Nietzsche on Rule of Law and Democracy

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2015

This book presents studies and ideas that were done and written (the first time) in 2005/2006. Few changes and additions have been done.
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ABSTRACT

Although this study presents and elaborates the philosophy of Nietzsche about *Rule of Law* and *Democracy*, it is an analysis of the *Simmonds’ Legal Theory*. Simmonds was *Reader of Jurisprudence* at the University of Cambridge in 2005/2006. Right at that time, he developed and published an article, *Law as a Moral Archetype*, where he presented (for the first time) “his” Legal Theory. This study reports one the first criticisms, which were done, about “his” *Legal Theory* as it was *published* and *lectured* at that time.

It is argued that *Simmonds’ Legal Theory* is not original at all. Simmonds took previous ideas of other philosophers (such as: Plato; Saint Augustine; Ockham; and the Italian Ardigò) to elaborate a “different theory” from *Finnis’ Legal Theory*, which (on the contrary) took a lot from Saint Aquinas. But, Simmonds did not archive a good result, as he “corrupted” the former philosophical ideas to *something* that (at the end): sounded “weird” and “discriminatory”; leaded to totalitarian and intolerant views.

Furthermore, this study presents the *Epis’ Legal Theory* (as it was formulated that time): *Law as a Social Prototype*. 
INTRODUCTION

Truth, Nihilism and the “empiricism” of Nietzsche

According to Vattimo G. (1974; 1986; 1988; 1992), Nietzsche prepared the groundwork for the Post-Modernism. This is supported by the strong relationship between the Nietzsche’s Nihilism and the Post-Modernism’s view. Indeed, Nietzsche was “the prime theorist of nihilism in modernity … (and) … also one of the prime precursors of postmodern theory in the philosophical tradition. This means, then, that Nietzsche’s thought contains large elements of what—in retrospect—may be called “postmodern”. It also suggests that to a certain extent his theory of modernity may in fact be prophetic of postmodernity” (Woodward A. 2002).


Nietzsche’s Nihilism is the logical answer at any attempt (made by Humanity) to investigate the foundation of Truth, Values and Life’s meaning, inside metaphysical realms inhabited by Gods and Idols, instead of the physical and empirical one. Nietzsche explained this, using the paradigm of Christian Morality.
But, Nietzsche’s philosophy is not a Discourse pro or contra either metaphysics or physics in themselves. Nietzsche’s philosophy does not want analysing the different theories of knowledge for supporting one of them, instead of another one. Simply, Nietzsche wanted to put the individual at the centre of his philosophy. He wanted to suggest a change of prospective. According to Nietzsche, the singular individuals are the source of their own Truth, their own Values and their own Life-meaning.

Indeed, all the time human beings attempt to look for an answer outside them(selves), they fall into nihilism. There is NOT any empirical reality outside the individual experience. The empiricism of Nietzsche is not Materialism and/or Reductionism (against any metaphysical reality in itself). It is not also scientism. But, the empiricism of Nietzsche is an individual empiricism for the reasons that are clarified infra (below).

The only EMPIRICAL REALITY is the INDIVIDUAL EXPERIENCE

After Nihilism proved that: no absolute Truth exists; all the different points of view have the same epistemic value and dignity; no Certainty is real; etc …; … individuals found themselves in front of a choice. On one hand, they could choose to believe in, and to live for, their own Truth (that comes
from their own living experiences). On the other hand, they can choose to “believe” in, and to serve, the point of view of someone else.

Knowledge and Power

Nietzsche would have agreed with Foucault that Power and Knowledge are the two faces of the same coin. The society, indeed, is nothing more than a relationship of power among people. People are divided in two main groups: Masters and Slaves. The form (which those two groups and their bond take) changes: from Time to Time; from Culture to Culture; from Legal System to Legal System. But, at the end, the substance is always the same. Few persons lead; the majority follows.

Knowledge, Ethics and Education, are functional means for this kind of hierarchical structure. As Power cannot employ brutal physical force to make people serve its own interests in the modern societies, the role of creeds, beliefs and propaganda, is dramatically increased.

Indeed, beliefs have become the new form of “slavery’s chains”. They are used by Power to make people serve its own interests. But, beliefs have nothing to do with Truth. Simply, to believe is to have faith in something like a dogma. Persons do not have any knowledge about their beliefs, but they are certain of something as someone else told it!!!! In other words,
people accept as true, rely on, anything that is stated and supported by Authority, Social Pressure and Groupthink. These forces make people live and believe in a Hyper-Reality (which they build for their own aims), but Hyper-Reality is NOT Reality. Hyper-Reality is a Realm of illusions and lies. People have faith in those beliefs (and act in compliance of them) as a sheep follows the flock!!!. But faith, … it does not matter in / for What (Religion; Science; State; etc…) is always been one of the worst mean to archive Knowledge. This is Nietzsche’s message.

Nowadays, the framework of Weick’s studies about sensemaking and enactment could be operatively used to explain as Power uses and misuses beliefs to pursue its own aims. They should not be limited for approaching only the working contexts inside the Companies. Actually, they are very useful for analyzing the general social dynamics.

**From Knowledge to Nihilism**

As knowledge has served and has been serving Power and its interests, any investigation on beliefs’ foundations turns to be untrue.

Gods and Idols are used to found most beliefs as they cannot be founded anywhere else. Moreover, God was (in a retrospective way) the first Global Panopticon!! As Power could not control people 24 hours per day, Power
makes people believe that *God* can. So, people complied with *Power’s Will*, fearing the *punishment* of *God*. In other words, *God* was employed by *Power* like a *Panopticon’s gaoler*!!! *God’s* job was: to watch everyone 24 hours per day; to punish those people who disobey or infringe Authority’s *norms*. But, a *God* reduced to be a *Panopticon’s gaoler* is not anymore *God*. Can you believe in an *omnipotent Being*, who created the *entire universe* to make all *His Creation* be a *Panopticon*? Can you believe in a *God* who reduced Himself to be a *Panopticon’s Gaoler* and/or a *Prison Director*?!?!??

No, it is not believable.

“I conjure you, my brethren, *remain true to the earth* and believe not those who speak onto you of hopes beyond the compass of the earth! Poisoners are they, whether they know it or not”

*Nietzsche, Thus Spake Zarathustra*, Prologue, III.

**Why are Gods and Idols used to found Truth and Values?**

Surely has God been a good *mean* of *Social Control*.

Yet, God *has been and is* a way to exit from the *Agrippa’s trilemma* (also called: *Munchhausen trilemma*).
The Agrippa's trilemma is an Epistemological Argument that goes back to Ancient Greek Skepticism. In the modern time, Hans Albert has re-formulated it. According to Albert, the Munchhausen trilemma is able to prove the impossibility to found and to justify any truth and/or value with any existing method (deductive; inductive; causal; transcendental; logical; etc …). The trilemma proves the impossibility to found any truth. Any attempt, indeed, falls into one of these three cases:

1. *regressive argument ad infinitum* or *progress ad infinitum*. Each proof requires a further proof ad infinitum. This argumentum: both, is not practicable; and, does not provide any certain foundation;

2. *vicious circle* and/or *circular argument* (known in scholasticism as diallelus). The belief is based on circularity (a logical circle in the deduction). At a certain stage of the chain of arguments, a proof needs for its own foundation a previous “proof”, which needs for its own foundation the subsequent proof!! In other words, the latter is based on the former; the former on the latter. Exempli gratia, A is based on B, B is based on C, C is based on D. But, D is based on A. This is a circle. It does not lead to: both, any certain foundation; and, any final proof;
3. **break of searching**. At a certain point, people get tired to look for proofs and evidences of their beliefs. So, they end their researches at some stages. They create an **assumption**. An assumption is nothing more than a hypothesis that is not proved. Yet, they pretend those assumptions to be self-evident (axiomatic argument)!! But, this is nothing more than cheating. According to Albert, even if an axiomatic argument can appear “reasonable” to lay people, it is nothing more than a random suspension of the principle of sufficient reason. It does not lead to any certain proof. It leads only to: **both, Dogmas; and, ipse dixit!**

So, at the end, Truth and Values cannot be found with any method. Thus, God was employed like “break of searching”. God was able to link together: the axiomatic argument with the Authority argument.

But, God was not the source of the beliefs that were founded on Him!

As we told supra (above), those truths and values were “all too human things”.

“Where you see ideal thing, I see – human, alas all too human things”

Friedrich W. Nietzsche, *Human All Too Human*
Nietzsche used the Catholic religion like paradigm. Christian beliefs, indeed, have changed continually from Time to Time to serve the Power’s interests. Those changes were not a change of mind of God, but they were a change in the historical interests of the pro tempore Power.

According to Weick’s framework, Power uses beliefs to make people work in compliance with its aims. The beliefs have been used and have been in the progress of being used by Power like human software. To make a computer do something, you need software. In the same way, to make people do something, you need to make them believe something.

The paradigm of God works also for idols.

Science, Psychology, Technology, Economics, Finance, Political Ideologies, etc…., could be idols. They are idols each time they demand faith. They are idols each time people have faith in them. They are idols each time they ask for homologation.

There is no difference in having faith in them and/or in God. There is no difference for people to homologate themselves in God’s Will and/or in Psychological / economical / political / etc … / constructs. All of them are human creations.
The *social mechanisms* behind *faith* and *homologation* are the same. Both of them, soon or later, lead to *intolerance*, *discrimination*, *fanaticism*, *violence*, and *all the worst actions* that Humanity has done in the History.

As *Dominican monks* were able to commit the *most ferocious atrocities* “in the name of” God, due the same *blind faith* (nowadays) *scientists*, *psychologists*, *statesmen*, *financiers*, …, can commit any kind of atrocity “in the name of” their new *Idols*. Instead of a *Theocratic Tyranny* (with its *Holly Inquisition*), these *idols* will found a *Technocratic Tyranny* (with its *Profane Inquisition*\(^1\)). But, both of them are the same. *Both of them* demand *homologation*, *faith*, *submission to the Power’s will*. *Sciences*, indeed, is just a *Power’s matter*. The same *beliefs* and *truths*, which are part of the *Scientific Paradigm*, are *consequences* of the *relationships of power* among the *members* of that *Scientific Community* (Lyotard). *Changes* in the *relationships of power* become *changes* in the *beliefs* and in what is

\(^1\) *Psychopathology* is: a new *Malleolus Maleficarum* (Epis, 2011/2015); the *form* that has been taken and has been in the progress of being taken by the *Profane Inquisition*. Indeed, it is used to “attack” *whoever* acts and/or believes differently from the *flock*. It is used to commit and to justify any modern atrocity “in the name of”: *Homologation*; and, *Only-Allowed-Thought*. Most of the times, it is used to (even) create the *behaviours* and *situations* that are used to justify (later) its use / intervention. It is an instrument able to trick the *Legal System* (with all its *Rights* and *Liberties*).
assumed to be *true* in that *Paradigm*, …, and *vice versa*. *Power* and *Knowledge* are the same, as we told *supra* (above).

**Into Nihilism. The Choice: are You a Master or a Slave?**

As *Truth* cannot be reached by *any Science, any Religion, any Discipline,* and *any Methodology*; …

As *Truth* and *Justice*, at the end, are nothing more than the *interest* of the most Powerful *a là* Trasimacus; …

As *Power* is, in its *very Nature*, the *force* to impose one *point of view* onto any others; …

… People find themselves into *Nihilism*.

So, the *question* is: is it possible to survive into *Nihilism*?

According to Nietzsche, it is.

*Nihilism* states only that it is not possible to found any *Truth* and/or *Value* in the *external World*. *Each person* should become the *source* of his/her own *Truth* and *Values*. Some people are able; other people are not. The latter prefer to follow the *truth* and *values* of other people instead of theirs own.
In other words, *Nihilism* marks the *boundary* between *Masters* and *Slaves*. 

*Masters* are those people who are able to trust themselves and to determinate their own *Truth* and *Values*.

On the contrary, *slaves* need to “trust” and to “serve” the *point of view* of someone else.

So, *Nihilism* puts the *human beings* in front of a *choice*.

*Nihilism* asks: “Are you a *Master* or a *Slave*?”

The *answer* depends from the *individual ability* to *stand alone* into *Nihilism* or not.

A *Master* is able to: stand-alone into *Nihilism*; go against the *flow*; be different from the *flock*; be *creator* of his own *universe, truth, values*, and *life-meaning*.

A *Slave* is not able. He/she prefers acting like a *sheep* and/or *lemming*. He/she needs: to follow uncritically the *flock*; to *homologate* and to *uniform* him/herself to the *group* to feel “normal”; to believe that *who* acts differently from the *group* is *crazy*. *Psychopathology* is the *creed* of the *slaves*. *Psychopathology* is a *creation* of the *slaves’ thought*. They demand *norms* and *models*. They need to *homologate* themselves to those *norms*.
and models. To be a flock of sheep, they need to be uniformed to those norms and models. Thus, they cannot tolerate anything that is different from their norms and models. Everything is different, indeed, must: either, be eliminated; or, be forced to conform to their norms and models. Everything is different from them, it is a threat and menace to: the flock; the Only-Allowed-Thought. As they think themselves normal, sane, right, ..., everything is different must be abnormal, insane, crazy. As it/he/she is insane, they feel themselves to be justified, to force it/he/she to homologate to the flock. So, psychopathology has become the New Profane Inquisition. Psychopathology has become the justification and the instrument to make people: uniform to the flock; be uncritical servants of the Power and its Only-Allowed-Thought. Psychopathology has become a “mean” to create a new form of slavery. To be “normal” is to comply with, to believe in, the Only-Allowed-Thought.

So, which will your answer be, when you find yourself in front of Nihilism?
**From Nihilism to Individual Empiricism: the implosion of the dichotomy between Nietzsche’s Philosophy and Christian Religion!!**

Once human beings find themselves alone into Nihilism, they can only make one of the two above choices.

People, who are overwhelmed by fear, will look for a shelter into the point of view of someone else. They will not be able to live without absolute certainties; so, they will ask for someone, who is able to give them dogmas. They will look for an Only-Allowed-Thought at which uniform themselves. On the contrary, individuals, who are able to stand alone into Nihilism, will find a new beginning. Paradoxically, although Nietzsche’s speech seemed to be against the Christian God, they discover themselves “God’s sons”!!!!

According to the Bible, God made human beings look like Him. God was the Creator. He was the first being able to stand alone into Nihilism. Hence, his sons should be creators; his sons should be able to stand alone into Nihilism; … as He did at the beginning of the Time.

The superman of Nietzsche is this. According to Thus Spake Zarathustra, he is able to transmute himself into a Child (after having been a camel and
Nietzsche on the Rule of Law

a lion). The Child is the final step of his evolution. The Child is a creator. The Child is able to stand alone into Nihilism without fearing it.

But, whereas God was the creator of the entire Universe, the child is the creator of his own universe.

God was not a lemming. Could His Sons be lemmings?

God was not a sheep. Could His sons be uncritically followers of the flock?!?!

Thus, I disagree:

1. both, with Woodward A. (2002), who describes Nietzsche like a nihilist who simply attempts to destroy any value to lead to a complete nihilism;

2. and, with Vattimo (1998), who thinks that it is not possible to go over Nihilism (exempli gratia, searching a new foundation for Truth and Values), but it is possible only to change our attitude to it. In other words, Vattimo suggests accepting to live in a meaningless World.

Nietzsche does not abandon the idea of Truth. He suggests to change prospective.
“The sense of truth. – I approve of any form of scepticism to which I can
replay, “Let’s try it!” But I want to hear nothing more about all the things
and questions that don’t admit of experiment. This is the limit of my “sense
of truth”; for there, courage has lost its right” (Gay Science, 51).

From Man to Super-Man

The individuals, who are able to pass through the three stages (camel; lion;
Child), arrive to transmute themselves from men to super-men.

This means two things. On one hand, people discover themselves sons of
God. On the other hand, society cannot long to be a flock of sheep.

Society has also to transmute itself from a flock of sheep to group of free
Individuals, who are able to co-exist and to collaborate in their own (very
strong) differences.

Only this kind of society will be a true Democracy.

Indeed, no democracy (at all) can exist among flocks of sheep as
homologation is the worst kind of Tyranny.
It does not matter the form and/or the name that has been taken by tyranny. It does not matter the reason “in the name of” which, Homologation is demanded.

Without a doubt, flocks of sheep are always dominated by a Totalitarian Regime as they demand homologation. The only difference among these Regimes is about: the degree of how tyranny is overt or covert; and, the concrete historical / cultural form that has been taken by the Regime itself.

As we are going to explain in Part III, Democracy can exist only, and only if, there are free Individuals, who are not homologated among them.
NIETZSCHE ON RULE OF LAW

Simmonds’ Legal Theory

At the University of Cambridge …,

… that “marvellous University” where the “Right Very Most” finest minds are (!!!!) …,

… there was a Reader in Jurisprudence who thought to have discovered the “hot water” in 2005!!

He was a very lovely and enjoyable person. Indeed, rarely have I found (in the entirely World) so pleasant lectures. Each time I demonstrated the inconsistency and wrongfulness of one of his theories and/or teachings, he was used to reply that those theories/teachings were thought by one of the Finest Cambridge Mind!! For most people, a sufficient reason to prove the rightness of those theories/teachings!! Of course, populaces agreed with him, clapping at those self-evident words.

On the contrary, I was used to laugh a lot. I found so hilarious his sense of humour that I laughed so much that I wept for Happiness!! His lectures were so entertaining and mirthful that they were a blessing break from the usual pedant, doctrinaire and hollow, vain Cambridge speech.
Simmonds (2005a; 2005b) claimed to have archived a *Legal Theory* able to support “an understanding of law as a substantive moral idea” *versus* “an understanding of the law as a morally neutral instrument, serviceable for wicked purposes as well as good”. But, *his theory is: both, wrong; and, NOT original at all. It was copied from Plato and the Italian Ardigò. Actually, the *theories* of Plato and Ardigò were far, … far…, far better than Simmonds’ theory. The latter was a *bad copy*, which “corrupted” the *good ideas* of the formers.

Simmonds believed to have overcome the *conflict between Rule of Law and* the “mundane view of law” with his Legal Theory: *Law as a Moral Archetype*. According to Simmonds, *Law* is an “approximation to an intellectual archetype”. His theory is based on two *assumptions*:

1. **the first** is the *postulate* that: *Law* is “structured by archetype”;
2. **the second** is the *postulate* that: the “archetype is an intrinsically moral idea”.

But, both his *postulates / assumptions* are wrong!!

Moreover, although Simmonds attempts to deny that his *archetype* lives in a *metaphysical realm*, he fails to prove this.
At a first look, Simmonds’ theory seems to be a mere reformulation of the two *platonic worlds*. The strong affinity between Simmonds and Plato is supported by the example of *archetype*, he used: the *concept of triangle*.

Simmonds rejected the *empirical definition* (which had been made by Euclid\(^2\)) as he preferred an understanding of *triangle* in term of: *degrees* of approximation between a *geometrical form* and an *ideal archetype* of *triangle*. Does it sound like Plato (!!), does it not?

Indeed, he wrote: “So triangles do not constitute triangles by satisfying a set of criteria” (!) “but by approximating to an ideal archetype; and not all triangles are equally triangles: they are triangles to the degree to which they approach the ideal” (Simmonds, 2005a).\(^3\)

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\(^2\) According to Euclid, a *triangle* is a *two dimensional* geometrical form with: **both**, three *angles*, whose sum \((\alpha + \beta + \gamma)\) is equal to 180°; **and**, three *sides*, which are composed by a straight line segment, whose the length of one of them is never: **both**, the same; **and**, longer; … the sum of the others two.

\(^3\) Simmonds (2005b) repeated this concept: “Actual instances of triangles constitute triangles in virtue of the degree to which they approximate to the ideal “triangle” of mathematical definition. So the triangles that one comes across do not constitute triangles by fully satisfying a set of criteria, but by approximating to an ideal archetype. **Indeed, not all triangles are equally triangles: they are triangles to the degree to which they approach the ideal**.”
There is only one difference between Plato and Simmonds. For the former, there is not prejudice and discrimination among triangles. Triangles are equally triangles, even if they can have different forms and characteristics. Equilateral triangles, isosceles triangles, scalene triangles, right triangles, obtuse triangles, acute triangles are all equally triangles for a Platonic idea of triangle. But, for Simmonds, they are not equal, since they reflect a different degree of approximation to the ideal archetype of triangle!!

But, are we sure that exist only an ideal archetype of triangle?!?!

Why is it not possible the existence of six different ideal archetypes of triangle?!?!

Is it possible that those six different archetypes of triangle come from a common meta-archetype of triangle?!?!

And, if so it is …, are we sure that the function / role / nature of this meta-archetype of triangle is to discriminate among triangles?!?!

No, we are not. Simmonds was hugely wrong.
Law of Hume versus Simmonds’ Moral Archetype

According to the *Law of Hume*, this meta-archetype belongs to a *Descriptive Realm*. It does not belong to any *Normative Realm*. So, it cannot be used to discriminate among triangles. It can only say if $A$ is: either, a triangle; or, not a triangle. In other words, it defines the entities that belong to the set of triangles. If we apply it to *Law*, it will be the same. The Archetype will only say if something belongs, or not, to *Law*.

That is all, Folks.

But Simmonds makes his archetype say something of very different.

According to Simmonds, not all triangles are equally triangles but “they are triangles to the degree to which they approach the ideal”.

In other words, Simmonds violated the *Law of Hume*. He passed from an entity, which belongs to the *Descriptive Realm*, to an entity, which belongs to a *Normative Realm*. He confused between these two dimensions.

*Simmonds’ archetype* is not an archetype. It is a normative choice that has been masked behind a descriptive form.
For this reason, he arrived to state that “not all triangle are equally triangles: they are triangles to the degree to which they approach the ideal”.

All the Legal Theory of Simmonds is based on this huge mistake. He confound between the Descriptive Realm and the Normative Realm.

An entity can only belong to one of these two Realms. An entity cannot pass from one of them to another one. So, Simmonds’ Legal Theory implodes in itself. On one hand, it was the result of a very wrong reasoning (done by one of the “finest Cambridge mind”). Simmonds misused philosophical ideas without: having awareness of them and their implications; knowing what he was doing!! On the other hand, if he knew what he was doing, he was willingly cheating. He used one of the most antique logical fallacies.

As a result (it does not matter how or why) he created a wrong and dangerous theory able to “prostituting” itself to support any intolerant and totalitarian Regime, which wants to impose its own ideal onto any other one else!!

Ideals, indeed, change: from culture to culture; from time to time; from person to person; etc…. .
The *Holy Inquisition*, on the contrary, would have found very interesting
the *Legal Theory* of Simmonds!!

**Simmonds Background**

Where does *Simmonds’ Legal Theory* come from?

The *University of Oxford* and the *University of Cambridge* have a long
tradition of rivalry. Thus, when Oxford says *A*, Cambridge says *Z*.

It makes quite easy their job!!

As Finnis (Oxford) had taken a lot from Saint Aquinas (Aristotelism),
Simmonds (Cambridge) was forced to take a lot from: Saint Augustine
(Platonism); and Ockham, who opposed *his teaching* to those of Aquinas.

So, Finnis and Simmonds played this *historical endless recursive game*
*between* these two Universities and these two *opposite philosophical*
*points* of view.

But, Simmonds “corrupted” the *ideal of Plato* with *Ockham’s philosophy*.

**From Saint Augustine**, Simmonds took: the strong *dualism*; and, the idea
of *Law* as a *Moral Archetype*. The *imperfect human beings* tend endless to,
without reaching it, a *Moral Archetype*. 
From Plato, Simmonds took: both, the Theory of Form (Phaedo); and, the Doctrine of Love. From the former, Simmonds took his first postulate\(^4\). As nothing in the World is more than a shadow (Plato, Cavern’s Myth), Law comes from an immaterial ideal that is neither physical nor mental. According to Plato, this ideal comes from nowhere in the space-time, as it lives in a metaphysical world (the world of ideas). From the doctrine of love, Simmonds took the dynamical relationship between Law and its ideal.

But, neither Plato nor Augustine stated what Simmonds affirmed later: “not all triangles are equally triangles” as “they are triangles to the degree to which they approach the ideal” (Simmonds, 2005a).

Simmonds took this idea from Ockham’s thought. Ockham fought Aquinas’ teachings. As Simmonds wanted to fight Finnis’ theory, he: either, had to pick up from Ockham; or, had to create something new.

Simmonds picked up from Ockham (it was far easier).

According to Ockham, Moral and Legal norms cannot be found with reason (and/or introspection a là Finnis and Saint Aquinas). Behaviours are ______________________

\(^4\) The first postulate is: Law is “structured by archetype”.
good only if they are conformed to God’s commands. There is no intrinsic reason in them. Good and Bad are only the outcome of arbitrary norms / commands of God. So, even the wickedest things can be the absolute Good if God commands them. Bad is only to disobey to (to not comply with) God’s norms and/or commands.

Now, Simmonds does not speak about God, as God has never ever commanded anything. Moreover, nowadays, God is an unfashionable argument among Scholars. On the contrary, the Moral Archetype is based on Power’s Will. As there is not any intrinsic reason of what Good is (Ockham), Simmonds’ Moral Archetype becomes an arbitrary normative entity used by Power to make triangles homologate to its will. So, Simmonds’ Moral Archetype discriminates among triangles. This is the reason why not all triangles are equally triangles. They are “triangle” due the degree to which they comply with Power’s will.

At the end, the Legal Theory of Simmonds has opened to doors to any Totalitarian Regime behind vacuum, in appearance agreeable, void words.

Nietzsche versus Simmonds

“Where you see ideal thing, I see – human, alas all too human things”

Friedrich W. Nietzsche, Human All Too Human
Both Nietzsche and I agree that different triangles have different forms and characteristics\(^5\) as different Human Beings have different: Culture; Race; Ethnicity; Nationality; Ideas; Beliefs; etc… BUT, neither Nietzsche nor I agree with Simmonds when he says that “not all triangles are equally triangles” as “they are triangles to the degree to which they approach the ideal triangles”.

This is for the reasons I have explained supra (above) et infra (below).

**Prototype versus Archetype**

When Simmonds speaks about Moral Archetypes, he creates:

1. a surreal hybrid: between Plato’s Epistemology and Ockham’s Ethics;
2. and, a monster (chimera) which continuously swing between a Descriptive Realm / Dimension and a Normative Realm / Dimension.

Simmonds does not have any clear idea about the difference: between Epistemology and Ethics; between Descriptive Realm and Normative Realm.

\(^5\) Some of them are equilateral triangles; some of them are isosceles triangles; some of them are scalene triangles; some of them are right triangles; some of them are obtuse triangles; some of them are acute triangles.
Realm. Simmonds’ Legal Theory confounds the Nature of Law with the Political Domain of a Legal System.

On the contrary, when I speak about Law as a Social Prototype, I speak about empirical things. I speak about a Descriptive Theory that explains the Nature of Law without: both/either, entering inside the normative contents; and/or, judging among triangles. I keep a distinction: from Epistemology to Ethics; from the Descriptive Realm to the Normative Realm.

**What is a Social Prototype?**

A Social Prototype is exactly the opposite of the Simmonds’ Moral Archetype. To understand the prototype, you have to change the prospective. You cannot start from any metaphysical Realm, but you have to start from the empirical and physical Realm.

Simmonds, indeed, made the same mistake of Raz (Epis L., 2015). As he could not found “his” theory in the empirical facts, he founded it entirely onto ontology and metaphysics. It was a way to deny the reality of facts. But, Law does not come from any metaphysical Realm!! On the contrary, Law comes from the historical living experience of a society.
As this writing is to say, **Law as a Social Prototype** is the final evolution of the Ardigò’s Social Ideal.

According to Ardigò (1901), every society creates its own **Social Ideal** (Idealità Sociale). The Social Ideal does not come from any metaphysical Realm. It is the natural outcome that is caused by the inborn and innate Law of the Nature. They are “written” inside: both, the Social Organism; and, the Human Beings.

The Social Ideal is also called Justice. It is: the Specific Force of the Social Organism; the set of the implicit norms (Natural Law) that are naturally created by the Society and its members. Those norms are innate and necessary. The Social Organism, indeed, cannot exist without them.

So, Ardigò created an empirical theory that was able to sketch out a framework for understanding the two dimensions of the Legal System: the implicit dimension (Social Ideal); and, the explicit dimension (Positive Law). But, Ardigò gave merely a sketch, he was not able to find and to indicate those innate and inborn mechanisms.

Indeed, in all its dimensions, Law is nothing more and nothing less than a particular kind of social norm. So, Law as a Social Prototype is a very empirical and positive theory able to explain:

1. the Nature of Law;
2. the Legal Interpretation;
3. the relationship and dynamics between the implicit and explicit Legal Dimensions;
4. the innate psychosocial mechanisms that rule the Legal System;
5. the whole Legal Domain in its every levels and aspects.

Law as a Social Prototype is also able to explain the relationship among Morality, Justice and Law. All of them are sub-sets of the main set of the social norms.

Whereas several scholars have linked the moral norms to the legal norms, none of them was able to explain their relationship. They refused to proceed with an interdisciplinary approach. They refused to apply the Social Psychology and Social Cognition to their disciplines. So, their theories are weak.

Simmonds’ Moral Archetype is an example of this, inJurisprudence. Wikstrom’s Situational Action Theory of Crime Causation is another
example of this, in *Criminology*. Indeed, Epis has always advised Wikstrom to improve his theory and studies, using the *Social Psychology* and *Social Cognition*, since 2006. For instance, you can give a look to Epis’ writing: *Morality and Crime*.

Finally, *Law as Social Prototype* resolves several legal and philosophical problems such as: the violation of the *Law of Hume*; the conflict between *Natural Law* and *Positive Law*.

**Epis’ Prototype and Simmonds’ Archetype: the Final Conflict**

*Simmonds’ Moral Archetype* and *Epis’ Social Prototype* represent the final opposite views that are possible to have about the *Nature of Law*.

They evolve and synthesis all the previous legal thought. Simmonds re-elaborated the antique theological and metaphysical perspectives into a modern lay one. Epis re-elaborated the empirical and positive legal theories, which have been developed inside the *Legal Thought*, into an integrated and interdisciplinary theory. *Exempli gratia*, Epis enriched and advanced the Ardigò’s *Legal Thought* with the framework of the *Social Psychology*, *Cognitive Psychology* and *Social Cognition*. At the end, *Epis’ Legal Theory* is able to:

1. understand the *Legal Phenomenum* in its *Whole Unity*;
2. illustrate the different layers, strata and levels, which constitute the 

   Legal Reality;

3. describe “how” those levels work and interact together.

In other words, Epis’ theory is a model, which is able to consider all the 
different factors and variables of the function: \( f (\text{Law}) \). Of course, the 
model has some limits!! It considers only the factors that belong to the 
Social and Psychological Sciences. In other words, it cannot tell you “how” 
the fly of a butterfly in Amazon Forest can affect a legal proceeding in 
Italy. But, actually, … it can … in somehow.

According to the Chaos’ Theory, the movement of atoms, which has been 
caused by a Brazilian butterfly, can influence the outcome of a rain and/or 
a storm in Italy. For instance, at least, it can make some drops of rain 
and/or hail fall more somewhere instead of somewhere else. A little 
difference of few millimetres and/or centimetres can cause an unpredicted 
slip to a Lawyer, who is going to notify a Legal Act. Well, if the Lawyer 
has waited for the last legal day (as most of the time, they do), this little 
unpredicted bother (… which was caused by an innocent Brazilian
butterfly…) is a sufficient factor\textsuperscript{6} that is able alone to affect deeply the entire legal proceeding\textsuperscript{7}.

Exempli gratia, there is no time for notifying the summons before the end of the legal term. This will cause: the invalidity of the notification of the summons; and, the loss of the rights.

This is “why”, I strongly advice Lawyers (… and more generally any reasonable person …) to not wait for the last moment. Fate is a capricious Child, with an extraordinary sense of humour. So, you cannot ever know when He decides to play a joke on you.

According to Nietzsche, the Simmonds’ archetype is an idol as: it comes from metaphysics; and, it demands faith.

On the contrary, the Epis’ Social Prototype is not an idol. It does not demand faith. It is a descriptive theory that is able to indicate those clear psychosocial mechanisms that rule entirely the Law’s Realm.

\textsuperscript{6} Which is not considered by my model.

\textsuperscript{7} Actually, this example is taken by real cases. It happened that lawyers, who waited for the last useful day for notifying a summons, slipped and broke one of their legs. So, their clients lost all their rights.
**Law and Responsibility**

Law itself is neutral. Legal Systems themselves are neutral.

Law is not: either moral or amoral; either good or bad.

As Bernard Show said: “everything has its abuse as well its use”.

Law’s moral qualification depends mainly on “how” people use Law.

Indeed, every Legal System can be misused and abused. For instance, different weights and measures can be applied from case to case. Although the norms, rights and liberties, are formally the same for every person (Paper Rights), they can be applied substantially in a very different way from person to person (Real Rights). Exempli gratia, the norms and facts can be interpreted in different ways.

Moreover, Economical and Psychological factors can deny people to access their Rights and Liberties. Different economic conditions make people have different degrees in the access to their Rights and Liberties. Social Pressure, Groupthink, Propaganda, Authority’s Compliance, Psychopathological Constructs and Standard Deviations do not allow any

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8 So, even if the Paper Rights tells that an identical Legal System exists for everyone, the Reality is different. The Legal System changes from person to person.
free determination. If there is not any real free determination, no responsibility exists at all. Responsibility asks for a real and substantial individual freedom. So, no responsibility can exist in a flock of sheep. People, at the end, discover themselves to be nothing more than slaves “in chains”, who pay for responsibility of other persons.

So …., the question is: who is the responsible one for the actions that are done by the flock of sheep?

Well…, the answer is obvious. The shepherd, who leads the flock, is responsible with his guard dogs⁹.

Responsibility and Democracy cannot exist in a flock of sheep. They need a different kind of social group. The flock of sheep must to be transmuted in a group of Free Individuals. This will be possible only if the Human Being transmutes himself from man to superman.

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⁹ Nowadays, we live in a very strange time. The responsible one is always the poorest sheep. The shepherd is never responsible with his guard dogs!!
Epis’ Legal Theory: Law as Social Prototype. A new Legal Theory able to overcome: both, the Law of Hume; and, the conflict between Natural Law and Positive Law.

Law as a Social Prototype is a Legal Theory able to overcome: both, the Law of Hume; and, the conflict between Natural Law and Positive Law.

Law as a Social Prototype overcomes the Law of Hume as it belongs only to the Descriptive Realm. This theory clarifies: the Nature of Law; and, “how” the Legal Domain works in all its different aspects and levels. In other words, it tells us everything about “triangles” (a là Simmonds) without judging among “triangles”.

Law as a Social Prototype overcomes the conflict between Natural Law and Positive Law. It explains clearly the relationship and dynamic forces between these two Legal Dimensions of a Legal System: the implicit dimension (Social Ideal / Natural Law); and, the explicit dimension (Positive Law). It evolves the Ardigò’s framework with the inborn psychosocial mechanisms, which govern those intrinsic natural processes. Without them, Law and Society cannot exist.
As both the implicit norms and the explicit norms are social norms, it is possible to understand clearly the underlying forces behind this endless recursive interaction.

But, … wait a moment, I have already heard Simmonds’ legal theory with a better formulation!! Simmonds “thieves” the Italian Ardigò of his ideas!!

Whereas I recognise the Ardigò’s Thought, Simmonds’ took a lot from Ardigò without: both, recognizing it; and, evolving his’ framework.

Actually, Simmonds regressed and retreated the empirical ideas of Ardigò from a Positive Stage to a Metaphysical Stage. Moreover, he “transmuted” the Ardigò’s theory from a good descriptive theory to a huge philosophical nonsense. Something that was tremendously in violation of the Law of Hume.

Simmonds took a lot from Ardigò; it is self-evident. Ardigò was one of first philosopher, who clearly described the Legal Domain and Dynamics like a recursive endless interaction between an implicit dimension (Social Ideal / Justice) and an explicit dimension (Positive Law)\(^{10}\).

\(^{10}\) Ardigò was one Italian scholar. He belongs to the Italian Positivism.
Simonds has simply translated the *Ardigò’s theory* in English. Instead of using the terms *Social Ideal* and *Justice*, he used *Moral Ideal* and *Moral Archetype*.

But, the *structure*, the *dynamics* and *connexions* between the *implicit* and *explicit Domains*, are those that Ardigò used.

There is only one difference. Whereas Ardigò evolved the *previous Thought* from a *Metaphysical Stage* to a *Positive Stage*, Simonds regressed it from a *Positive Stage* to a *Metaphysical Stage*!!

On the contrary, Epis wanted to advance the *Ardigò’s Positive Thought*. He did it, as it was explained *supra* (above).

**Justice and Morality**

The philosophy of Nietzsche criticizes any attempt to found the *Rule of Law* “outside the compass of the earth”. But, Nietzsche is not *amoral*. Nietzsche does not renounce *values*. On the contrary, Nietzsche advanced a *Positive Idea* of *Morality*. The *Positivism* of Nietzsche was an *Individual Positivism*. As I explained *supra* (above), he overturned the *perspective*.

So, *Nietzsche’s Morality* and *Ardigò’s Justice* can be integrated.
Whereas Morality comes from the Living Experience of each Individual, Justice comes from the Living Experience of each Social Organism (Society).

In other words, something is either just or unjust in terms of Social Life and Existence; something is either good or bad in terms of Individual Life and Existence. Both of them are the best adaptation in terms of values, which both an Individual and a Social Organism can do, living in those particular historical environments, they experienced.

So, the Social Dimension and the Individual Dimension coexist in harmony.

Between Justice and Morality, the same dialogical recursive interaction, which exists between the implicit and explicit Legal Domains, happens. Justice is the outcome of the Social Dialectic among the different Individual Moralities.

When Morality moves from the Society to the Individuals, Morality and Justice (Social Ideal) overlap. This is not good. It means that all the Individual Dimensions are uniformed and homologated to the Social One. As a result, Justice cannot be the outcome of the Social Dialectic among the different moralities and values of the Individuals. As Individuals have to conform themselves to the Social Ideal, they cannot have and develop
any their own Real Morality and Values. In fact, a homologated individual is nothing more than a lemming and/or a sheep of the flock. Homologation becomes part of his/her habitus, forma mentis. As the Social Ideal does not come from the Social Dialectic among the very different and ununiformed individual moralities and values, the Social Ideal comes from somewhere else.

So the question is: Where does Social Ideal come from?

If it does not come from Social Dialectic among the very different moralities of the Individuals that are at the bottom of the Social Pyramid, then it can only come from the top of the Social Pyramid. It means that the Social Ideal is a creation of the Power. It is an arbitrary construct that has been created by Power to advantage its own interests. As Power does not want to reveal the Real Nature of the Social Ideal to its servants, Power presents its Social Ideal like an Idol. But, Social Norms (it does not matter if they are: Law; Morality; Values; etc…) do not come from any Metaphysical Realm. Social Norms are the most concrete and empirical thing. As I have widely explained and demonstrated, Social Norms come from the Social Conflict and Social Dynamic Forces that govern and underlay the Social Organism.
So, the Individual Morality cannot be homologated to the Social Ideal. If it happens, Justice is reduced to be “the interest of the most powerful” a là Trasimacus.

This is why Nietzsche does not want believers, but people who trust themselves.

“… Verily, I advise you: depart from me, and guard yourselves against Zarathustra! … Ye say, ye believe in Zarathustra? But of what account is Zarathustra! Ye are my believers: but what account are all believers! Ye had not yet sought yourselves: then did ye find me. So do all believers; therefore all believers is of so little account. Now do I bid you lose me and find yourself; and only when ye have all denied me, will I return unto you.” (Thus Spake Zarathustra, I, XXII).

On the contrary, if each individual is free to create his own Morality, then Justice is the outcome of the Social Dialectic among all these different views. So, Justice comes from the bottom of the Pyramid, instead of the top. In this case, a Real Democracy can exist.

Individuals have to live of their own values and truths. They cannot live for the values and truths of someone else. They can only participate to the
Social Dialectic, bringing their unique living experience. It is the only thing, they can really know and understand.

“Ultimately, no one can extract from things, books included, more than he already knows. What one has no access to through experience one has no ear for” (Ecce Homo, Why I write good book, I).

So, Nietzsche recognises the importance of the Rule of Law inside the actual level of conciseness of the Humanity. But, Rule of Law does not come from Metaphysics. Rule of Law comes from the Individual and Social Empirical Live. Nietzsche would have agreed with Ardigò.

Rule of Law like Supremacy of Law above Power

According to Nietzsche, Rule of Law could be understood like the Legal Principle: pacta sunt servanda. It is a Latin brocard\(^\text{11}\) that means: the agreements have to be respected.

\(^\text{11}\) Brocards are Legal Principles that have been created during the Medieval Age. They have been taken by the Roman Law (which was considered an expression of Natural Law). The name “brocard” came from the name of the bishop of Worms, Burchard, who died in 1025. The bishop Burchard wrote 20 volumes: Regulae Ecclesiatricae. These books are a collection of maxims and sayings. Some of those Legal Principles were collected in those tomes.
Pacta sunt servanda is the first and essential principle for the existence of any Legal System and any Social Organism. No Legal System, no Social Organism, indeed, can exist without it. If the agreements are not respected, then the Social Organism cannot exist as all its parts (Individuals) will be in an endless conflict and war.

So, as the highest pactum is the Social Contract, pacta sunt servanda applies, in first instance, to it. The Social Contract is both an implicit and an explicit agreement among individuals, who decide to form a Society and/or Nation. It contains the main values (Social Ideal) of the Society. The Social Contract is the hard core of the Ardigò’s Social Ideal.

As the Government receives its powers from the Social Contract\(^\text{12}\), Government has only those powers that the Social Contract gives to it. So, Government must comply with: both, the regulations that limit its powers and their exercise; and, the values and legal principles that come from the Social Ideal.

In other words, this means that Rule of the Law is the Supremacy of the Law above the Power. Power is submitted to the Social Ideal that comes

\(^{12}\) The Government does not receive those powers from God.
from the Social Dialectic among free Individuals with different Moralities and Values.

Only in these terms, an impersonal Power a là Ardigò can lead the Society. On the contrary, we have a Power that betrays the Social Ideal to impose its own tyranny. Therefore, the Social Ideal will be reduced to be a Horse of Troy as I wrote in Rule of Law and English Legal System.

According to Nietzsche, the Prudence, which human beings have learned from their Living Experiences, advices people to use Rule of Law like an instrument.

“Rule of law as a mean. – Law, reposing on compacts between equals continues to exist for so long as the power of those who have concluded these compacts remains equal or similar; prudence created law to put an end to feuding and to useless squandering between forces of similar strength. But just as definitive an end is put to them if one party has become decisively weaker than the other: then subjection enters in and law ceases, but the consequence is the same as that previously attained through the rule of law. For now it is the prudence of the dominant party which advises that strength of the subjected should be economized and not uselessly squandered: and often the subjected find themselves in more favourable
circumstances than they did when they were equals. – The rule of law is thus a temporary means advised by prudence, not an end” (*Human, All too Human*, II, 26).

So, accounting to Nietzsche, *Rule of Law* has two origins.

The **former** is originated inside a *Utopian Society* where everyone is *formally* and *substantially equal* to any other person. In this case, *Rule of Law* comes from a *Social Contract* that is done by *Equal Forces*. *Rule of Law* is the *outcome* of the *Social Experience* that has been done by those equal persons/forces. They have learned that it is useless an endless conflict among *them*.

The **latter** is originated inside a society where there is not a substantial equality among its members. Nevertheless, the *dominant persons* have learned that it is sager to economize *their forces* than to waste them with useless conflicts.

In both the cases, *Rule of Law* does not come from *Metaphysics*. *Rule of Law* comes from the *Individual* and *Social Living Experience*. From this experience, *Prudence* advices the need to use *Rule of Law* like a mean. It is a *conscious* and *rational choice*. 
Nietzsche on the Rule of Law

In other words, Rule of Law is a mean to avoid a bellum omnium contra omnes (Hobbes, 1909). But, Nietzsche does not advice to create a Leviathan a là Hobbes (1909). Nietzsche recommends that it is possible to resolve the problem overturning the perspective. According to this perspective, Rule of Law is compatible with the Ardigò’s Social Ideal. Rule of Law is not compatible with the Simmonds’ Moral Ideal, as it would be reduced to be a justification for the tyranny of the Leviathan. But the latter, it is not Rule of Law as it is the opposite of the Supremacy of the Law above the Power.
NIETZSCHE AND DEMOCRACY

Epistemology and Morality versus Politics: from the creation of the Superman to the realization of Utopia

I agree with Thomas Mann (1948). Nietzsche is “remote from politics”\textsuperscript{13}. Nevertheless, the demand to investigate the “political philosophy” of Nietzsche springs out from the different attempts (which have been done from time to time) to use his “innocently spiritual” Thought (Thomas Mann, 1948) to support anti-democratic Regime.

Although Schutte (1984) and Detwiler (1990) argue that the Nietzsche’s Thought can justify “highly authoritarian systems of government”, Nietzsche is against any anti-democratic Regime. This is clear, as I wrote supra (above). Nietzsche defends and supports the Individual Freedom. His philosophy is ontological incompatible with any totalitarian Regime. Individual Freedom and authoritarian Regimes cannot co-exist together.

\textsuperscript{13} Thomas Mann (1947), Nietzsche’s Philosophy in the Light of Contemporary Events, Washington: Library of Congress.
Indeed, according to Montinari (1975): “all’interno di una ... democrazia ... non puo’ mancare una “dimensione Nietzsche”, la dimensione ... della liberta’ di spirito che nasce dalla carica critica, razionale e liberatrice del suo pensiero e che non si stanca mai di rimetere tutto in questione”\textsuperscript{14}.

\textit{Nietzsche’s Thought} was corrupted by Elisabeth Nietzsche Foster (his sister). She made \textit{Nietzsche’s Thought} be compatible with the German political ideology of Nazism (Montinari, 1975; Wicks, 2004)\textsuperscript{15}. But, \textit{Nietzsche’s Philosophy} was clearly anti-Nazism.

The anti-Nazism of Nietzsche is self-evident from:

1) his anti-racism;

\textsuperscript{14} “Inside a Democracy ... a “Nietzsche’s dimension” cannot miss. It is the dimension of the “freedom of Spirit” that comes from the critical, rational and liberating, power of his thought, which re-put everything under re-examination without getting tired”.

\textsuperscript{15} Elisabeth Nietzsche Foster and her husband Bernhard Foster were both Nazis. They lived in Paraguay. When, they came in Germany to take care Friedrich Nietzsche, Elisabeth used the philosophy of her brother to elevate her position in the Nazis Society. In Paraguay, Elisabeth and her husband worked actively “to establish an Arian, anti-Semitic German Colony called” \textit{Nueva Germania} (Wicks R. 2004). This is how the \textit{Nietzsche’s Thought} was made compatible with the nationalism of Hitler and Mussolini (Wicks R. 2004).
2) his idea that “the concept of “pure blood” is the opposite of a harmless concept”;

3) his anti-anti-Semitism (Duffy M. F. and Mittelman W., 1988);

4) the idea of man like a free thinker;

5) his ideas about idols;

6) etc….

On the contrary, Hunt (1991) argues that the Nietzsche’s Thought can be interpreted in any possible way, due its ambiguity. So, Nietzsche can appear: anarchist; totalitarian; liberal; etc…; … as Nietzsche expressed himself like a Sphinx (Blondel, 1991). But, Nietzsche does “not hold any of the standard political ideologies” (Hunt, 1991). So, it is meaningless an account such as that one of Ansell-Pearson (1994). The latter attempted: before, proving that “Nietzsche is liberal individualist”; then, explaining “on which he departs from liberalism”!!

This sketch indicates how much Nietzsche’s work was strongly misunderstood.

Paradoxically, Nietzsche predicted this outcome.

“But it would be a complete contradiction of myself if expected ears and hands for my truth already today: that I am not heard today, that no one
today knows how to take from me, is not only comprehensible; it even seems to be right” (*Ecce Homo*, Why I write good book, I).

For these reasons, I agree with Warren (1985) when he says: “… that the Nietzsche’s thought has entered the cannon of political philosophy in an unsatisfactory manner, and that the relation of Nietzsche and political philosophy needs to be reconceived”. Nevertheless, I do not agree with Warren (1985) on the “strategy for doing” this re-evaluation. Instead of starting from the centrality of the philosophy of power and human agency, I suggest to follow the exegetic criteria, which Nietzsche gave us in *Ecce Homo*: “Listen to me! For I am thus and thus. For not, above all, confound me with what I am not!!” (*Ecce Homo*, Prologue).

The mistake to use the concept of Will to Power comes from a “literal application” of this expression without understanding what it means. Will to Power does not refer to individuals. It refers to the World itself. As individuals are parts of the World, they participate to Will to Power. “This world is the will to power — and nothing besides! And you yourselves are also this will to power — and nothing besides!” (Nietzsche, *Will to Power*, 1067).
Nietzsche on the Rule of Law

*Will to power* is the *Dynamical Force* that makes *World / Existence* be. It looks like the concept of *Spirit* that is used inside the *Hermeneutic Philosophy* (Gadamer, Heidegger, Betti, etc…). Indeed, according to Davey (1991): “… there is a substantial hermeneutic foundation to his thinking which has, astoundingly, been neglected”.

The present writer affirms that the *political thought* of Nietzsche should be extracted by his *moral* and *epistemological philosophy*. The *political philosophy* of Nietzsche is an *indirect consequence* of his *moral* and *epistemological ideas*.

The difficulty to understand Nietzsche comes from the ambiguity of his *discourse*. His aphorisms look like *Buddhist Zen Koans*. Nietzsche used ambiguity as, at the end, “no one can extract from things, books included, more than he already knows. What one has no access to through experience one has no ear for” (*Ecce Homo*, Why I write good book, I). So, *long explanations are useless!!*

“Every deep thinker is more afraid of being understood than of being misunderstood. The latter perhaps wounds his vanity; but the former
wounds his heart, his sympathy, which always says: “Ah, why would you also have as hard a time of it as I have?”" (Beyond the Good and Evil, 290).

The political idea of Nietzsche is to create a Utopian Society that is composed by free Individuals. As Individuals must be the opposite of lemmings, the Utopian Society has to be the opposite of a flock of sheep.

Nietzsche expressed his anti-authoritarian view, exempli gratia, in On the New Idol (Nietzsche, Thus Spake Zarathustra, I). The State is described to be an Idol that imposes its Moral Ideal a là Simmonds onto its servants. So, between the Power of the State (Leviathan) and the Simmonds’ Moral Ideal (the Cultural Paradigm that is imposed by the State) there is a strong bond. This is clear from the Nietzsche’s works, even if his Cultural Aspects and Implications have usually been underestimated (Blondel, 1991).

Although some authors have attempted to restrict the interpretation of On the New Idol to some particular types of forms of Government (Sokel, 1983; Strong, 1976), these interpretations “have nothing to do with the text of On a New Idol” (Hunt, 1991)\(^\text{16}\).

\(^{16}\) Sokel (1983) restricts the application of on the New Idol only to “ossified bureaucratised State”; whereas Strong (1976), only to “nationalistic States”.
On the New Idol refers to every State that has not transmuted itself from the flock of Sheep to the Utopian Society. Indeed, sheep/lemmings have always homologated themselves to something that was given to them. On the contrary, a group of free individuals is made by free spirits. This is clear from the literature that has influenced Nietzsche’s work. Exempli gratia, Holderlin (1822; 1994) was one of his preferred writers (Blondel, 1991)\(^1\).

Nietzsche does not want a society of imitators (lemmings).

“Imitators. – A: “What? You want no imitators?” B: “I do not want people to imitate me; I want everyone to set his own example, which is what I do”. A: “Thus –?” (Gay Science, 255)

Nietzsche does not want believers. Believers are servants of idols.

\(^{17}\) Holderlin (1822; 1994) in the Hyperion wrote: “… The person who wants the State to be a school for morality has no idea how much he is sinning. None the less, wanting the State to be his heaven, man has created a hell. The State is a rough walnut shell covering life, nothing more. It is the wall of the garden in which men grow flowers and fruits. But what use is the garden wall if the soil is dry?”.

These ideas are present in the On the New Idol of Nietzsche.
All the *conflicts* and *wickedest things* have been the consequence of believers’ determinations. They want to impose their own *Moral Ideal* (*a là* Simmonds) onto any other one. The *Christian Church* gave an example of this with its *Holy Inquisition*. To save the soul of people from the fire of the *Inferno* and Satan, *Inquisitors* created the *Hell* on the Earth. Like real *devils*, they enjoyed: to *torture* and to *burn* people; to commit any atrocity. They were *servants* of Satan; they were not *ministers* of God at all. They betrayed God. They killed Him and His Teaching!!

Nowadays, this is done with the *New Profane Inquisition*. *Psychopathology* is used and misused to reload the *Hell* on the Earth (Epis L., 2011/2015). *Its constructs, standard deviations and demand of Homologation*, are the *new Idols* “… in the name of …” new and old forms of *abuse, torture* and *violence*, can be done.

The only way to *exist* from this *foolishness* is to create *Utopia*.

The only way to create *Utopia* is to *transmute* the *Human Being* from *man* to *superman*.

This is possible only proceeding with the *three passages* described by Nietzsche: *Camel; Lion; Child*. *Nietzsche’s philosophy* has several *Alchemical Elements*. Indeed, these *three passages* are a *new metaphor* for the *three Alchemical Stages*: *Nigredo* (the Black Stage *Alchemicae
Operae); Albedo (the White Stage Alchemicae Operae); Rubedo (the Red Stage Alchemicae Operae). But, I do not know about These Enigmatic Things! So, I cannot tell you about Them. Yet, you may read other writers such as: Zosimus Alchemista (Zosimos of Pannopolis); Maria Prophetissima (Mary the Prophetess; Mary the Jewess); Stephanus Alexandrinus (Stephanos of Alexandria; Stephen of Alexandria); Pseudo-Democritus; Gabir Ibn Hayyan; Senior Zadith; Paolo di Taranto; Basilius Valentinus (Johann Tholde); …; Julius Evola (1931); … and/or someone else, who knows about Them.

The superman is what I descried in the first chapter. So, I will not long more on this topic. Yet, I want to tell something about the view of Thiele.

I disagree with the “heroic individualism” presented by Thiele (1990).

“The Hero has the fate of Tantalus, whose reach is insufficient and whose efforts unending. For the fruit of his struggle is unattainable: he is a mortal who seeks immortality, a man who desires to be a god. But as he reaches for what he cannot grasp, he also grows in power, and therefore welcomes the temptation to overstep his limits. Unaware or contemptuous of the boundaries of human life, the hero is forever in state of transgression. He is
hubristic, and he both suffers and glories in his struggles to be more than he
is fated to be”.

Thiele (1990) has completely misinterpreted the concept of hero of
Nietzsche. On the contrary, Thiele (1990) described the *ideal* of the
romantic hero, *exempli gratia*, that one, which was used by Byron (1841)
in his *Childe Harold’s pilgrimage*.

The *superman* is a different kind of hero.

He:

1) overcomes his old nature of follower;

2) transcends *duality* and the antinomy between *egoistic* and *un-egoistic*\(^{18}\), reaching the *Unity*\(^{19}\);

\(^{18}\) “The propositions over which everybody is in fundamental agreement – not to speak of everybody’s philosophers, the moralists and other hollow-heads and cabbage-heads – appear with me as naïve blunders: for example that belief that “un-egoistic” and “egoistic” are antithesis, while the ego itself is merely a “higher swindle”, an “ideal”. There are neither egoistic nor un-egoistic actions: both concepts are psychologically nonsense!” (*Ecce Homo*, Why I write good books, V).

“What makes one heroic? – To approach at the same time one’s highest suffering and one’s highest hope” (*The Gay Science*, 268).

\(^{19}\) The concept of unity is so clear, so evident, obvious, in his writing: “An “idea” – the antithesis Dionysian and Apollonian – translated into metaphysic; history itself as the evolution of this “idea”; in tragedy this antithesis elevate to unity; from this perspective things which had never before caught sight
3) goes “beyond the Good and Evil” to obtain the condition describe by Alexander Pope in An Essay an Man: “Self-love and Social are the same”.

Nietzsche does not desire to be god. Nietzsche does not want to create a new idol. He wants to be a Child\(^\text{20}\) (Thus Spake Zarathustra, I, I) as I explained supra (above).

“…“Dead are all the gods: now do we desire the Superman to live” – let this be our final will at the great noontide!” (Thus Spake Zarathustra, XX, III).

of one another suddenly confronted with one another, illuminated by one another and comprehended…”

(Ecce Homo, The birth of Tragedy, I).

\(^{20}\)“Three metamorphoses of the spirit have I designated to you: how the spirit become a camel, the camel a lion, and the lion a child”

…

“But tell me, my brethren, what the child can do, which even the lion could not do? Why hath the preying lion still to become a child?

Innocence is the child, and forgetfulness, a new beginning, a game, a self-rolling wheel, a first movement, a holy Yea.

Aye, for the game of creating, my brethen, there is needed a holy Yea unto life: its own will, willeth now the spirit; his own world winneth the world’ outcast” …
The _Child_ is a _creator_ of his own _values_. The _Child_ has _awareness_. The _Child_ reaches the _Unity_ that has been described by Alexander Pope with his masterpiece: _An Essay on Man_.

> “Nothing is foreign: Parts relate to whole:  
> One all-extending all-preserving Soul;  
> Connects each being, greatest with the least;  
> Made Beasts in aid of Man, and Man of Beast;  
> All serv’d, all serving! Nothing stands alone;  
> The chain holds on, and where it ends, unknown”.  

_Alexander Pope, An Essay on Man._

Nietzsche expressed this interdipende _(_exempli gratia_ _)_ with these words:  
> “Thou great star! What would be thy happiness if thou hadst not those for whom thou shiniest!” _(_Thus Spake Zarathustra_, Zarathustra’s Prologue)_.

The aim of _superman_ is: to find himself … “…find yourself…” _(_Thus Spake Zarathustra)_; to be free from any others … “… become what you are” _(_Thus Spake Zarathustra_). It is not to dominate the other persons, but to allow them to be also free.
The aim of *superman* is to be genuine: “Are you genuine? Or just a play-actor? A representative? Or the actual thing represented? – Ultimately you are even just an imitation play-actor …” (*Twilight of the Idols*, Maxims and Barbs, XXXVIII).

The aim of *superman* is to go beyond the duality *good* and *evil*: “Good and evil are the prejudice of God” (*Gay Science*, 259).

For all these reasons, I disagree with Thiele (1990).

“To say it again, little of “ill will” can be shown in my life; neither would I be able to speak of barely a single case of “literally ill will”. On the other hand all too much of *pure folly!*” (*Ecce Homo*, Why I write good books, I).

This *pure folly* is: the *pure folly* of creating a *better human being*; the *pure folly* to create a *Utopian Society*.

A Society where the *Human Being* has transmuted: “All … passions in … virtues, and all … devils (in) angels” (*Thus Spake Zarathustra*, I, V). A Society where “the noble man also helps the unfortunate, but not – scarcely – out of pity, but rather than from an impulse generated by superabundance of power” (*Beyond Good and Evil*, 260).
A New Hope: from a flock of sheep to a “group” of Free Individuals

The individuals, who are able to pass through the three stages (Camel; Lion; Child), arrive to transmute themselves from men to super-men.

This means two things. On one hand, they transmute themselves. On the other hand, they transmute the Society whose they are members. As they are not any more lemmings, Society is not any more a flock of sheep.

Society transmutes itself from a flock of sheep to a group of free Individuals, who are able to co-exist and to collaborate in their own (very strong) differences. So, a true Democracy will begin.

As I wrote supra (above), no democracy (at all) can exist among flocks of sheep. Since they are enslaved by homologation, only Tyranny exists.

It does not matter the form and/or the name that has been given to this tyranny. It does not matter the reason “… in the name of …” Homologation is demanded.
Flocks of sheep are always dominated by a Totalitarian Regime. They ask for homologation. They ask for idols. They are not able to live in a different way.

On the contrary, Utopia is made by Free Individuals.

So, you have to choose: do you want to be a lemming/sheep or a Free Individual?

Do you want to stay in a flock of sheep or to create Utopia?

Only you, by yourself, can decide. Only you, by yourself, can free yourself.

No God, No Bodhisattwa, No Other One Else, can help you in this.

It is Time for a New Hope. It is Time for a New Era / Epoch.

It is Time for who is ready.
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