NIETZSCHE’S SOVEREIGN INDIVIDUAL AND THE SIN OF SODOM

Michael Pantazakos*

INTRODUCTION

Nietzsche in Book II of On the Genealogy of Morals1 posits sovereignty, that is, personal sovereignty as a process describing the individual’s effort in becoming—and ultimately overcoming—what one is. Nietzsche’s “sovereign individual”2 is predicated on exercising the capability of making and abiding by promises, especially “in the face of accidents, even in ‘the face of fate’ [es selbst gegen Unfälle, selbst »gegen das Schicksal« aufrechtzuhalten].”3 While sovereignty thus begins (and never ends) as an internalized means of radical autonomy, its externalizing aspect is the product of a necessarily self-guarding nobility yet opening to all, as Nietzsche put it, a “hospitable gate”4 (eine gastfreundliche Pforte).

Since the concept of the sovereign individual is neither simple nor without controversy and misconception regarding its proper role in Nietzsche’s overall project of natural human ascent, I will first endeavor to offer a limited but close reading focusing upon the essential conditions necessary for the thrust of the mere idea to compass what he called a “paradoxical task”5 (paradoxe Aufgabe). And then, I will later attempt to exemplify Nietzsche’s idea in the person of Abraham, similarly with a limited but close reading of the biblical text.

---

* Adjunct Professor of Law, Benjamin N. Cardozo School of Law, Yeshiva University.
2 Id. at 59.
3 Id. at 60.
5 GM, supra note 1, at 57.
I.

A person, to separate the necessary from the accidental\(^6\) (das nothwendige vom zufälligen), to calculate in this way, must himself become “calculable, regular, necessary, even in his own image of himself, if he is to be able to stand security (gut sagen, vouch for) for his own future.”\(^7\)

This is precisely how responsibility originates, in the “long story”\(^8\) (lange Geschichte) of how one becomes answerable for what one is, the “tremendous labor”\(^9\) (ungeheure Arbeit) of the “morality of mores”\(^10\) (Sittlichkeit der Sitte: "sitte" meaning mores, customs, comity, mutual courtesy, civility, traditions, even common decency).

The metaphorical “fruit”\(^11\) (Frucht) of the tree of the morality of mores is the sovereign individual\(^12\) (souveraine Individuum), defined by “an independent, protracted will and the right to make promises.”\(^13\) Note Nietzsche’s expression, der wirklich versprechen darf, to be allowed to promise, i.e., not können (can) but dürfen (may), a modal verb expressing not only permission, rather than tyranny, but also politeness and, subjunctively, possibility—ideally, likelihood.

Nietzsche subtly challenges patriarchal sovereignty here in as much as the feminine, Frucht, necessitates by his own diction the Gallic, not Germanic, souveraine, the Empress, not Emperor, and then moves quickly beyond gender by positing the Latin neutral form of Individuum, i.e., the indivisible entity. And by way of fruitful anticipation of Part II of this Article, I can note here that Abraham, the “father,” is at his most shockingly flawed, lacking a beneficial sovereignty, in exercising power over women, indeed, two souveraines women: his wife, Sarah, whose name means “princess” and his wife’s maid, Hagar, who (in the Midrash) was Pharaoh’s daughter and thus herself an actual princess and later became Abraham’s

\(^{6}\) Id. at 58.
\(^{7}\) Id.
\(^{8}\) Id.
\(^{9}\) Id. at 59.
\(^{10}\) Id.
\(^{11}\) Id.
\(^{12}\) Id.
\(^{13}\) Id.
second wife. His failures with both wives are counted among the worst trials in his life, a few of which I will discuss below.

The sovereign individual ultimately bears the “privilege of responsibility”\textsuperscript{14} (\textit{Privilegium der Verantwortlichkeit}) so deeply ingrained that it becomes “instinct”\textsuperscript{15} (\textit{Instinkt}), but one with full awareness, in short, “conscience”\textsuperscript{16} (\textit{Gewissen}).

Nietzsche’s use of the Latin \textit{Privilegium} adds more complexity than would have the loanword \textit{Privileg} or German \textit{Vorrecht}, meaning, a prerogative. In Roman Law, a \textit{privilegium} was “a special constitution by which the Roman emperor conferred on some single person some anomalous or irregular right, or imposed upon some single person some anomalous or irregular obligation, or inflicted on some single person some anomalous or irregular punishment.”\textsuperscript{17} The responsibility of making a promise and, indeed, keeping your word, might simultaneously confer rights, obligations, and potentially punishment, but not through an external agent (an emperor) but rather by dint of your own self-sovereignty. The sovereign individual is answerable, but to himself.

The culmination, however, of the sovereign individual is in the external power of an internal justice that “ends, as does every good thing on earth, by overcoming itself (\textit{sich selbst aufhebend}). This self-overcoming of justice: one knows the beautiful name it has given itself—mercy (\textit{Gnade}). It goes without saying that mercy remains the privilege (\textit{Vorrecht}) of the most powerful man, or better, his—beyond the law (\textit{Jenseits des Rechts}).”\textsuperscript{18}

A terminus for humankind here is reached, less in the sense of an end achieved and more in a boundary met, a true term (\textit{τέρμᾰ}), to use the ancient Greek, against which there is yet another beyond, an overcoming of humanity where the sovereignty of self-power yields. The individual remains for Nietzsche always human, even in overcoming his humanity, but in this state of \textit{Gnade}, “grace” that is “beyond the law,” he occupies less a place than a space where apparent oppositions of fate and

\textsuperscript{14} Id. at 60.

\textsuperscript{15} Id.

\textsuperscript{16} Id.

\textsuperscript{17} \textit{Privilegium}, BLACK’S LAW DICTIONARY (2d ed. 1910) (emphasis added).

\textsuperscript{18} GM, \textit{supra} note 1, at 73
freedom, necessity and creativity, do not reconcile but at least can meet in a moment of “strategic possibility.”

Gnade, meaning mercy, grace, pardon, but particularly in the sense of unaccountable forgiveness: a pardoning that is unaccountable in not calling to account the transgressor unable to pay the debt of his sins (Zahlungsunfähigkeit), but also a pardoning that is in the view of only weaker eyes unaccountable, i.e., strange, inexplicable.

But for Nietzsche, the eyes of a justice that can exist beyond the law are not blind, as he most beautifully expressed in Thus Spake Zarathustra (“The Bite of the Adder”):

Nobler is it to own oneself in the wrong than to establish one’s right, especially if one be in the right. Only, one must be rich enough to do so.
I do not like your cold justice; out of the eye of your judges there always glancest the executioner and his cold steel.
Tell me: where find we justice, which is love with seeing eyes?
Devise me, then, the love which not only beareth all punishment, but also all guilt!


20 GM, supra note 1, at 72.


II.

The biblical figure of Abraham, whose promise was ceaselessly tested by an ineluctable *amor fati*, may be an exemplar of the sovereign individual, but perhaps even more for what lies beyond it, not only in profoundly private struggles but even on the public stage, where he intervened in a war between monarchs—indeed, finding himself siding with the Kings of Sodom and Gomorrah.\(^{23}\) However, Abraham showed himself a sovereign above these tyrants by abiding by the Covenant, the promise made, in rejecting the sin of Sodom, i.e., the baseless hatred that results from insisting precisely, exclusively upon one’s own legal rights, often cruelly no less and often tragically no more.\(^{24}\) And yet, also, finding himself further siding with Sodom in arguing against divine sovereignty, rising above himself in rising up to stand security *against* the destruction of Sodom and in the noblest theater of pardoning to stand security *for* Gnade, for *unaccountable* grace and mercy.

The tale of Abraham in the *Book of Genesis* is, no doubt, a *lange Geschichte*, a “long story.” But we could still in short frame it along the arc of his resisting, his overcoming sovereignty, testing and proving his Nietzschean *Macht*, power, as he continually bested mightier opponents: his father, his king, his homeland, the kings of his new land (not yet or even ever *his*, of course), and—surprisingly, only *penultimately*—his God.

We see Abraham opposing the sovereignty of his father (as per the Midrash, smashing Terah’s idols for sale); then opposing the sovereignty of his home town, Ur (as per the Midrash, surviving being cast into a fiery furnace by Nimrod—or in another less dramatic tradition, surviving a fiery face-to-face argument with Nimrod); then opposing the sovereignty of his entire homeland “of the Chaldees” (setting on his long journey from וּרְכַשְׂדִּים/*ur kasdim* to his promised land); then opposing the sovereignty of the kings of Canaan, both enemies (Amraphel [Nimrod] the king of Shinar, Arioch the king of Ellasar, Chedarlaomer the king of Elam, and Tidal the king of Goyim) as well as ersatz “allies” (Bera the king of Sodom and with Birsha the king of Gomorrah, Shime’av the king of Admah, and Shemeveer the king of Tzebo’im, and the king of Bela, which is Tzo’ar); then opposing God in challenging the decree against Sodom and Gomorrah; and then, finally, opposing

---

\(^{23}\) See *Genesis* 18:16–33.

\(^{24}\) *Id.* at 14.
himself in the ultimate test of power and justice and pardoning, the Binding of Isaac (ﬠֲקֵידַת יִצְחַק).  

“The LORD said to Abram, ‘Go forth (לְ–לֶ–ל) from your native land and from your father’s house to the land that I will show you.’”  

ל–ל–ל–לkh, meaning the imperative “go” but also related by the same root (ל–ל) to halakhah, Jewish law, i.e., following the law is “the way to go,” the external general imperative being internalized into specific individual action; and, ל–ל–ל–לmalı, combining preposition (ל) and objective pronoun (ל) to mean not only “for yourself” (indicating the self as the beneficiary) but also “to yourself” (indicating the self as the destination).  

Abraham journeys both for his own good and simultaneously to find himself, i.e., to begin the process, the “tremendous labor” (ungeheure Arbeit) of becoming what he is. God keeps the end of Abraham’s sojourn obscure, “to the land that I will show you,” fitting perfectly the Nietzschean concept that becoming is distinct from being: “Becoming does not aim at a final state, does not flow into ‘being’ [. . . .] Becoming is of equivalent value at every moment.”  

Even the promise of Abraham being blessed himself and being a blessing to others in the uncertain future is fraught with present calamities in the here and now.  

Abraham’s becoming a sovereign individual was a “tremendous work” indeed: not for nothing is he said to have famously endured (ﬠֲשָׂרָה נִסְיוֹנוֹת) ten trials.

---

25 See Genesis.  
26 Id. at 12:1.  
27 GM, supra note 1, at 59.  
28 Genesis 12:1.  
31 RABBI SHLOMO YITZCHAKI (RASHI), RASHI ON GENESIS 12:2–3 (1040–1105 CE) [hereinafter RASHI] (citing BEREISHIT RABBA (GENESIS RABBHA) 39:11 (500 CE) [hereinafter BEREISHIT RABBHA] (“Since travelling is the cause of three things—it decreases (breaks up) family life, it reduces one’s wealth and lessens one’s renown, he therefore needed these three blessings: that God should promise him children, wealth and a great name.”)).  
32 Mishnah, Pirkei Avot 5:3.
Before concluding by focusing on one of them, I must note what major event in Abraham’s life is not included among his trials: Abraham’s challenging God’s decision to destroy Sodom and Gomorrah.

“And Abraham approached and said, ‘Will You even destroy the righteous with the wicked?’”^33 Abraham’s “approach” here is expressed by a verb (וַיִּגַּ֥שׁ/vayigash) otherwise used in the sense of coming near to wage war.^34 But this is not a battle of arms, of course: it is a trial, just not Abraham’s. In this grandest theater of pardoning, while God is the judge (יָּן/yan), Abraham’s role is that of counsel for the defense (הַסַּנֵּגוֹר/hsogor), a Talmudic term originally from the Greek συνήγορος^35—according to one view, a single “sanegor” is worth 999 accusers.^36 And to argue for the sake of others is not a matter of personal tribulation but righteousness. Compare Abraham who attempted to save others with Noah who did not: against his own generation, Noah was accounted righteous, but had he lived in the generation of Abraham he would have been accounted as of no importance.^37 In the case of Abraham, scripture says, “[God] before whom I walked”^38; while Noah needed God’s support to uphold him in righteousness, Abraham drew his moral strength from himself and walked in his righteousness by his own effort.^39

Abraham certainly had no love lost for Sodom and Gomorrah. As noted above, one of his trials was that he was drawn into a war against four other Canaanite sovereigns fighting on the side of these wicked cities.^40 Yet, in his defense of Sodom, Abraham also was said to approach God in a state of war. But even more profoundly, Abraham in the midst of that battle appears to be defending God as well: “Far be it from You to do a thing such as this, to put to death the righteous with the wicked so that the righteous should be like the wicked. Far be it from You! Will the Judge of the entire earth not perform justice?”^41 And, indeed, with that last question, Abraham extends his defense to all humankind: seeing that You are the Judge of the entire

^33 Genesis 18:23.
^34 RASHI, supra note 31, at 18:23 (citing BEREISHIT RABBA, supra note 31, at 49:8).
^35 Id.
^36 Babylonian Talmud, Shabbat 32a.
^37 Id. at 108a; RASHI, supra note 31, at 6:9.
^38 Genesis 24:40.
^40 Genesis 14.
^41 Genesis 18:25.
earth (הֲשֹׁפֵט כָּל־הָאָ֔רֶץ) “if You will judge people based on the conduct of the majority You would eventually be forced to destroy mankind, seeing that most people everywhere are wicked.”42 One here easily thinks of Shakespeare’s *Hamlet*: “Use every man after his desert, and who shall ’scape whipping? Use them after your own honour and dignity. The less they deserve, the more merit is in your bounty.”43 And in an impassioned manner far more galling to our self-importance but born of “a love with seeing eyes” (*Liebe mit sehenden Augen*), what Kazantzakis, that great devotee and disciple of Nietzsche,44 declared about man in *Zorba*:

> Is he good? Or is he bad? That’s the only thing I ask nowadays. And as I grow older—I’d swear this on the last crust I eat—I feel I shan’t even go on asking that! Whether a man’s good or bad, I’m sorry for him, for all of ’em. The sight of a man just rends my insides, even if I act as though I don’t care a damn! There he is, poor devil, I think; he also eats and drinks and makes love and is frightened, whoever he is: he has his God and his devil just the same, and he’ll peg out and lie as stiff as a board beneath the ground and be food for worms, just the same. Poor devil! We’re all brothers! All worm meat!45

Nevertheless, even given that reality, the fate awaiting us all at any moment (or, one might say, happening to us at every moment), Abraham is still depicted as always keenly aware of boundaries and “scrupulous” in defining and insisting upon

42 RABBI OVADIAH BEN JACOB SFORNO, SFORNO ON GENESIS 18:25 (c. 1475–1550 CE).
43 WILLIAM SHAKESPEARE, HAMLET act 2, sc. 2.
especially “property boundaries between himself and others.” Thus, Abraham and his nephew Lot separated, and Lot chose to live in Sodom, where he found himself a captive of war, with Abraham choosing to come to his rescue and restoring his possessions. Sodom, by contrast, “disrespect[ed] property systematically—giving away what is not theirs to give, not troubling themselves to know when their men are stealing, and giving ‘gifts’ that they will surely reclaim later.” Thus, we see Abraham, the victor, absolutely refusing to share in any of the spoils: “And Abram said to the king of Sodom, ‘I raise my hand to the Lord, the Most High God, Who possesses heaven and earth. Neither from a thread to a shoe strap, nor will I take from whatever is yours...’”

In fighting for Sodom, and later in defending Sodom, Abraham still maintained this boundary, still held firmly this line. And yet, the sin of Sodom was a perversion of this, for “one who says what is mine is mine and what is yours is yours... this is the trait [middat] of Sodom” (במיוחד של שולך שלך... ומדדה שלך). The “middat” of Sodom, literally, the “measure” of whom the people of this city are, is that each man insisted on his legal rights to the last degree, inculcating in them an arrogant lack of generosity, such that even if it cost them nothing no one would countenance a beneficial act for another. As noted above, Abraham could not be bought off by the King of Sodom—he was, in Nietzschean terms, a “‘free’ man” („freie” Mensch), which in turn is defined by an entirely different kind of “middat,” for the sovereign individual possesses a “measure of value” (Werthmaass) for those whom he honors—those “whose trust is a mark of distinction, who give their word as something relied on”—and for those whom he despises—those “feeble

---

47 Yoram Hazony, The Philosophy of Hebrew Scripture 112 (2012).
48 Genesis 14:12–16.
49 Hazony, supra note 47, at 112.
50 Genesis 14:22–23.
51 Mishnah, Pirkei Avot 5:10.
52 Ovadiah Bartenura, Bartenura on Pirkei Avot 5:10 (1482 CE).
53 GM, supra note 1, at 60.
54 Id.
55 Id.

ISSN 0041-9915 (print) 1942-8405 (online) ● DOI 10.5195/lawreview.2021.860
http://lawreview.law.pitt.edu
windbags who promise without the right to do so” and the “liar who breaks his word even at the moment he utters it.”

Against these lowest types, these men of Ressentiment, even in the humble charity of defending them, of asking for them pardon, Abraham holds the line—but only so that he can. For himself and to become himself, go beyond it and overcome his own sovereignty—for the “middat,” the measure of Abraham is lifnim mishurat hadin,

Only then can an individual be more than merely right, but righteous. Only then can a person be blessed . . . and be a blessing.

56 Id.
57 Babylonian Talmud, Bava Metzia 30b.
58 GM, supra note 1, at 72.