* 36, no. 3 (1983), 633-636.

Chapter 1: The Antagonism of Legal Power

Nietzsche famously declared the death of God. He found that in crumbling religious power and authority, humanity faced the existential crisis of finding meaning in a godless world. Nietzsche himself however warned that shadows lurk in the wake of God's death. Ultimately, this chapter argues that one such shadow is the law itself. Like divine authority, the law assumes a transcendental basis for its power that lies beyond humanity and uses its naturalization of hierarchy and monopoly on power to regulate human existence.

This chapter delves into Friedrich Nietzsche's exploration of legal power, tracing it through *Thus Spoke Zarathustra*, *The Gay Science*, and *On the Genealogy of Morality.* The first section of the chapter, "A Genealogy of Legal Authority," offers a genealogy of legal power by reconstructing Nietzsche's work on the origins and nature of the state in *On the Genealogy of Morality* and *Thus Spoke Zarathustra*. In these texts, Nietzsche ascribed the origin of legal power to the creditor-debtor relationship. His analysis exposes the necessarily insidious nature of legal power by illustrating its inherent relationship with violent punishment, its use of the law as a manifestation of its hierarchical supremacy, and its inherent bias in serving specific interests. The section continues by reconstructing the legal subject, describing the ways legal power shapes the legal subject through its allocation of prohibitions, permissions, and protections in the law. Each of these forms of law are exposed as having an insidious nature where prohibitions or regulations are shown to be duty-imposing and debt-demanding in their transactional justice, while power-conferring permissions and protections, the privileges and rights granted by the law, are shown to be sly modes of exercising power. By analyzing the web of power relations that lie

at the foundation of the law, this genealogy ultimately finds that the law is not impartial but is necessarily a manifestation of specific interests and power struggles.

In the second section, “Legal Power and Divine Power,” this chapter exposes the state’s legal power as akin to the power of divine authority. By recentering Nietzsche’s genealogical critique of the law within Nietzsche’s analysis of the death of God, this section reveals how legal power, as restrictive, normative, and hegemonic, has similar consequences to other transcendental forms of power, like religious authority, in shaping moral frameworks and human existence. The state is thus understood here as a monstrous entity, an authority that continues to wield antagonistic and transcendental power despite the death of God. This section then concludes by exposing this antagonistic form of legal power as a disruption to the fluidity of human existence, which generates guilt-ridden self-discipline. Ultimately, the state’s imposition of punishments and monopoly on constraints established through the law generates the same form of existential violence that Nietzsche finds in religious authority – bad conscience, an internal conflict of inhibitions that prevents more creative and generative modes of existence.

Through these sections, this chapter unveils the nature of legal power and cautions against its violent impositions on being. The analysis presented in this chapter exposes the underlying violence and control inherent to the legal structure and demonstrates that the law is a tool for the manipulation of moral values in the service of hierarchical modes of domination. Nietzsche’s exploration of power serves an essential role in illuminating the complex relationship between the law, the state, violence, and the divine.

1.1 A Genealogy of Legal Power

Through *On the Genealogy of Morality* and *Thus Spoke Zarathustra*, Friedrich Nietzsche offers a metaphysics of the law and the state. He finds both are rooted in hegemonic modes of power. Thus, in the state, the distinction between virtue and power collapses. Its fabricated authority is cruel in its required punishment, made to override any heteronomous interests. Ultimately, this form of legal power is antagonistic in that it comes to not merely justify violence, but itself becomes violent against that which is seen as other or hierarchically subordinate.

In *The Genealogy*, Nietzsche finds the origins of the state and the law in relations of power. He thus offers a unique analysis of the state and the law that challenges us to consider how power both shapes legal institutions and operates through them. In particular, Nietzsche's work on the creditor-debtor relationship exposes the cruel function of pain and punishment in shaping the legal subject through legal prohibitions, permissions, and protections. For him, legal power is not based on some absolute nor discrete set of principles. Instead, it always and necessarily represents some specific set of interests.

Legal power, the power to unilaterally exact punishment and payment through the law, begins, for Nietzsche, in the original "contractual relationship"– the relationship between the creditor and the debtor.[15] In this relationship, there arises an equivalence of justice and punishment. Justice becomes transactional. Nietzsche writes, "the debtor […] in order to give a guarantee for the seriousness and the sacredness of his promise […] pledges something by virtue

[15] Nietzsche, Friedrich, *On the Genealogy of Morality*. *Beyond Good and Evil / On the Genealogy of Morality*, trans. by Adrian Del Caro (Stanford: Stanford University Press, 2014), 252.

of a contract."[16] In other words, a debtor who offends a creditor thus then owes that creditor material gratification in punishment. Notably, however, this relationship is necessarily one of unequal power where one party, the debtor, is always subordinate, and their position is codified in a contract of sacred value. In this relationship where power always precedes justice, Nietzsche finds that justice not only allows but demands violent acts at the hands of the creditor. This is the logic of purely transactional justice. There is no deeper ethical dynamic. There is only a physical exchange, based solely on immediate gratification. In Nietzsche's words,

> The equivalence is provided by the fact that in place of an advantage that pays directly for the injury (thus in place of compensation in money, land or possession of any kind) the creditor is granted a kind of pleasure as repayment and compensation—the pleasure of being allowed to vent his power uninhibitedly on someone powerless.[17]

To talk about creditors and debtors is thus not just to talk about promises but to talk about revenge. Justice, for the creditor, is enacted through a monopoly of violence allowed through the power-laden contract. When a debtor promises something or owes something, they simultaneously grant the creditor a claim to punishment to back up their promise. In the contract, the authority to enact violence is that of the creditor alone. Nietzsche thus ultimately finds, "wherever justice is practiced and upheld we see a stronger power in relation to weaker ones subordinate to it."[18]

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[16] *Genealogy*, 252-253.

[17] *Genealogy*, 253.

[18] *Genealogy*, 263.

From this contract of creditors and debtors, this established monopoly on violence, we see the origins of the state's legal power. This "ancient, deep-rooted, and perhaps now no longer eradicable idea" is "as old as the existence of 'legal subjects,'" for it is this relationship of creditors and debtors that establishes the foundation for legal power.[19] The law, for Nietzsche, is just another form of social organization, no different than the contract of creditors and debtors. Justice, like the transactional rectification of "wrongs" by debtors is enacted through often violent, bloody, and cruel punishments made reasonable by their affiliation with legal power. In other words, "'justice' and 'injustice' exist only once law is established."[20] Moreover, just as the contract creates its own legitimacy, so does the law. Like the creditor-debtor contract, the law lacks an a priori foundation. It has no ideal of a perfect good nor evil that it measures up to. The foundation of the law, instead, is power itself. For Nietzsche, "the most decisive thing that supreme power does and enforces […] —as soon as it is strong enough for this—is the establishment of law, the imperative declaration generally of what in its eyes will count as permissible, as just, as forbidden and unjust."[21] Further, at the law's core lies the same logic that underpins the relationship between creditors and debtors – "each thing has its price; everything can be paid for."[22] Nietzsche thus concludes, "in legal obligation, the moral conceptual world of 'guilt,' 'conscience,' 'duty,' 'sacredness of duty' has its cradle […] thoroughly drenched, and for a long time, in blood."[23]

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[19] *Genealogy*, 252.

[20] *Genealogy*, 264.

[21] *Genealogy*, 264.

[22] *Genealogy*, 259.

[23] *Genealogy*, 254.

This violently power-laden position of the state and the law is then further developed through its administration of legal permissions. These legal rules offer a unique illustration of the violence of antagonistic forms of legal power because unlike legal obligations these rules are power-conferring – through the law they establish protections backed by legal force. This directly contrasts with legal obligations that are transactionally duty-imposing or debt-demanding, yet, like legal obligations, base their legal power on a creditor-debtor relationship. Nietzsche further illustrates that like legal prohibitions these power-conferring permissions are different from what they seem. Like obligations, which exact guilt as punishment, power-conferring permissions too have their origins "thoroughly drenched, and for a long time, in blood."[24] For Nietzsche, while punishments are enforced through crude, direct forms of violence, protections are sly forms of cruelty, created in a more mature, developed form of law. Through legal protections, justice "ends, like every good thing on earth, by sublimating itself."[25] Nietzsche continues, writing, "by turning a blind eye and letting off those unable to pay […] we know what a nice name it gives itself – 'mercy.'"[26] As creditors gain more power, minor transgressions against the law are increasingly treated as less consequential. While the creditor-debtor relationship initially required breaking the law or failing to repay a debt to be harshly punished, as creditors become powerful enough, they, the owners of violence, can start letting some transgressors walk free through their wealth of power. The "mercy" of legal permissions is thus not some beautiful quality of law but instead the ultimate expression of supremacy.

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[24] *Genealogy*, p. 254.

[25] *Genealogy*, p. 261.

[26] *Genealogy*, p. 261.

Finally, beyond permissions, the law establishes its power over a full legal subject by providing legal protections, granting the legal subject a form of security ensured through the violence of the law. Unlike those duty-imposing laws that make orders or demands, these power-conferring laws grant protections or rights, actively limiting the powers of those who are more powerful. Because these power-conferring rules protect certain behaviors and do not establish obligations that are backed by threat or punishment, they seem to move beyond the creditor-debtor relationship.

Through Nietzsche's conception of the law and legal power, however, legal protections should be seen not as protections from the unjust exercise of external powers but instead as targeted guarantees to one's own exercise of power. As the Nietzsche scholar Paul Patton points out, "there is a tendency to view rights only as limits to power and therefore only from the perspective of those over whom power is exercised."[27] In contrast, Nietzsche also asks us to conceive of and interrogate legal protections from the perspective those who exercise power. In this new light, "our rights are that part of our power that others wish us to preserve."[28] For Nietzsche, legal rights are only recognized as such when there becomes some shared beliefs over the entitlements and corresponding obligations demanded by different spheres of power. The allocation of rights is thus neither neutral nor necessarily liberatory because our rights are always decided for us. Just like legal permissions and prohibitions, legal protections are products of systems of power. They can be repealed, manipulated, or denied at a moment's notice.

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[27] Patton, Paul, "Nietzsche on Rights, Power and the Feeling of Power," *Nietzsche, Power and Politics: Rethinking Nietzsche's Legacy for Political Thought*, ed. Herman W. Siemens and Vasti Roodt (Walter de Gruyter, 2008), 481.

[28] Patton, 481.

Nietzsche's analysis of cruelty in the law demonstrates that understanding the state and the law through systems of power requires an appreciation that what is at issue is not simply how the state or the law exercises direct, brutish power over human agency but the sly, hidden ways the law strives to exercise power. Unlike prohibitions, permissions and protections are not direct restrictions on agency. While prohibitions exercise power directly by exacting violent punishments when debts fail to be fulfilled or contracts are broken, permissions and protections instead exercise a sneakier and more subtle form of power. Just as Nietzsche conceives of punishment arising from creditors wielding the authority to enact violence, thereby enhancing their power over debtors, legal permissions and protections arise from a similar authority to enact violence through the law, thereby exercising legal power by impinging upon or strategically directing the spheres of power of its citizens.

Overall, Nietzsche shows that legal prohibitions, permissions, and protections are all forms of legal power built on the debtor and creditor's contract of violence. Like the duties imposed by legal obligations or debts to be paid, the rights created through legal permissions and protections play a constitutive role in creating and shaping what we understand as an ethical or legal subject. There is a "reciprocity between rights and duties," where "our duties are the rights of others over us" and conversely, "our rights imply duties on the part of others."[29] With this reciprocal scheme of legal rights and duties, a legal subject is made. This legal subject, shaped through the law as an antagonistic and restrictive form of power, now has a complete scheme of cruel prohibitions, merciful permissions, and strategic protections. Ultimately, the original relations of power that enabled the violence of creditors against debtors are the same relations

[29] Patton, 476.

that drive political institutions, enshrining in the state the authority to exact the violence of creditors through the law.

Further, in *Thus Spoke Zarathustra*, Nietzsche again challenges us to see the ways in which the state and the law are shaped by relations of power. In this work, he analyzes the law and state in their more developed, modern form. Here, he similarly portrays the state as a monstrous entity that crushes individuality, manipulates moral values, and exploits the talents of its people. To him, it is a "cold monster," devoid of empathy, which lies and deceives, claiming to represent the people while, in reality, only ever representing specific interests. The state is not a benevolent protector but a cunning destroyer, entrapping the social body in a web of deception. In the section "On the New Idol," he writes:

> State? What is that? Well then, open your ears to me, for now I shall speak to you about the death of peoples.
>
> State is the name of the coldest of all cold monsters. Coldly it tells lies too; and this lie crawls out of its mouth: 'I, the state, am the people.' That is a lie![30]

Nietzsche's critique is explicit. Through the vivid imagery and striking metaphors characteristic of *Thus Spoke Zarathustra*, Nietzsche offers a scathing critique of the state that illustrates its dehumanizing influence and exposes its manipulative tactics. By metaphorizing the state as "the coldest of all cold monsters," Nietzsche paints an image of the state as a frigid and heartless creature, lacking compassion in its ruthless pursuit of control.[31] Through the imagery, Nietzsche

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[30] Friedrich Nietzsche, *Thus Spoke Zarathustra*. *The Portable Nietzsche*, ed. and trans. Walter Kaufmann (London: Penguin Books, 1982), 103-439.

[31] *Zarathustra*, 160.

is offering an illustration of the state as indifferent to the suffering and individuality of its citizens in its cold, deceitful, and parasitic nature.

Key to the state's power are its manipulative tactics of homogenization. Nietzsche argues that the state, in its quest for control, imposes a uniform way of life, pushing its citizens towards specific modes of being, unilaterally restricting how its people must necessarily exist. This is only made possible through its lies and deceit, such as when it proclaims, "I, the state, am the people."[32] In that call, the state imposes a uniformity to its people, threatened and enforced through the violence of the law. This lie is the state's ultimate attempt at disguising the seizure and control of its populace by displacing the identity of the state itself onto the social body. It establishes a singular moral code through the law, disregarding the nuanced ethical frameworks of individuals or their communities, eroding authentic expressions of creative individuality. This is the most ultimate and dangerous form of homogenization.

Nietzsche continues "On the New Idol" by arguing that the state's lies corrupt and seduce its people. Through its allocation of prohibitions, permissions, and protections, the state co-opts the power of its people and denies anything that might undermine its basis of power. He writes:

> [The state] has invented its own language of customs and rights. But the state tells lies in all the tongues of good and evil; and whatever it says it lies—and whatever it has it has stolen. Everything about it is false; it bites with stolen teeth, and bites easily. Even its entrails are false.[33]

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[32] *Zarathustra*, 160.

[33] *Zarathustra*, 161.

In its lies, the state appropriates. Through the law, its "language of customs and rights," it steals from its people, using them as mere instruments for its power.[34] The state falsely claims to be the embodiment of the people, using the language of good and evil to distort the customs and rights of its people. It "lures them, the all-too-many—and […] it devours them, chews them, and ruminates!"[35] The very foundations of state-imposed laws, as rooted in the relationship of the creditor and debtor, are not the realization of genuine human values but are, in fact, a manipulative force to realize power. The law becomes legitimate through governance by deceit.

This exploitation of the customs, values, and lives of its people diminishes not only the uniqueness of each individual but reduces each one to a mere tool for the state through its parasitic control. He thus concludes, "the state […] signifies the will to death […] it beckons to the preachers of death," referring to those individuals and entities that promote values, ideologies, and systems of stagnation and conformity.[36] The preachers of death thus suppress the possibility of creatively affirming life, in chasing the power and preaching the ideology of authoritative control:

> Behold the superfluous! They steal the works of the inventors and the treasures of the sages for themselves; 'education' they call their theft […] They are always sick; they vomit their gall and call it a newspaper. […] They gather riches and become poorer with them. They want power and first the lever of power, much money.[37]

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[34] *Zarathustra*, 161.

[35] *Zarathustra*, 161.

[36] *Zarathustra*, 161.

[37] *Zarathustra*, 162.

Like "swift monkeys," the preachers of death, the superfluous "clamber over one another" in the chaos and disorder of the state, ruthlessly competing for power and influence.[38] The state thus beckons its own internal struggles for dominance that in many ways deteriorate any notion of ethical values. The prohibitions, permissions, and protections that construct the legal subject, for example, are always malleable, but it is precisely in that struggle of power that lies at both the origin and continuation of legal power that the lack of an ethical, metaphysical, or transcendental base for hierarchical control is exposed.

In summary, analyzing the relationship between power, the state, and the law, as depicted in Nietzsche's works *On the Genealogy of Morality* and *Thus Spoke Zarathustra*, reveals the profound ways in which legal power restricts creativity and human agency. First, in *The Genealogy* Nietzsche looks at legal prohibitions, permissions, and protections to illuminate the inherently violent nature of the law. Legal prohibitions stemming from the creditor-debtor relationship are marked by the imposition of violent punishment and the exercise of brutish power. Legal permissions, seemingly merciful, are, in reality, also expressions of supremacy. It is through permissions that the law shows its monopoly on power in mercy, choosing to overlook transgressions as it sees fit. Finally, legal protections are manifestations of power as well. While appearing to safeguard individual rights, legal protections are, in actuality, strategic allocations of power, serving the interests of those in control. This intricate web of power relations underscores Nietzsche's hope to illuminate that the law is not a neutral arbiter but a manifestation of specific interests and power struggles. In all facets of the law and all its distinct

[38] *Zarathustra*, 162.

ways of ruling the legal subject, it is the manifestation, preservation, and continued realization of power that is of central importance.

Similarly, in *Zarathustra*, Nietzsche exposes the state as a deceptive, parasitic entity that manipulates moral values, exploits its citizens, and extinguishes individuality. The state, represented as a cold monster, deceives its people by claiming to be their embodiment. Through lies and coercion, it imposes a uniform way of life, eroding genuine expressions of morality and reducing individuals to tools for its own power. The state's influence extends to preachers of death, individuals who mindlessly follow its ideology, engaging in ruthless competition for power and influence.

Ultimately, the origin of legal power in creditors and debtors is inseparable from the exercise of violence and control. The law, according to Nietzsche, emerges from these relations of power, shaping human consciousness and ethical frameworks. The state becomes a cold, manipulative force that subjugates a social body, homogenizes uniqueness, and stifles authentic expressions of individuality.

1.2 Legal Power and Divine Power

Like the divine power of God, the legal power of the state finds its origins in humanity but obscures those origins by grounding its power beyond the realm of the ontic and the exchangeable – the realm of creditors and debtors. It is thus essential to understand the state as it relates to divine authority more generally in Nietzsche's works and, most notably, how it relates to the ultimate fall of sacrality – the death of God. This profound moment is brought up throughout Nietzsche's works, receiving particular emphasis in *Thus Spoke Zarathustra* and *The*

Gay Science, where it symbolizes a radical shift in human consciousness and normative conceptions of truth and morality.

In *Thus Spoke Zarathustra*, Nietzsche presents Zarathustra as a prophet, heralding the death of God. In the prologue, Zarathustra, inspired by the sun, decides to "descend to the depths" and "bring light to the underworld."[39] In Zarathustra's address to the sun, Nietzsche underscores that, like the sun, Zarathustra's purpose is the illumination of others and the cultivation of new ways of life. In his journey down the mountain, he leaves his solitary life in the cave, first encountering a saint who is similarly living alone. The saint warns Zarathustra that he must not descend to the people, for "man is for me too imperfect a thing."[40] Nevertheless, Zarathustra insists, "I love man."[41] Here, Zarathustra is quick to point out that this is not some sentimental affection but a profound desire to impart transformative knowledge to elevate the human. Zarathustra "give[s] no alms," instead, he "bring[s] men a gift."[42] The saint continues to warn Zarathustra, saying, "I go into the forest […] because I loved man all-too-much," continuing, "now I love God; man I love not. […] Love of man would kill me."[43] It is here, through Zarathustra, that Nietzsche famously proclaims that God is dead. Zarathustra ends the chapter, speaking "to his heart," "could it be possible? This old saint in the forest has not yet heard anything of this, that God is dead!"[44]

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[39] *Zarathustra*, 122.

[40] *Zarathustra*, 123.

[41] *Zarathustra*, 123.

[42] *Zarathustra*, 123.

[43] *Zarathustra*, 123.

[44] *Zarathustra*, 123.

Here, the death of God signifies the decline of traditional religious and moral certainties, which leaves humanity in a state of existential crisis. The saint's unawareness or active denial of God's demise reflects the widespread, pervasive influence of traditional religious dogmas and the attachment to transcendental truths even in the wake of God's death. Nietzsche's questioning tone reflects his incredulity at the saint's ignorance, while at the same time the saint's lack of awareness serves as an illustration of an almost willful resistance to this paradigmatic shift. Zarathustra's gift that he wishes to bring to humanity is the knowledge that with the decline of religious, transcendental purpose, it is now up to humanity itself to give life meaning by rising above the all-too-human. However, even in his first interaction with humanity in meeting the saint, Zarathustra sees that "God is dead; but given the way of men, there may still be caves for thousands of years in which his shadow will be shown"[45]

In *The Gay Science*, Nietzsche similarly describes how, despite the death of God, there remains a spirituality to modernity. The existential crisis that accompanies the death of God is illustrated through the section on the madman. The madman, much like Zarathustra, declares the death of God to a disbelieving crowd who in many ways resembles the saint in *Zarathustra*. The passage begins with a striking image: the madman lighting a lantern in the bright morning hours and proclaiming, "I seek God! I seek God!"[46] As the madman's cry reverberates through the marketplace, he is laughed at, he is questioned, and he is feared. The madman's pivotal declaration follows: "Whither is God? […] I will tell you. We have killed him—you and I. All of

[45] Friedrich Nietzsche, *The Gay Science: With a Prelude in Rhymes and an Appendix of Songs*, translated by Walter Kaufmann (Vintage Books, 1974), 167.

[46] *Gay Science*, 181.

us are his murderers."[47] Here, Nietzsche places the blame for God's demise squarely on the shoulders of humanity, emphasizing the collective responsibility. As in *Zarathustra*, the death of God signifies the decline of traditional religious beliefs in the face of the new social circumstances built on empirical, enlightenment philosophy – we killed God when we "unchained this earth from its sun."[48]

With the death of God, humanity is left to confront itself and the material origins of the values it holds, unable to grapple any longer with the transcendental guidance that once existed beyond humanity. The madman's irrational act of lighting a lantern to search for God in broad daylight serves as a clear illustration of the human pursuit of meaning in a godless world and the attachment to the seemingly illuminating direction that is provided by transcendental guidance and metaphysical certainties. This irrational quest mirrors humanity's existential quest for purpose in a universe where traditional religious narratives are losing their grip and humanity is losing direction. Nietzsche continues:

> Are we not plunging continually? Backward, sideward, forward, in all directions? Is there still any up or down? Are we not straying as through an infinite nothing? Do we not feel the breath of empty space? Has it not become colder? Is not night continually closing in on us? Do we not need to light lanterns in the morning?[49]

Without divine, transcendental, or metaphysical standards, humanity is lost in a moral-less void, a vast emptiness that demands to be filled. The traditional notions of good and evil, once dictated

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[47] *Gay Science*, 181.

[48] *Gay Science*, 181.

[49] *Gay Science*, 181.

by religious doctrines, are now open to interpretation, pulled in all directions. In God, there were guarantees like the punishment of the wicked and the rewarding of the good. Thus, the death of God is also the end of divine salvation in heaven and the end of eternal damnation in hell. However, as in *Zarathustra*, Nietzsche's analysis of the death of God in *The Gay Science* has "come too early," as "this tremendous event is still on its way."[50] Thus, the madman asks, "what festivals of atonement, what sacred games shall we have to invent?"[51]

Here, it is now essential to place the state and its legal authority within Nietzsche's discussion of the death of God. For him, in the death of God, our lost spirituality finds new objects of sacrality in festivals of atonement and sacred games that are built on God's shadows. One such shadow, I argue, is the legal authority of the state. In *Thus Spoke Zarathustra* the religious language that Nietzsche uses in his description of the state is hugely significant, and the associations he makes between divine power and legal power must not be overlooked. Ultimately, I argue that, like God, the state too produces a melancholic attachment to creativity, uniqueness, and individuality. Through the law, the state limits existence to the hierarchical ideologies at the core of its foundation.

To begin, "On the New Idol," makes several references to the state as God. Even in its title, "On the New Idol," references the state as having a role similar to that of a divine authority. Idols, as images or representations of God, are objects of worship with value that is based immaterially and transcendentally. The state, for Nietzsche, is no different. It demands religious adherence to its codes of law that are built on presumed and fixed notions of right and wrong.

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[50] *Gay Science*, 182.

[51] *Gay Science*, 181.

Nietzsche makes this connection even more explicit when he continues the section, writing, "'on earth there is nothing greater than I: the ordering finger of God am I'—thus roars the monster."[52] The state, as a monstrous entity, arrogantly claims its own authority. It is a beast that roars with self-importance, asserting its power over everything on Earth. The state, in its self-established authority, is an egotistical and tyrannical force that obscures its own origins in humanity. The state, as akin to God, seduces the masses through its transcendental values that provide clear and established direction and purpose to life. Even those who have moved beyond traditional religious beliefs are not immune from its religious power; the state co-opts them for its own purposes, for "indeed, it detects you too, you vanquishers of the old god."[53] Overall, the state is a new idol, a figure that assumes transcendental power that mirrors the power of God.

The substantive similarities between the state's transcendental legal power and the divine power of God is further illustrated in *The Genealogy* with Nietzsche's discussion of bad conscience. In the original contract of violence between creditors and debtors, the law gains its ability to punish. Through the contract, consciousness becomes disciplinary. Nietzsche explains, "precisely here what matters is making a memory for the one who promises; precisely here, we may suspect, there will be a trove of harsh, cruel, painful things."[54] The contract of law, by exacting pain, teaches what is sinful and when one ought to feel guilt. Nietzsche characterizes the punishment of the debtor as forcing a "turn inward," where guilt shapes consciousness.[55]

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[52] *Zarathustra*, 161.

[53] *Zarathustra*, 161.

[54] *Genealogy*, 252.

[55] *Genealogy*, 252.

Thus, in this contract, consciousness arises as a form of disciplining, telling us to act only in ways that are in accordance with what is acceptable under political or religious law.

This shaping of consciousness lies at the center of the law's cruelty. The law, through power backed by force, manipulates consciousness through its allocation of guilt and responsibility. The transcendental power the state wields through the law is disruptive to being itself, riddling existence with guilt. Nietzsche thus finds, "legal circumstances can always be only exceptional circumstances, as partial restriction of the actual will to life"[56] The internalization of its rules ultimately generates a "bad conscience," a psychological landscape where the human suffers from its own actions and desires.[57] Bad conscience emerges as a fundamental transformation in human experience, a momentous shift where the human now finds itself trapped within the confines of religious and political law. It is an internal conflict wherein existence itself is forced to confront and restrain itself in light of external obstacles. He writes:

> Those terrible bulwarks with which the state apparatus protected itself against the old instincts of freedom […] managed to turn all those instincts of the wild, free, roaming human beings backward against human beings themselves. […] all of that turning against the possessors of such instincts: that is the origin of "bad conscience.[58]

Bad conscience is the internalization and repression of human instincts and desires. This internalization, driven by societal constraints and the state apparatus, leads to self-persecution,

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[56] *Genealogy*, 264.

[57] *Genealogy*, 272.

[58] *Genealogy*, 273.

cruelty, and an innate sense of uneasiness. The state, in its efforts to protect itself, redirects these instincts backward, resulting in the internal conflict that Nietzsche sees as defining the human experience – the conflict of repressed desire against transcendental power. The state's imposition of punishments through the law serves as a bulwark, turning humanity's creative freedom against itself. He thus warns:

> I regard bad conscience as the deep sickness to which humans had to succumb under the pressure of that most fundamental of all changes they could ever experience-that change of finding themselves locked once and for all under the spell of society and peace. […] All at once all of their instincts were devalued and 'disconnected.' From now on they would have to go on foot and 'carry themselves.'[59]

Like cruel guilt, which "has its origin in the very material concept 'debt,'" bad conscience serves a highly specific function in shaping the human.[60] It is the point at which the inner, psychological realm inhibits the ways in which we want to or need to act materially. Bad conscience, as rooted in the existential guilt of the debtor-creditor relationship, is not a feeling of guilt regarding something specific that has been done but instead a feeling of guilt regarding existence itself. It is metaphysical guilt, inseparable from the metaphysics of the law and the state, shaped through punishment.

In these passages, Nietzsche, in contrast to conventional views of the law, portrays the law not merely as a political or legal authority but as an antagonistic authority that manages

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[59] *Genealogy*, 272.

[60] *Genealogy*, 251.

humanity's psychological and existential state. Navigating the state's legal authority in Nietzschean terms is thus just as much about navigating the internal conflict caused by the law's internalization of restrictive modes of existence. The insidious and antagonistic nature of legal power is that it does not merely impose rules over humanity but also imposes a universal state of self-subjugation, where humanity, "stretched between two membranes," must reconcile its own limitless, creative internal world with the restrictions of the external world, leaving only a conflicted consciousness that strives to realize its creative potentiality.[61] This, for Nietzsche, is "the greatest and uncanniest sickness […] the suffering of humans from humans, from themselves."[62]

Ultimately, in Nietzsche's exploration of the power of God and the state, we find that hierarchical and transcendentally justified power is insidious in its development of endemic bad conscience. The state, as an entity that assumes a mantle similar to God's, represents humanity's inability to grapple with the void of potentiality. It is through the state, just as through God, that humanity is riddled with cruel guilt. In bad conscience, a psychological landscape shaped by the state, creativity is inhibited and forced to turn inward in light of legal constraints that are backed by force. The law, acting as an extension of power, leaves individuals stretched between their boundless internal world and external restrictions.

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[61] *Genealogy*, 273.

[62] *Genealogy*, 273.

1.3 Conclusion: Towards a Politics Beyond Antagonistic Power

Nietzsche characterizes the death of God, the fall of religious value and the authority of religious institutions, as opening possibilities for challenging life-denying, spiritualized modes of being, enabling more creative, joyful forms of existence. However, transcendental forms of power exist outside of just religious authority, as evident by the transcendental authority of the state as well. Thus, just as Nietzsche calls for us to see the death of God as a moment of possibility, through which we can cultivate more generative modes of being, we should similarly see fractures and holes in the nation-state's legal power not as moments for the mere negation of the state or statism itself, but instead as generative moments, through which we can find more life-affirming forms of relationality outside restrictive modes of law.

Through *Genealogy*, *Zarathustra*, and *The Gay Science*, Nietzsche is making a far-reaching critique. In analyzing our relationship with suffering and punishment, he criticizes our conception of life, freedom, virtue, and power. Nietzsche shows us that the history of legal power is one of violence. In the original debtor-creditor relationship, legal power was made formal and enforceable. In its refinement through the creation of community, legal power became a hegemonic tool of violence and cruelty. Legal power is used to regulate existence itself. Its restrictive impositions on being are a direct refusal to embrace the chance of life and all its creative potential. It is the ultimate form of nihilism that demands homogeneity in the name of legal subjectivity, which lacks any meaningful basis in reality beyond mere dynamics of power.

Nietzsche's critique exposes the insidious nature of legal power, not merely as a political or legal authority, but as a force that shapes the existential state of humanity. The state's ability to exact punishment, much like God's, creates a universal state of self-mastery, leaving individuals stretched between their boundless internal world and external restrictions. Beyond

these existential implications, this violence that legal power imposes on its being itself is materially dangerous as well. The law is constantly regulating who is included, who belongs, and who is the enemy. Political hostility thus legitimizes itself through the spiritualization of difference in the law, creating enemies against whom punishment is not only allowed but often demanded under the law.

Faced with a morality and bad conscience corrupted by legal power, transformed into hegemonic tools of violence, the question then becomes, what are we to do with the law? The following chapters will take up this task, exploring what it might mean to search for more generative forms of being, just as Nietzsche did in the death of God.

Chapter 2: Democracy and Antagonistic Legal Power

One interpretation of a Nietzschean politics that has seen growing popularity has been to view Nietzsche as a radical democrat.[63] This interpretation of Nietzsche is often used to forward a vision of politics that overcomes Nietzschean critique, envisioning Nietzschean democracy as a form of politics beyond institutions as we often conceive of them. The goal of this section is to explicate and analyze the democratic interpretation of Nietzsche forwarded by the most prolific and frequently cited defender of Nietzschean agonistic democracy – Lawrence J. Hatab. Of central focus in this chapter will be Hatab's *A Nietzschean Defense of Democracy: An Experiment in Postmodern Politics*. In this work, Hatab uses Nietzsche to forward a vision of politics where it is a site of continual struggle and contestation between diverse worldviews in a democratic arena.

Nietzsche's critiques of democracy take up a significant portion of his philosophical discourse. While Nietzsche's writings appear seemingly critical of democracy, scholars like Hatab present an alternative perspective, contending that Nietzsche not only tolerates but favors democratic ideals. The first section of this chapter, "Hatab's Nietzschean Democracy" delves into Hatab's defense of democracy and its philosophical maneuvers. In political philosophy, democracy often stands as a cornerstone of liberal ideals, rooted in notions of equal rights and self-governance. Nietzsche was notoriously critical of these liberal foundations, but nonetheless, Hatab seeks to interpret Nietzsche's philosophy in a democratic light. *A Nietzschean Defense of Democracy* thus ends up challenging traditional conceptions of democracy by reconstructing it

[63] See footnote 8.

on Nietzschean foundations. Hatab contends that Nietzsche's critiques of enlightenment thought and his rejection of absolute knowledge provide a perfect foundation for a democratic politics. By examining three core Nietzschean themes – the celebration of the Greek agōn, the rejection of absolute knowledge in favor of perspectivism, and the suspicion of epistemic confidence – Hatab puts forward a vision of democracy as an agonistic contest of diverse perspectives. This section delves into Hatab's arguments, exploring how these Nietzschean principles could be used to contribute to a vibrant, inclusive, and constantly evolving postmodern political practice.

The second section of this chapter, "Democracy as an Antagonistic Legal Regime," challenges Hatab's defense of a Nietzschean democracy by applying the critique of legal power constructed in the first chapter to Hatab's agonist democracy. This section more specifically analyzes the philosophical moves Hatab makes to preempt Nietzschean critiques of democracy. The first move centers on how reconstructing democracy within Nietzschean terms insulates democracy from Nietzsche's critiques. The second involves a pragmatic approach, wherein Hatab asserts that his interpretation of Nietzsche provides practical guidance for contemporary politics. Though Hatab is successful at insulating his politics from Nietzsche's critiques of liberal egalitarianism, I ultimately find that Hatab's pragmatic approach and the procedural adjustments he forwards sidestep the broader issue of coercive legal power, which, as shown in the first chapter, should stand as a central preoccupation in any interpretation of Nietzsche's understanding of politics. Though Hatab's suggestions for democracy offer important guidance on ways to materially improve democratic decision making and make democracy more Nietzschean, Hatab's Nietzschean democracy cannot overcome the intrinsically antagonistic structures of legal authority that Nietzsche finds to be life denying in their cultivation of bad conscience. This section thus concludes that Nietzsche's critiques of legal authority, as it

particularly manifest in democracy, extends beyond mere procedural adjustments. The essence of hierarchical coercive legal power, whether administrated by aristocrats or an agonistic public, persists in its hierarchical coerciveness. Despite Hatab's attempt to redefine democracy in Nietzschean terms, Nietzsche's concerns endure. The alignment of democratic principles with a herd instinct, rooted in religious foundations, leads to the conclusion that democracy, even in an agonistic and postmodern form, nonetheless perpetuates the violence of state power under the guise of democratic legitimacy.

2.1 Hatab's Nietzschean Democracy

Democracy is often justified on liberal conceptions of equal rights and self-governance, where all people, by virtue of their humanity, ought to be recognized as independent rational agents imbued with inalienable rights. In *A Nietzschean Defense of Democracy: An Experiment in Postmodern Politics*, Hatab uses Nietzsche to forward a vision of politics where it is a site of continual struggle and contestation between diverse worldviews in a democratic arena. Hatab is notably not attempting to argue that Nietzsche himself should be read as an advocate of democracy. Hatab instead attempts to offer a new conception of "postmodern" democracy that, rather than resting on liberal notions of equality, is founded on Nietzschean notions of struggle and difference. Hatab's project can thus be understood less as an attempt to uncover Nietzsche as a political philosopher, and more as an attempt to construct "a Nietzschean orientation to political practice."[64] Hatab thus argues that Nietzsche ultimately "should have preferred

[64] Hatab, 4.

democracy […] in the spirit of his own thinking," finding his celebration of perspectivism and Greek agonism to be amenable to democratic politics.[65]

Hatab finds that there are three core Nietzschean themes that are cohesive with, if not themselves, fundamental principles of democracy – Nietzsche's celebration of the Greek *agōn*, Nietzsche's rejection of absolute and objective knowledge, and Nietzsche's suspicion of epistemic confidence. For Hatab, Nietzsche's praise for Greek agonism, his preference for perspectivism over a priori knowledge, and his openness to epistemic uncertainty, converge in a postmodern vision of democracy, where political life is more vibrant, inclusive, creative, and life-affirming than that of political projects grounded in traditional western, liberal foundations.

First, Hatab stresses Nietzsche's analysis of the Greek *agōn*, the contest for excellence in Greek cultural pursuits, as a central point of Nietzsche's political philosophy.[66] In Nietzsche's *Homer's Contest*, Hatab sees Nietzsche applauding the celebration of excellence in Ancient Greek contests. In this short, unpublished text, Nietzsche offers high praise of the *agōn*, contrasting the Hellenic celebration of talent developed through struggle with both "modern man […] crossed everywhere by infinity" and the "pre-Homeric abyss of a gruesome savagery of hatred and pleasure in destruction."[67] Nietzsche saw the *agōn* as a middle ground – a contest that

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[65] Hatab, 3.

[66] Hatab, 61. Hatab, further explaining the *agōn*, continues on page 61 writing, "the *agōn* can be understood as a ritualized expression of an overall world view that characterized so much of Greek myth, poetry, and philosophy: namely, the world seen as an arena for the struggle of opposing forces. We find this agonistic relationship depicted in Hesiod's *Theogony*, in Homer's *Iliad*, in Greek tragedy, and in philosophers such as Anaximander and Heraclitus."

[67] Friedrich Nietzsche, "Homor's Contest," *On the Genealogy of Morality* Revised Student Edition, ed. Keith Ansell-Pearson, trans. Carol Diethe, (Cambridge: Cambridge University Press, 2007), 179.

appreciated and cultivated individuality, without lapsing into anarchic fights for power. For Nietzsche, the celebration of contest in Ancient Greece was a celebration of difference. Hatab thus concludes that a Nietzschean politics, with an "agonistic spirit" oriented like the Greek *agōn*, would offer "a proliferation of excellence by preventing stagnation, dissimulation, and uniform control."[68] For Hatab, democracy is amicable to, if not itself already, this agonist form of governance. He writes, "democratic practice can be understood in the following way: Political judgements are not preordained or dictated; outcomes depend upon a contest of speeches, where one view *wins* and other views *lose* in a tabulation of votes."[69]

It is important to note that Hatab is very intentional in decoupling the celebration of an agonistic contest of ideas from a celebration of conflict or struggle writ large. He forwards a very specific vision of agonist democracy, where it is as an "oscillation of order and disorder."[70] In Hatab's agonistic government, contest and order are co-constitutive. Contest generates order out of synthesis and consensus, but order is always and must always be contestable: "democracy requires the agreement that political decisions will be binding, nevertheless disagreement and differences are in a global sense the sine qua non of democratic politics."[71] Hatab thus finds, "the 'negativity' of the agon, therefore, is nothing like a void, absence, or disintegration, but a dynamic that can be and is productive of positive consequences."[72]

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[68] Hatab, 62.

[69] Hatab, 63

[70] Hatab, 86.

[71] Hatab, 86.

[72] Hatab, 87.

Next, Hatab finds that Nietzsche's critique of truth and objective knowledge opens up a kind of "perspectivism" that is amenable to democracy.[73] This critique of absolute truth is a cornerstone of Nietzsche's works. For example, his critique of absolute knowledge is outlined in *The Gay Science*, where Nietzsche attributes all knowledge to perspectival perception and worldly interpretation. He writes, "we who think and feel at the same time are those who really continually fashion something that had not been there before: the whole eternally growing world of valuations, colors, accents, perspectives, scales, affirmations, and negations."[74] For Nietzsche, identification is classification. The separation of the world into discrete parts and entities is not a truth-seeking enterprise but an organizational way of classifying appearances. To him, reality is continually swirling and chaotic, but we attempt to pin it down through identification with names and qualification with attributes which lack any basis beyond mere convention. For Nietzsche, the world is always conditioned, continually poetically and artistically colored by humanity. In *The Gay Science*, he further explains that "this poem that we have invented […] translates everything into flesh and actuality, into the everyday."[75] In other words, in addition to each individual being their own interpreter who continually makes something that did not previously exist and does not exist absolutely, humanity also perceives the world through habituated understandings of reality. Ultimately, Nietzsche sees that we do not see or experience the world as it is, we see and experience the world as it appears to us, filtered by all of the ideological baggage carried by being a part of humanity.

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[73] Hatab, 64.

[74] *Gay Science*, 241-242.

[75] *Gay Science*, 232.

Hatab further argues that Nietzsche's critique of absolute knowledge should be understood as suggesting a "life realism" which he distinguishes from mere skepticism or crude relativism. For Hatab, Nietzsche's critique of a priori truths still allows for an understanding of truth, so long as that conception of truth has been "purged of metaphysical foundationalism."[76] For Hatab, this leads to a "modest, pluralized, and contingent perspectivism."[77] Hatab characterizes such an understanding of truth as one that is "variable, historical, and born out of human interests," without being "false, arbitrary, or uncritical."[78] To justify such an interpretation, Hatab points to a section in *The Genealogy* where Nietzsche, critiquing Kantian notions of pure reason, writes "there is only a perspectival seeing, only a perspectival 'knowing'; and the more affects we allow to express themselves on a given thing, the more eyes, different eyes we know how to engage for the same thing, the more perfect will be our 'concept' of this thing, our 'objectivity.'"[79] Hatab additionally cites a passage from *Beyond Good and Evil*, where Nietzsche writes the genuine philosopher must "have to have been a critic and skeptic and dogmatist and historian and moreover poet and collector and traveler and riddle-guesser and moralist and seer and 'free spirit' and nearly everything […] to *be able* to gaze with many kinds of eyes and consciences from the heights into every distance."[80] For Hatab, Nietzsche's critique of truth is "best restricted to traditional models of truth and knowledge."[81] A Nietzschean

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[76] Hatab, 146.

[77] Hatab, 146.

[78] Hatab, 146.

[79] *Genealogy*, 308.

[80] *Beyond Good and Evil*, 114-115.

[81] Hatab, 150.

understanding of truth is thus possible, but only when one "pass[es] through the whole range of human values […] to be able to see with many different eyes."[82]

For Hatab, this rejection of absolute, a priori knowledge and this openness to perspectivist "life realism," "reinforce the aptness and dynamics of a democratic contest of speeches."[83] He argues that like Nietzsche's critique of absolute truth, democracy is built on the following ideas: "that my beliefs are not absolute, that I do not have a lock on the truth, that other views might have some merit and might even improve upon my view in some way."[84] Hatab thus understands agonist democracy as "intrinsically perspectival," and similar finds "the kind of perspectivism championed by Nietzsche […] best exemplified and least ignored in a democratic society."[85] Further, this perspectivism is what makes agonist democracy distinct from liberal democracy to Hatab. He writes, "election and other voting formats need not be designated as anything more than *decision procedures* in matters that are globally *undecidable.* […] We can forgo the belief that the majority viewpoint is in any substantial way 'better' than minority viewpoints."[86] In this way, the agonist public sphere is a "postmodern alternative" to the "traditional models" and "assumptions" of democracy.[87]

The third theme of Nietzsche's works that Hatab finds amenable to democracy is Nietzsche's suspicion of epistemic confidence. This theme receives the least amount of attention

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[82] Hatab 147, citing *Beyond Good and Evil*.

[83] Hatab, 64.

[84] Hatab, 66.

[85] Hatab, 162.

[86] Hatab, 65.

[87] Hatab, 65.

in Hatab's book, likely because is heavily related to Nietzsche's rejection of objective knowledge and has many similar textual bases. The more nuanced argument that Hatab does make here is that in addition to Nietzsche's general critique of objective truths, Hatab finds Nietzsche to critique certainty in knowledge itself. Hatab pulls from Nietzsche to argue that regardless of the specific claims we are making, the knowledge we have of those claims will itself always be imperfect and subject to suspicion. For this argument, Hatab looks to Nietzsche's critique of Platonic metaphysics where Nietzsche criticizes Plato as dogmatic, "know[ing] what is true, what God is, what the goal is, what the way is."[88] For Hatab a Nietzschean politics would, in contrast, instead entail a "duty to suspicion today, to squint maliciously out of every abyss of suspicion."[89] Hatab argues that this politics of suspicion leads to the "radical openness and pluralism of democracy."[90] He further writes, "democracy shows itself to be a politics of suspicion […] to unmask unwarranted fixtures wherever they may reign – even, and especially, within democracy itself."[91] He contrasts this with a politics of "hierarchical confidence" where "it is confidence in truth that lends itself so easily to hierarchy and exclusion of the Other."[92]

Ultimately, Hatab's defense of a Nietzschean agonistic democracy attempts to reconstruct democracy on Nietzschean foundations, while challenging conventional notions of political governance. By delving into three core Nietzschean themes – the celebration of the Greek agōn, the rejection of absolute knowledge in favor of perspectivism, and the suspicion of epistemic

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[88] Hatab, 72, citing *The Will to Powe*.

[89] Hatab, 70, citing *Beyond Good and Evil*.

[90] Hatab, 73.

[91] Hatab, 74.

[92] Hatab, 71.

confidence – Hatab reconceives democracy in Nietzschean terms. Hatab's emphasis on the Greek *agōn* as a central point in Nietzsche's political philosophy underscores the importance of struggle and contestation in political life, furthering a conception of democracy where politics is rises above a mere clash of conflicting ideas, to a forum where contest and order are co-constitutive. Nietzsche's rejection of absolute knowledge leads to the idea of perspectivism, a life realism that embraces a pluralized and contingent understanding of truth. Hatab argues that this rejection aligns with the democratic principle that beliefs are not absolute, recognizing the merit of all perspectives. Finally, Hatab explores Nietzsche's suspicion of epistemic confidence, emphasizing the duty to be suspicious, challenging unwarranted fixtures. This politics of suspicion, he contends, contributes to the radical openness and pluralism inherent to democracy. By contrasting it with a politics of hierarchical confidence, Hatab underscores the potential for democracy to unmask and address issues even within its own framework. In essence, Hatab's *Nietzschean Defense of Democracy* advocates for a political landscape where struggle, perspectivism, and suspicion are not only acknowledged but embraced as vital components. By weaving these Nietzschean themes into the fabric of democracy, Hatab presents a compelling vision of a postmodern political practice that is vibrant, inclusive, and constantly evolving.

Hatab's argument for Nietzschean agonist democracy thus concludes that because there are no certain truths and because no human can ever by fully knowledgeable or confident in their knowledge, there must be a continual, agonistic contest of perspectives, open to all people, which drives political decision making. For Hatab this is a governance that is "ungrounded" and

"perspectival" with "uncertainty" and "conflict."[93] Ultimately, "its contentious environment makes democracy not only more open, but also more dynamic, productive, and creative."[94]

2.2 Democracy as an Antagonistic Legal Regime

Nietzsche's critiques of democracy are a cornerstone of his writing. Despite this, scholars like Hatab find Nietzsche's writing not only amenable to democracy, but in favor of it. Anticipating arguments that Nietzsche should be read as critical of democracy, Hatab makes philosophical moves to defend his democratic interpretation of Nietzsche from Nietzschean critiques of democracy. Hatab most notably argues that his interpretation of Nietzsche rebuilds democracy in Nietzschean terms, so Nietzsche's critiques of democracy would thus no longer apply. I find that Hatab's argument, while possibly saving his interpretation of democracy from Nietzschean critiques of liberal democracy, ultimately fails to insulate his interpretation from Nietzschean critiques of law, particularly as a form of antagonistic and coercive power. Similarly, Hatab's pragmatic approach to politics, while offering some guidance on politics, obscures the broader issue of legal power within political institutions. Ultimately, I find that Hatab's Nietzschean democracy is unable to evade Nietzschean critique because it is not just the substantive procedures or justification of liberal democracy that Nietzsche takes issue with but the very form of democracy as a mode of governance itself.

To understand Hatab's arguments, it is important to place his reasoning in context. The argument that Hatab spends the most effort responding to is Nietzsche's critiques of liberal

[93] Hatab, 76.

[94] Hatab, 77.

democracy. For Nietzsche, the most fundamental critique of liberal democracy is that the democratic pursuit of justice results in a suppression of uniqueness at the hands of a coercive legal power. This critique of democracy begins with Nietzsche's critique of egalitarianism. In *Thus Spoke Zarathustra*, Nietzsche's "On the Tarantulas" introduces the figure of the tarantula to describe and criticize the advocates of transactional equality and retributive notions of justice. He warns that this understanding of equality and justice is in reality a concealed form of revenge. Zarathustra, "know[ing] what sits in [their] soul," even characterizes the tarantulas as "whirl[ing] with revenge."[95] He speaks thus to the tarantulas, "I tear at your webs, that your rage may lure you out of your lie-holes and your revenge may leap out from behind your word justice."[96] For him, these "preachers of equality," while giving the appearance of something positive, are in reality nothing but vengeful, harboring resentment and a crude desire for violent payback.[97] The tarantulas are a stain. Where they bite, "black scabs grow."[98] The Tarantulas, full of the envy, vow "vengeance and abuse on all whose equals [they] are not."[99] Zarathustra thus concludes, "to me justice speaks thus: 'Men are not equal.'"[100] In other words, Nietzsche sees the reduction of justice into something transactional as injustice. This critique of egalitarianism is similarly discussed in *Beyond Good and Evil*, where Nietzsche critiques equality at a societal level, arguing it promotes stagnation. For him, equality as a political end produces mediocrity and

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[95] *Zarathustra*, 211.

[96] *Zarathustra*, 211.

[97] *Zarathustra*, 211.

[98] *Zarathustra*, 211.

[99] *Zarathustra*, 212

[100] *Zarathustra*, 213.

sameness. It produces "a shrunken, almost laughable species, a herd animal, something well-meaning, sickly and mediocre."[101] Nietzsche further characterizes such understandings of equality as an affront to creativity and growth, writing "the 'equality of rights' could all too easily turn into the equality of being wrong: I mean into waging war in common on all that is rare, foreign, privileged, the higher humans, the higher souls, the higher duty, the higher responsibility, the creative abundance of power and masterfulness."[102] Liberal notions of universal equality, to Nietzsche, are thus a negation of difference, creativity, and individual growth.

Against this, Hatab argues that his Nietzschean democracy is insulated from Nietzsche's critiques of democracy. Even from the first lines of the book, Hatab acknowledges the challenges of defending such an interpretation, beginning the introduction by recognizing, "defending democracy by way of Nietzsche's thought would seem to be adventurous at best, oxymoronic at worst."[103] Hatab further acknowledges that Nietzsche himself saw democracy as built on principles and values born of the enlightenment, "a political consequence of Western moral and metaphysical doctrines that could no longer sustain themselves."[104] For Hatab, these concerns are resolved by distancing his understanding of agonistic democracy from traditional understandings of liberal democracy. Surely, for a democracy to truly be Nietzschean, then, it would require a non-standard conception of democracy. This leads Hatab to define democracy more as a loose set of representative political procedures. He outlines democracy as having these basic features:

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[101] *Beyond Good and Evil*, 63.

[102] *Beyond Good and Evil*, 117.

[103] Hatab, 1.

[104] Hatab, 1.

> 1. All adult members of a society have the right and opportunity to participate in setting the political agenda and reaching collective, binding decisions; such is a definition of citizenship and the extent of suffrage.
> 2. Political authority is achieved in a procedure of election by citizens.
> 3. The direct control of the government is in the hands of elected officials.
> 4. Officials are chosen or removed in periodic, open, fair, and contestable elections that are protected from conditions of violence or coercion.
> 5. All citizens have a right to the following: free expression and political association, criticism of the government, access to information not controlled by the government, and peaceful protest.
> 6. The aim of democracy is not the elimination of political conflict but the ordering of conflict through political structures and procedures.[105]

What is most notable about this definition is its openness and flexibility. Hatab intentionally defines democracy as a lose set of procedures so that he can separate definitions of democracy from the liberal notions for democracy Nietzsche critiques. Through these moves, Hatab is able to offer a Nietzschean conception of democracy precisely because he challenges the liberal foundations of democracy itself and separates democracy from its historic underpinnings. Central to Hatab's argument for a Nietzschean democracy is that "democracy can be sustained without its traditional banner of human equality."[106] This allows Hatab to accept Nietzsche's critiques of the ideal of equality, while still defending democratic procedures, disentangled from substantive

[105] Hatab, 56-57.

[106] Hatab, 58.

notions of equal treatment. Hatab thus understands democracy as a form of government with equality in procedure and procedure alone.[107] By reconstructing democracy in this way, Hatab is successful in insulating himself from Nietzsche's critiques of liberal egalitarianism. Ultimately, Hatab has shown that a postmodern, agonistic democracy is able to distance itself from enlightenment conceptions of equality.

However, as outlined in the first chapter, there is a much more fundamental Nietzschean critique that Hatab must contend with to justify interpreting Nietzsche as an agonistic democrat – namely, Nietzsche's critique of legal power. Even if, as Hatab argues, a democratic government's rules are subject to "perpetual questioning," never preestablished or fixed, because the government's authority is "continually earned, challenged, and altered in civic debate," the existence of that political authority as an "orchestration of conflict" must be questioned.[108] To a large extent, Hatab's conception of democracy does provide some defense against Nietzsche's substantive critiques of democracy. Ultimately, however, we should find that democracy, even with an agonist public sphere, necessarily embodies the same antagonistic form of legal power that restrict a social body. For Nietzsche, democracy is the heir to religious authority, replicating the same violence and control inherent to its structure. Democracy, for Nietzsche, uses the state's power in the law as an insidious tool for the manipulation of moral values, behind the guise of democratic legitimacy.

For Nietzsche, the coercive hegemonic power of the law is not an attribute that democracy can evade. Democratic governance, in any form, is coterminous with the restrictive

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[107] Hatab 57-61.

[108] Hatab, 64-65.

control that Nietzsche exposes as underlying the violence of legal power. For Nietzsche, democratic law is characterized by a herd instinct where individuals conform their beliefs, attitudes, and behaviors to those of the majority, shedding their own individuality for transcendentally justified conceptions of law. Thus, Nietzsche finds "the democratic movement is the heir of the Christian movement."[109] Further writing, they are "one and the same" with democracy placing "faith in community as the redeemer, thus in the herd, in 'themselves'"[110] It is thus within democracy that legal institutions perfect the violence of the law by legitimizing the states proclamation of "I, the state, am the people."[111] After its original development in the creditor-debtor relationship, legal power is refined through the creation of the democratic community, which naturalizes the hegemonic and coercive power of the law as the will of all. The law's regulation of existence itself is enabled by the notion of a will of the people, where individuality is obscured by the creation of a collective. Nietzsche thus finds the free, democratic society to be the "degeneration and diminution of the human to the perfect herd animal."[112] The problem that Nietzsche finds within governance itself is that as a hierarchical and coercive structure it is violent qua its hierarchical and coercive nature. Democracy in particular is problematic for Nietzsche precisely in its subversive attempt to cover the violence of the law by building an order of politics that constructs a collective to govern and be governed.

This critique is inescapable for Hatab. Possibly in anticipation of this argument, Hatab spends a considerable amount of time framing his project as part of a "phenomenological and

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[109] *Beyond Good and Evil,* 97.

[110] *Beyond Good and Evil,* 98.

[111] *Zarathustra,* 160.

[112] *Beyond Good and Evil,* 100.

pragmatic approach, […] focusing more on what happens in democracy."[113] Hatab sees this approach as opening "new angles for political philosophy that can provide different answers to old questions."[114] The operating assumption behind this phenomenological and pragmatic approach, however, is the very assumption of inevitable legal power that Nietzsche critiques. This becomes most clear in Hatab's analysis of perspectivism, where he writes "if the very possibility of truth is in question and a number of different perspectives are in play, then the only political alternative to one perspective ruling absolutely […], or to the disarray of no perspective ruling […], would be an arranged contest."[115] The foundational assumption of the inevitability of "ruling," could not be made more evident.

This is an open concession on Hatab's part. In fact, Hatab himself acknowledges that his approach is limited for it "presupposes certain social and political realities," such as "that our life cannot flourish without some form of government, i.e. without political institutions and the elements of coercion that stem from and sustain these institutions."[116] He further admits, "there is no bedrock justification for democracy […] we should simply affirm democracy as preferable to all alternatives."[117] His case for democracy is thus one that is necessarily "contextually situated"

[113] Hatab, 4.

[114] Hatab, 4.

[115] Hatab, 64.

[116] Hatab, 55.

[117] Hatab, 79.

within modern society.[118] Hatab is then ultimately writing to balance "the need for continuity of governance" with "the denial of any fixed and lasting warrant for governance."[119]

Notably, none of this is to say that Hatab's vision for an agonistic democracy is inherently wrong or misplaced. The pragmatic conclusions Hatab draws are largely legitimate and the phenomenological and pragmatic analysis he provides is an important and useful project that contributes greatly to an understanding of a dynamic, pluralistic democracy. By considering pragmatic considerations and the situatedness of political projects, he is able to effectively discuss what a pluralist democracy might look like within contemporary political arrangements. What I am arguing, however, is that Hatab's attempt at constructing a Nietzschean agonistic democracy overlooks other Nietzschean concerns. Within Nietzsche's works there are key ideas that problematize Hatab's assumption that life cannot flourish without political coercion by an antagonistic legal authority. There is something fundamental to Nietzsche's thought which cannot be captured by agonistic democracy – Nietzsche's critique of the law. Even if Hatab is able to insulate his understanding of Nietzschean agonist democracy from Nietzsche's substantive critiques of democratic equality, Hatab is surely unable to insulate his Nietzschean agonist democracy from Nietzsche's critiques of legal power. As explained in the first chapter, Nietzsche finds the law to be a restrictive force, used to establish and enforce uniform and homogenous visions of humanity. It is a tool to manage humanity's psychological and existential state.

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[118] Hatab, 55.

[119] Hatab, 64.

Thus, in examining Hatab's defense of a Nietzschean democracy, it becomes evident that while he skillfully navigates pragmatic justifications and procedural definitions, we must give due concern to Nietzsche's fundamental critique of legal power within political institutions. The insulation of Nietzschean democracy from Nietzsche's critiques is insufficient, as it grapples with the procedural aspects alone rather than the inherent nature of democratic structures. Similarly, the pragmatic approach, while contributing valuable insights into contemporary political arrangements, tends to overlook the broader issue of coercive legal power, a central concern for Nietzsche. Hatab's own recognition of the challenges in defending a democratic interpretation of Nietzsche underscores the paradoxical nature of his project. Nietzsche's critiques of democratic governance, rooted in his disdain for egalitarianism and the herd mentality, extend beyond mere procedural adjustments. The very essence of coercive legal power, whether wielded by aristocrats or an agonistic public, remains coercive, nonetheless. Despite Hatab's attempt to redefine democracy in Nietzschean terms, Nietzsche's concerns persist in the form of antagonistic, restrictive institutions, perpetuating the violence of legal power.

2.3 Conclusion: Democracy as a Politics of Antagonistic Power

The first chapter established that despite the death of God, transcendental modes of power that are restrictive of becoming nonetheless exist through other figures such as the state. Democracy, even when constructed on postmodern foundations, still falls prey to the violence of the original debtor-creditor relationship where legal power is made formal and enforceable as a hegemonic tool of violence and cruelty used to regulate existence itself. Hatab's Nietzschean agonistic democracy presents departure from conventional conceptions of democracy,

envisioning a system where agonistic contest and order are co-constitutive and where the absence of absolute truths propels a continual contest of perspectives. This chapter has endeavored to unravel Hatab's arguments, illustrating how his defense of a Nietzschean democracy, though consistent with some Nietzschean principles, fails to overcome Nietzsche's critique of state power.

Hatab finds that there are three core Nietzschean themes that are cohesive with, if not themselves, fundamental principles of democracy – Nietzsche's celebration of the Greek agōn, Nietzsche's rejection of absolute and objective knowledge, and Nietzsche suspicion of epistemic confidence. Hatab's Nietzschean democracy, built on Nietzsche's praise for Greek agonism, his preference for perspectivism over a priori knowledge, and his openness to epistemic uncertainty, envisions democracy not as a fixed and predictable system but as an ever-evolving experiment, susceptible to the ebb and flow of diverse perspectives. However, delving into Nietzsche's critiques of governance, a fundamental issue emerges — the critique of legal power within political institutions, which extends beyond the procedural adjustments suggested by Hatab. Nietzsche's disdain for coercive governance, evident in his genealogy of the state, exceeds the procedural adjustments advocated by Hatab. Nietzsche's critique thus unveils democracy as an coercive structure, perpetuating the violence of legal power. Ultimately, Hatab's Nietzschean democracy obscures a much more fundamental issue that Nietzsche finds with politics – the issue of legal power. Despite the distinct content of the politics forwarded by Hatab and other democratic Nietzsche scholars, their politics ultimately maintains a fundamental assumption that life must be oriented around a ruling authority that exercises restrictive and coercive force over creative becoming. The distinction between whether legal rules are individually mandated by a

sole authority or collectively mandated by an agonistic public sphere is of minimal concern when it is legal power itself that we should see Nietzsche as taking issue with.

What emerges from this chapter is thus an invitation to question the nature of politics itself. If democracy, rooted in postmodern and even Nietzschean principles, cannot escape the grip of antagonistic legal power, then what implications does Nietzsche's critique have for our understanding of political governance? Is a Nietzschean politics even a project that could have any coherence, or like Nietzschean democracy is it adventurous at best, oxymoronic at worst? From here, the final chapter thus continues with a reflection on the very essence of politics and its inherent tensions with individuality, justice, and the exercise of power.

Chapter 3: A Nietzschean Politics of Becoming

Bearing in mind Nietzsche's critiques of legal power and the inability of an agonist democracy à la Hatab to overcome those failures, this chapter delves into a Nietzschean conception of politics that revaluates politics as such. I find that Nietzsche sees the transcendence of politics itself as the ultimate move past the confines of legal power. This transcendence of legal authority would entail two core principles – a radical appreciation of individuality and a rejection of instrumental policy making. Having established the roots of legal authority in hegemonic power structures that demand violence against that which is other and hierarchically subordinate, this thesis now turns to Nietzsche's guidance on navigating the death of God through the embrace of creative becoming with the hope of establishing its political significance.

The understanding of politics forwarded in this chapter is in many ways built on the understanding of politics constructed by Nandita Biswas Mellamphy who argues that we should approach politics as physiological. She argues that exploring a Nietzschean politics should not amount to engaging politics as "institutions, norms or ideologies," but instead requires us to engage politics as "the physiological activity of 'overcoming' within a living environment for which [Nietzsche] coins the term known as 'will to power.' […] the movement of 'overcoming'"[120] Analyzing politics in this way attempts to uncover how politics acts as "the choreographic motor" of "material becoming."[121] In other words, this mode of analysis hopes to

[120] Nandita Biswas Mellamphy, "Nietzsche and the Engine of Politics," in *Nietzsche and Political Thought*, ed. Keith Ansell-Pearson (London: Bloomsbury, 2013), 141.

[121] Biswas Mellamphy, 143.

trace and contend with the ways in which politics materially structures the chaos and flux of human existence. It is a physiological analysis of the social body, which gets constructed politically. To analyze politics in this physiological way is not to evaluate it as assuming a specific telos or character (e.g. democracy, monarchy, or dictatorship), or as having a specific content (e.g. republican institutions, liberal freedoms, or specific conceptions of rights). Instead, it is to evaluate politics as such – as a force that materially shapes bodies by structuring existence in a social body.

Thus, in the first section of this chapter, "Nietzschean Politics as a Revaluation of Politics," I explore the political significance of two core Nietzschean figures – the Übermensch and the new philosopher-commander, both of whom embody a radical individuality beyond the law. The Übermensch, as conceived in *Thus Spoke Zarathustra*, is a dynamic figure of embodied becoming who serves as an illumination of a politics beyond the violence of transcendental ideals that are generative of bad conscience. The Übermensch thus ultimately serves as an opportunity for a revaluation not only of political rules but of the very essence of the transcendental grounds of legal authority. The new philosopher-commander, as envisioned in *Beyond Good and Evil*, similarly emerges as a transformative force, challenging established norms by offering a dynamic, embodied framework for political engagement.

The second section of this chapter, "Nietzschean Politics as Superpolitical," envisions a Nietzschean politics as having a similar function to Nietzsche's supermoral sovereign individual, as moving beyond instrumental politics towards something that is creative for its own sake. By placing Nietzsche's analysis of the Übermensch and new philosopher-commander alongside his understanding of creative becoming as understood in *The Gay Science* and *Thus Spoke Zarathustra*, this section illustrates that a Nietzschean politics would necessarily be non-

instrumental and non-teleological. The success of a Nietzschean politics, like the success of the child in Nietzsche's metamorphoses of the camel, lion, and child, lies not in its negation of transcendental power but in its movement beyond mere negation to create something new.

Ultimately, this chapter concludes that Nietzsche's politics, as envisioned through the Übermensch and new philosopher-commander, offers more than a negation of existing political structures. It beckons us to partake in a creative and affirmative process, liberating ourselves from bestowed systems of power, enforced through restrictive legal authority.

3.1 Nietzschean Politics as a Revaluation of Politics

This thesis has established that the state assumes a transcendental authority akin to that of God, wielding antagonistic forms of legal power that not only justify but demand violence against that which is other. However, this conception of law should not be read pessimistically. That configurations of power shape the law should be read as empowering. If legal permissions, prohibitions, and protections are naturalistic and not metaphysically based, contingent on relations of power, then the violence of legal power is something that can be exposed and overcome. In *Thus Spoke Zarathustra* and *Beyond Good and Evil*, Nietzsche illustrates the law's naturalistic and constructed nature, the law's inseparable ties to ethics and moralizing, and the law's role in shaping legal subjects. Importantly, in *Thus Spoke Zarathustra* and *Beyond Good and Evil*, Nietzsche also offers us direction for what a new politics, beyond legal power, might hold. Embedded within his exploration of the need for a revaluation of values are elements that provide a foundation for a Nietzschean political philosophy as a reevaluation of politics. In particular, Nietzsche's figure of the Übermensch in *Zarathustra* together with his understanding of the new philosopher-commander in *Beyond Good and Evil*, offer not merely existential

charges to affirmatively take up one's own life in the face of restrictive values, but political charges to create a politics beyond restrictive legal power. Nietzsche's Übermensch and new philosopher-commander are used to embody a figure beyond the state, forwarding an affirmative physiological politics that is not a mere negation of legal power itself but generative of something beyond it.

First, Nietzsche's charge for a politics beyond the violence of the state is articulated in *Thus Spoke Zarathustra* through the Übermensch. The Übermensch, for Nietzsche, is a figure of becoming, a "dancing star" born of "chaos in oneself."[122] For the Übermensch, overcoming is not something to be over and done with, and it never can be. The Übermensch, as a figure of overcoming, is always becoming. It is embodied flux.

In the prologue, Nietzsche introduces the Übermensch when Zarathustra descends from his cave in the mountains to tell the people of the town, "behold, I teach you the overman: he is this lightning, he is this frenzy," emphasizing the flux and dynamism of the Übermensch[123] From the beginning, Zarathustra's Übermensch is contrasted with divine power. He tells the town people:

> The overman is the meaning of the earth. Let your will say: the overman shall be the meaning of the earth! I beseech you, my brothers, remain faithful to the earth, and do not believe those who speak to you of otherworldly hopes! Poison-mixers

[122] *Zarathustra, 129.*

[123] *Zarathustra,* 126.

> are they, whether they know it or not. Despisers of life are they, decaying and poisoned themselves, of whom the earth is weary: so let them go.[124]

The becoming of the Übermensch is entirely towards the Earth in that it is not transcendental. It is lived and material, squandering, wasting, sacrificing, dancing, and laughing. The life of the Übermensch is a life that breathes and dies. It is a life that lives in and for this world. For Nietzsche, the Übermensch is faithful to the earth precisely because it overturns the valuation of the transcendental and the divine. The Übermensch is thus an embodied and physiological rejection of absolute form or truth. It is a direct challenge to metaphysical truth, as found in the Platonic forms; ethical truth, as found in the Categorical Imperative; and religious truth, as found in divine authority.

This critique of ideal, absolute truth is made clear in the moments preceding Zarathustra's proclamation of the Übermensch to the townspeople. As previously mentioned in Chapter 1, when Zarathustra comes down the mountain from his cave, he comes across a saint in the forest. The saint questions Zarathustra, asking why he has come down the mountain, to which Zarathustra tells the saint "I love man."[125] The saint responds, "I go into the forest and the desert […] because I loved man all-too-much. Now I love God; man I love not. Man is for me too imperfect a thing."[126] The saint, in his attachment to idealized perfection and hatred for humanity's imperfection, embodies the very ideas that Nietzsche's Übermensch overcomes. The Übermensch itself is shared with the town people precisely because of Zarathustra's love for

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[124] *Zarathustra*, 125.

[125] *Zarathustra*, 123.

[126] *Zarathustra*, 123.

humanity, the material, the meaning of the Earth. Nietzsche thus naturally transitions from the encounter with the saint to the speech to the townspeople with Zarathustra speaking to his heart, "could it be possible? This old saint in the forest has not yet heard anything of this, that God is dead."[127] It is through these passages that Nietzsche characterizes the death of God, the moment that inspires *Thus Spoke Zarathustra*, as freeing us from life-denying, spiritualized modes of moralizing, enabling more creative, joyful forms of existence.

Just as the Übermensch should be read as having a metaphysical and ethical charge, countering and transcending noumenal and divine truths, the Übermensch should be read as having a political charge. In the same ways that the Übermensch is a rejection of metaphysical, ethical, and religious truth, the Übermensch is also a rejection of political truth, as established and codified in the law. Returning again to the "On the New Idol," where Nietzsche revealed the modern state as a monstrous entity, a shadow of God with similarly transcendentally justified power, Nietzsche here again invokes the figure of the Übermensch as he pushes us to go beyond an understanding of the law that takes it on its own terms. Nietzsche writes, "my brothers, […] break the windows and leap to freedom. […] Escape from the steam of these human sacrifices! […] Where the state ends–look there, my brothers! Do you not see it, the rainbow and the bridges of the overman?"[128] Nietzsche's call for a revaluation of values through the Übermensch is thus not confined to the moral or cultural sphere; it permeates his vision for politics. Nietzsche's disdain for fixed, unexamined systems and the call for ongoing evolution and adaptation is a political call.

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[127] *Zarathustra*, 124.

[128] *Zarathustra*, 162-163.

Further, just as Nietzsche's calls for transcending metaphysical, ethical, and religious truths should not be interpreted as mere negations of those ideals but instead as charges to take up and affirm one's material life for its own sake, Nietzsche's call to see the end of the state should be read not so much as a dogmatic negation against statism and instead be read as an affirmation that calls to more generative, life-affirming forms of relationality. Nietzsche is noticeably not calling for a denigration or dissolution of the state, but rather through the Übermensch, indicating something beyond it, something that transcends our normative conceptions of what administrative power might look like or hold by embracing the radical individuality and creativity of all. A Nietzschean politics, as a politics of becoming, would involve a constant questioning and reassessment of not just political rules, as in the case of democracy, but of the very institutions and power relations that structure politics itself. It would continually question the physiology of the social body, reevaluating and reconstructing it endlessly. A Nietzschean politics would challenge the political qua the political.

In *Beyond Good and Evil*, Nietzsche similarly forwards a more positive vision of politics, one that is beyond antagonistic legal power, characterized by a recognition of humanity as creative. He writes,

> We who are of a different faith-we who consider the democratic movement not merely as a declining form of political organization, but as a declining, moreover diminishing form of the human being, as his mediocritization and debasement in value: where do we have to reach with our hopes? […] To teach human beings the future of humanity as its will, as dependent on a human will. […] For this some day a new kind of philosopher and commander will be needed, whose image will make pale and dwarf everything that has ever existed on earth in the form of

> concealed, terrible and benevolent spirits. […] whoever like us has recognized the monstrous fortuity that has so far played its game with respect to the future of humanity—a game in which no hand and not even a 'finger of God' played along![129]

Nietzsche's critique of the democratic movement and his visionary call for new philosophers offers profound insights into Nietzschean politics as a revaluation of politics. Here, Nietzsche's calls for "new philosophers" as required to remedy the "declining form of political organization" and the equally "diminishing form of the human being" is not a call for philosopher kings nor a call for rule by the intelligentsia. [130] Rather, the new philosopher and commander should be read akin to Nietzsche's Übermensch. The philosopher of a Nietzschean politics is "new" in the sense that like the Übermensch they offer a reevaluation of values and are a "commander" in the sense that they materially live out and forward this philosophy. They are thus a philosopher-commander in that they understand that a new philosophy of becoming can only be realized as it is continually commanded and lived out. Further, The philosopher-commander is like the Übermensch in that they are true to the materiality of humanity. They teach that the future of humanity is its will and its will alone, not rooted in a transcendental debasement of value in divine authority. The sentiment that Nietzsche is expressing here is not an aristocratic one but instead a staunchly anti-hierarchical one that recognizes individual potentiality and creativity. Here, Nietzsche is forwarding an understanding that tropes shape politics, that laws are inseparable from their material roots in humanity and thus that philosophical narratives have

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[129] *Beyond Good and Evil*, 98-100.

[130] *Beyond Good and Evil*, 98-100.

material power in shaping who we are and how we understand ourselves. Philosophy shapes reality not just through the ideologies it forwards, but materially shapes reality through the legal rules it backs and commands.

When Nietzsche critiques the diminishing form of the human being, he is similarly not offering a nostalgic sentiment towards some past peoples or form of being; instead he is critiquing the debasement of individuality in favor of "modern ideas," the life-denying bad conscience created under antagonistic legal power. As explained in the previous chapter, Nietzsche's skepticism toward the democratic challenges not only its organizational structure as a democracy but its impact on the human condition as a continuation of antagonistic legal power. This too indicates that a Nietzschean politics would necessarily imply not just a substantive reevaluation of the ends of politics, but a reevaluation of politics as such – a contestation to what might even be understood as political. Nietzsche's plea for the new philosopher-commander is a call for continual political experimentation characterized by a willingness to embrace uncertainty.

The Nietzschean new philosopher-commander, like the Übermensch, embodies a "different faith," not rooted in transcendental values or absolute authority, but towards the Earth.[131] It is a politics that transcends the mere governance of a legal authority, instead offering a politics rooted not in restrictive power, but a generative, deep engagement with the very nature of governance itself. For Nietzsche, this mode of politics exists in direct contrast to the generation of bad conscience. Nietzsche characterizes the values of "new philosophers" as conducive to joyful creativity: "The genuine philosophers are commanders and legislators: they

[131] *Beyond Good and Evil*, 98.

say ‘thus it shall be! […] They reach with creative hands for the future, and so everything that is and was becomes for them a means, a toll, a hammer. Their ‘knowing’ is creating, their creating is a legislation, their will to truth is – will to power.”[132] Ultimately, like Nietzsche’s Übermensch, the new philosopher-commander provides a glimpse into what a Nietzschean politics might hold. It suggests a political philosophy that transcends political structure through constant revaluation. A Nietzschean politics emerges as a dynamic, embodied, risk-embracing, framework that seeks to prevent the degeneration of humanity under restrictive modes of power, advocating for the continuous affirmative pursuit of creativity in the face of bad conscience born of stagnant ideological dogmas.

Ultimately, Nietzsche’s illustration of state power as rooted in humanity presents an empowering opportunity to overturn antagonistic forms of law which are hierarchical and restrictive of becoming. Just as Nietzsche revealed the naturalistic and constructed nature of the law in the creditor-debtor relationship, its inseparable ties to ethics and moralizing, and its role in shaping legal subjects, through *Thus Spoke Zarathustra* and *Beyond Good and Evil* Nietzsche has provided direction for a new politics beyond antagonistic legal power. The Übermensch and the new philosopher-commander both emerge as physiological figures embodying a rejection of absolute truths and a call for continual reevaluation of politics that is attentive to individuality and material becoming. Nietzsche’s Übermensch, as introduced in *Thus Spoke Zarathustra*, symbolizes a figure of becoming and overcoming, embodying a rejection of transcendental ideals in favor of commitment to materiality. The metaphysical and ethical charge of the Übermensch is political in its nature, pointing towards a becoming that involves questioning and reassessing

[132] *Beyond Good and Evil*, 115

not only political rules but the very institutions and power structures of politics itself. The new philosopher-commander, akin to the Übermensch, signifies a reevaluation of values and a material embodiment of this philosophy that runs in the face of antagonistic legal power. Ultimately, a Nietzschean politics transcends conventional understandings of governance in favor of a dynamic and embodied framework that seeks the continuous affirmative pursuit of creativity.

3.2 Nietzschean Politics as Superpolitical

Nietzsche's politics as conceived through the Übermensch and new philosopher-commander is a politics of creative becoming that contests restrictive modes of being. Naturally, one might wonder what content, if any, such a politics would hold. In *On the Genealogy of Morals,* Nietzsche argues that moving beyond "the morality of custom and the social straitjacket," would entail being "supermoral." Nietzsche's argument here is that a "sovereign individual" would necessarily have some level of ethical autonomy. Notably, Nietzsche's sovereign individual is not anti-ethical or a-moral. Rather, the sovereign individual would be "a human being of his own independent, long will who is allowed to promise."[133] The sovereign individual would thus be self-legislating, at least in ethical terms – they would set their own promises and ends. Nietzsche's sovereign individual is thus supermoral in the sense that they are able to affirm their own will, they are "allowed to say Yes to oneself."[134] In the same way that Nietzsche's sovereign individual is supermoral, a Nietzschean politics, as conceived through the

[133] *Genealogy,* 248.

[134] *Genealogy,* 249.

Übermensch and new philosopher-commander, would similarly be superpolitical – beyond political. A Nietzschean politics is thus not anti-political or a-political; it would, to the extent it is built around an affirmation of becoming, necessarily be an overcoming of the law. This interpretation has a strong textual basis. In *The Gay Science* and *Thus Spoke Zarathustra*, Nietzsche shows that ultimately, such a politics of becoming would necessarily be radically anti-teleological, opposed to assuming any specific set of content. *The Gay Science*, in its analysis of revaluation, and *Thus Spoke Zarathustra*, in its analysis of the three metamorphoses, together show that overcoming the bad conscience of living under restrictive power requires an understanding of politics as entirely non-instrumental.

The Gay Science punctuates our understanding of the Übermensch and the new philosopher-commander by illustrating revaluation as a creative and affirmative process, rather than a destructive process that assumes a specific telos.[135] In *The Gay Science*, Nietzsche argues that we should see all value as something "bestowed," for "only we have created the world that concerns man!"[136] Moral rules, as handed to us through systems of ethics, for example obscure their own situatedness and origins in humanity. The value of the creation, interpretation, and enforcement of moral rules all collapses when we force systems of ethics to contend with their inherent vulnerability to their origins in humanity. Legislative rules, similarly, as handed to us through political systems also obscure their own situatedness and origins in humanity. The

[135] Notably, this radical interrogation of political structures and values is meaningfully distinct from the agonistic perspectivism that Hatab has come to find within Nietzsche. Nietzsche's discussion of revaluation is less a charge for us to see the world form other's perspectives or challenge them in a public sphere and is instead more a charge for us to creatively see the world in different modes ourselves.

[136] *Gay Science*, 242.

bedrock of Nietzsche's critique of metaphysics and ethics, as with his critique of the state, is that truth is always something that is veiled.

For Nietzsche, the systems of valuation that we have been handed are a gift, but not one that we should accept as such. Instead, they are a gift because they empower us with this recognition that all valuation and structure is created. They thus empower us to create values and structure for ourselves. Nietzsche continues,

> whatever has value in our world now does not have value in itself, according to its nature […] but has been given value at some time, as a present—and it was we who gave and bestowed it. […] But precisely this knowledge we lack, and when we occasionally catch it for a fleeting moment we always forget it again immediately; we fail to recognize our best power and underestimate ourselves.[137]

Nietzsche's critique of interpretation is just as much a criticism of normativity as it is a call to action. Only we can creatively overcome bad conscience born of restrictive governance backed by legal power through "*vis creative*," creative power.[138] Here, Nietzsche charges us to conceive and create new and superior modes of interpretation that enable new possibilities of life, overcoming the limitations of modernity. It is a form of becoming that refuses to take the present conditions as a given. The realization of these possibilities, however, does not reside in the evolution of knowledge as such, but rather in actively and in each moment seizing the production of great and unique politics through which our own meaning and existence can be justified. It begins in the very process of evaluation itself where through exposing the law's inherent

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[137] *Gay Science*, 242.

[138] *Gay Science*, 241.

vulnerability to its origins in humanity we force politics to contend with its own situatedness. The poet in *The Gay Science* converges with Nietzsche's Übermensch and new philosopher-commander to tell us that interpretation can never be detached from its embodied and situated actualizations. *The Gay Science* tasks us to create new meaning through imaginative leaps that are not merely continuations of present knowledge or existing processes, but instead break beyond the narrow confines of the systems we are bestowed.

Similarly, Nietzsche's analysis of the metamorphoses in *Thus Spoke Zarathustra* imagines embracing becoming as a struggle against the instrumental "thou shalt." In this section, Zarathustra unveils the transformative stages of the spirit through the metaphorical figures of the camel, the lion, and the child. In this series of metamorphoses, the stage at which one is a camel represents when one coheres to normative modes of being, when one is burdened and weighted down by all the baggage of existence as being, when one is living under the weight of restrictive and historically sedimented modes of interpretation. The camel is "wanting to be well loaded."[139] In contrast, the lion, the next stage of the metamorphosis, represents pure negation. In the face of the sacred "Thou shalt," the form of existence the camel has been burdened with, the lion says a destructive "No." For Nietzsche,

> the spirit becomes a lion who would conquer his freedom […] Here he seeks out his last master: he wants to fight him and his last god; for ultimate victory he wants to fight with the great dragon. Who is the great dragon whom the spirit will no longer call lord and god? "Thou shalt" is the name of the great dragon. […]

[139] *Zarathustra,* 138.

> The creation of freedom for oneself and a sacred "No" even to duty-for that, my brothers, the lion is needed.[140]

Finally, the metamorphosis of the spirit ends at its last stage, the stage of the child who says the "sacred 'yes.'"[141] The child is "innocence and forgetting, a new beginning, a game, a self-propelled wheel, a first movement,"[142] who's own will propels its spirit. Unlike the lion which exists in opposition to the past, the child, like the Übermensch and new philosopher-commander, exists in affirmation of the future. The child, unlike the lion of pure negation, "now wills his own will."[143] Nietzsche thus concludes that for the child, "he who had been lost to the world now conquers his own world."[144] The child does what the lion could not do. It goes beyond negation and creates something new. It offers a new start from the sacred "No" that moves from appropriation and negation to affirmation of one's own limitless becoming.

The transformation of the camel into the lion and finally into the child is largely reflective of what we've already seen in Nietzsche's Übermensch and new philosopher-commander. The unique addition that Nietzsche's analysis of the metamorphoses provides is the often overlooked figure of the dragon, the "thou shalt." The dragon itself is the embodiment of divine power. It is painted with hegemonic orders that are restrictive of becoming, "on every scale shines a golden 'thou shalt.'"[145] The dragon thus speaks, "all value of all things shines on

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[140] *Zarathustra*, 138.

[141] *Zarathustra*, 138.

[142] *Zarathustra*, 138.

[143] *Zarathustra*, 138.

[144] *Zarathustra*, 138.

[145] *Zarathustra*, 138.

me. All value has long been created, and I am all created value. Verily, there shall be no more 'I will.'"[146] In the spirit's movement from load-bearing or burden-carrying, represented through the camel, towards destructive negation, represented through the lion, the spirit shifts from carrying what has weighed it down to a direct and rebellious struggle against normative governance – the dragon's "thou shalt." The spirit of the lion is defined by what it fights and negates. Nietzsche tells us that where "the spirit of the lion says, 'I will,'" there, "'Thou shalt' lies in his way, sparkling like gold, an animal covered with scales." Beyond the spirit of the lion, who struggles to negate hegemonic power, is the child, new and innocent. Unlike the lion, whose struggle is necessarily defined by the "Thou shalt," the child exists entirely on its own. It is non-reactionary, non-teleological, and non-negatory. The child moves beyond the fight entirely to create something new. Rather than contend with the dragon's "thou shalt," the child screams the new philosopher-commander's "thus it shall be!" For Nietzsche, the lion makes room for the child, explaining, "the creation of freedom for oneself for new creation-that is within the power of the lion," but whether the lion actually defeats the dragon, or the dragon unfortunately defeats the lion, is largely not of any importance.[147] In fact, Nietzsche leaves it unclear who the ultimate victor of that battle between the lion and dragon is. The child leaps outside of their battle entirely to posit something new and of its own. The success of the child is not defined by the victory or defeat of the lion because mere negation is not a mode through which revaluation can occur. The transformation of the lion into the child is one that happens entirely on its own terms through an embrace of becoming beyond restrictive modes of being.

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[146] *Zarathustra*, 138.

[147] *Zarathustra*, 138.

Ultimately, Nietzsche's Übermensch and new philosopher-commander center around continual revaluation. A politics of the Übermensch or new philosopher commander should thus be understood less as a destructive process with a predetermined telos and instead as a creative and affirmative endeavor. In *The Gay Science*, Nietzsche urges us to recognize that all values are bestowed, emphasizing that humanity is the creator of the world. This awareness should liberate us to reject received values and embrace the power to create our own, leaping beyond existing knowledge, finding new meanings through imaginative acts that transcend the limitations of bestowed systems of power. Similarly, in *Thus Spoke Zarathustra*, Nietzsche's analysis of the metamorphoses of the spirit illustrates the struggle against the instrumental "Thou shalt" as a struggle to be overcome entirely. The metaphorical journey of the camel, lion, and child symbolizes the stages of spirit's evolution towards a sacred "Yes" that affirms the future and moves beyond a stance that is purely oppositional. *The Gay Science* and *Thus Spoke Zarathustra* thus emphasize the need for a non-instrumental politics that rejects normative governance and embraces a reevaluation of values. Nietzsche's call for creative interpretation and the continuous production of new and unique politics serves as an invitation to overcome the limitations of the bestowed and create a future that affirms the human will as creative.

3.3 Conclusion: A Politics Beyond Antagonistic Power

By delving into Nietzsche's revaluation politics, the chapter has established a foundation for a Nietzschean political philosophy, rooted in the Übermensch and the new philosopher-commander as dynamic figures embodying a physiological politics beyond the violence of transcendental ideals and towards material becoming. Nietzsche's call for a revaluation is not merely an existential call, but a political one that extends beyond just a revaluation of political

rules but to the essence of politics itself. A Nietzschean politics as superpolitical, transcends instrumental politics, instead forwarding creative becoming for its own sake.

The Übermensch's rejection of transcendental ideals in *Thus Spoke Zarathustra* and the new philosopher-commander's call for new narratives in *Beyond Good and Evil* lay the groundwork for a politics that transcends restrictive structures, by embracing creative individuality. Nietzsche's vision calls for a dynamic, embodied framework that prevents the degeneration of humanity under restrictive power, advocating for the continuous affirmative pursuit of creativity in the face of bad conscience born of stagnant ideological dogmas. *The Gay Science* and *Thus Spoke Zarathustra*, further inform this politics of becoming in their analysis of creativity as non-instrumental. The Übermensch and the new philosopher-commander, like the sovereign individual, signify a rejection of predetermined teleology, moving beyond mere negation toward the active creation of new possibilities and meanings of politics. Nietzsche, in these works, invites us to recognize the power of creative interpretation, emphasizing humanity's role as the creator of values and meaning. The call to overcome the limitations of the bestowed and to create a future that affirms the human will as creative becoming is a clarion call for a politics that is not only a rejection of the past but a continual affirmation of the future. Nietzsche's politics, as conceived through the Übermensch and new philosopher-commander, thus emerge as a dynamic, embodied, and affirmative framework.

Ultimately, Nietzsche's politics beckons us to liberate ourselves from bestowed systems of power, reject restrictive hegemonic values, and actively engage in the generative and creative process of the revaluation of politics itself. The Übermensch and the new philosopher-commander, as embodiments of the spirit of the child, symbolize a transformative politics that affirms life and continuously seeks to overcome limitations, transcending any traditional

understanding of governance. Nietzsche's philosophy offers not merely a negation of existing political structures but an invitation to participate in a creative and affirmative process, shaping a future that celebrates the human will as a force of continual becoming.

Conclusion: Creative Politics

This thesis began with the question of whether one can or should structure becoming via legal institutions. As shown through the first chapter, becoming can only be structured and restrained at the grave cost of bad conscience. In the first chapter, this thesis explored a genealogy of legal power, finding connections between the divine authority of God and the transcendental power of the state. The origins of legal power in the creditor-debtor relationship highlight its insidious nature and inherent ties to violent punishment and hierarchical supremacy. This genealogy thus finds that power struggles and specific interests shape the legal subject through prohibitions, permissions, and protections. These impositions of law are further found to generate existential violence, akin to the bad conscience found in religious authority, hindering more creative and generative modes of existence. The law, as a tool for manipulating moral values in service of dominance, thus comes to reflect violence and control.

The second chapter of this thesis continued with an examination of the democratic interpretation of Nietzsche, focusing on Lawrence J. Hatab's defense of Nietzschean agonistic democracy, to explore whether such a mode of politics would be able to overcome the violence of antagonistic legal power. While Nietzsche is traditionally seen as critical of democracy, Hatab argues for a democratic interpretation, rooted in Nietzsche's celebration of the Greek agōn, rejection of absolute knowledge, and suspicion of epistemic confidence. This chapter concludes that Hatab's defense of a Nietzschean democracy is ultimately unable to overcome the critique of legal power constructed in the first chapter. This chapter thus ultimately argues that Nietzsche's fundamental critique of legal power transcends procedural adjustments to the form of governance and applies to governance itself.

The third chapter then concludes that Nietzsche's politics, as envisioned through the Übermensch and new philosopher-commander, offers a politics beyond antagonistic legal power. By constructing a vision of generative affirmation, which moves beyond the mere negation of existing political structures, this thesis hopes to forward a creative and affirmative form of sociality that liberates us from bestowed systems of power, enforced through antagonistic governance. The generative philosophy explored in this thesis is one that understands the impositions of power as restrictive and thus attempts to move beyond the limited conceptual boundaries of restrictive philosophies that, like the legal obligations of the debtor to the creditor, riddle us with guilt. The Nietzschean politics envisioned here thus seeks to elevate the human through experimental creativity. It transvaluates those eternal values to which humanity has been beholden, like the crude, guilt-ridden notion of justice tied to creditors and debtors, the focus on pragmatic outcomes as in Hatab's agonistic democracy, and the mere negation of political values as found in the instrumental politics of the lion. The new philosophy that guides a Nietzschean politics is one that rests on unstable foundations as it is willing to discard these old truths and outgrow them, leaping towards more creative forms of existence. The Nietzschean politics is not one that forwards a specific set of policies and is not one that even forwards a specific form of government. It is a politics that entirely shakes up what we even conceive as political, asking us to first do historical, genealogical work to expose how relations of power have shaped politics and within that process find more positive, creative orientations to the world and each other.

Through his analysis of philosophy, politics, and law, Nietzsche is making a far-reaching critique. He is critiquing our conception of life as legal subjects, he is challenging traditional notions of freedom, and he is asking us to rethink relations of power and their place in the regulation of human existence. Through understandings of creditors and debtors, Nietzsche

exposes the crude enjoyment of punishment and the will to enact it, and he similarly exposes the power-laden status of legal protections and rights. Nietzsche's critique of state power comes to argue not for a return to an anarchic state of nature, but instead to move beyond the restrictive understandings of law and ethics that have come to shape the modern legal subject. Nietzsche's politics is thus rooted in a creative new philosophy, with the project of finding new forms of life, new orientations to the world, and new understandings of oneself. It is a politics that is not about any one particular policy but is instead about the understandings of ethics we forward, the historical narratives we tell, and the philosophies we live. It recognizes that a prior question to what our politics looks like in a substantive sense is what tropes shape our politics, how we historicize systems of power, and what values we want to uphold. The law, as inseparably tied to the process of moralizing, is never a neutral realm and should never be taken for granted. Like all things, it is shaped by entanglements of power. Generative forms of life are not something that can be mandated or born; instead, they are something that needs to be continually realized through willful and attentive action. The new politics, rooted in Nietzsche's new philosophy, is thus one that is lived joyfully, creatively, and experimentally.

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