A criminal’s confession: comparing rival ethics in crime and punishment (F. Dostoevsky)

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ABSTRACT
Dostoevsky and Nietzsche, following different paths, both envisage the Übemensch. Two years before going mad, Nietzsche read some of the great Russian novelist’s works. The aim of this essay is to highlight the link in Crime and Punishment between consequentialism (still widespread today) and the theory of the Übemensch, from the personalist perspective of Dostoevsky. His confutation of the Übemensch is not only a consequence of his faith; it also involves natural law and conscience, paradigms shared by everyone, regardless of whether they are believers.

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1. Brief introduction

Just as journalist-writer Dino Buzzati wrote The Tartar Steppe drawing on his own experience of the wear and tear of a newsroom, transposing it into a metaphor, so Fyodor Dostoevsky (hereafter D.) wrote Crime and Punishment by retracing his past, recalling his memories of the underground. We know that, initially, the novel’s title was perhaps to be A Criminal’s Confession.

The plot of Crime and Punishment was offered to the editor of Russkii Vestnik (The Russian Herald), which began to publish it in 1886; D. presented the novel as a psychological report of a crime, whose perpetrator, besides being influenced by utilitarianism (J. Bentham), seems to embody the theory of the Übemensch expounded by Nietzsche in Thus Spoke Zarathustra, written between 1883 and 1885, i.e. about 20 years after the publication of Crime and Punishment. Shestov (1969), as early as 1903, tried to address the question of a possible influence of D. on Nietzsche (en. transl. S. Roberts, 1969). We shall see then how the question unravels.

D. was attracted by legal trials and researched his topic in depth. So much so that, in a way, the novel seems to echo the detective genre, hinging around the sophisticated, highly charged struggle between police inspector Porfiry Petrovitch (who has something more than a mere suspicion, even though he has no proof) and the young murderer, who manages to defend himself adroitly (and with a bit of luck), and
proudly believes he has committed a perfect crime. But the murder begins to emo-
tionally erode and wear away the initially solid reasons that had justified it at the
start. D. thus summed up the plot.

A young student of lower-middle-class origin, who has been expelled from univer-
sity, and who lives in dire poverty, succumbs … to certain strange, ‘incomplete’ ideas
that are floating in the air. … He resolves to kill an old woman … who lends out
money for interest. He decides to kill and rob her in order to bring happiness to his
mother, who is living in the provinces, and to wrest his sister, who is living as a com-
panion in the house of some landowners, from the lewd demands of the head of the
household. … he … carries off the execution of his enterprise quickly and success-
fully. … Insoluble problems arise before the murderer; unsuspected and unforeseen
feelings torment his mind. Divine truth and human law take their toll, and he ends
up by being driven to give himself up (en. transl. MacAndrew 1967, letter to M. N.
Katkov, September 1865).

2. The Übermensch before Nietzsche, as evoked from utilitarianism
D.’s ever-surprising genius is evident in Crime and Punishment, particularly in his
ability to embody abstract ideas in concrete people. Rodya, the main character, has a
dream in which, as a terrified child holding on to his father’s hand, he sees the little
mare of a drunken coachman being savagely beaten to death by the coachman himself
and his mates; this episode is autobiographical, as D. really witnessed a scene in
which drunken peasants beat a nag to death. It happened as he was traveling to
St. Petersburg, in May 1837 (Pacini 2002, 6). As chance would have it, the episode
dreamed by Rodya was also the impulse that led Nietzsche to madness in Turin, on 3
January 1889 (Nietzsche 1990). He embraced a horse that had been beaten by a
coachman, and he went mad. Almost a prophecy. And Nietzsche had perhaps read
Crime and Punishment, a year or two before, but we only know with certainty that
the first work of D. to be read by Nietzsche was, in the fall of 1896, Notes from
Underground, as recorded by a letter to Overbeck, dated 23 February 1887, in which
he says he felt for D. an ‘instinctual felling of relatedness’. He also read The Idiot and
The Possessed, but he was disappointed (just as he was by Wagner) by D.’s ultimate
Christian response, as he wrote to G. Brandes in the fall of 1888 (see G. Parkes 1994,
386).

As would befall the German philosopher soon after, the novel’s main character,
Rodya, is also seized by a delirious, mad idea, that of killing the old money-lender
who, by blackmailing him, prevents him from paying his university expenses and
reclaiming his family from poverty. Initially he rejects the idea that obsesses him,
praying God to turn him away from his plan. This proves his spirit’s Christian back-
ground, which he shares, after all, with his sister Dounia, who D. portrays deep in
prayer before the image of Our Lady of Kazan, as she wonders whether to marry a
rich, but self-righteous, pretentious bourgeois. She wants to do so only to improve the
family’s conditions, and this is something her brother cannot bear.

Then Rodya – who is also slightly superstitious – is struck by a conversation
between a student and an army officer, in a tavern where he ended up seemingly
by chance. The student talks about the opportunity to kill the old money-lender, justifying the crime with arguments taken from utilitarianism:

Kill her, take her money and with the help of it devote oneself to the service of humanity and the good of all. What do you think, would not one tiny crime be wiped out by thousands of good deeds? […] For one life thousands would be saved from corruption and decay. One death, and a hundred lives in exchange—it’s simple arithmetic!

(Dostoevsky 2016, en. transl. Garnett 2016, 49–50).

Precisely the ideas coursing through Rodya’s mind are embodied by a person who lucidly expounds his same motive to kill. The utilitarian theory, however, is already combined here with something else: superior men can commit certain crimes with impunity, as long as their aim is lofty. And Rodya will kill the old usurer because she is useless, while her death will be useful, stealing her goods away. A manifesto of pragmatic utilitarianism, drawn from Bentham (rational utility: ‘the greatest good for the greatest number’), which opens the way to today’s ethical consequentialism. The issue (which had already been addressed by Balzac (1835), in Rostignac’s dilemma in Le Père Goriot) is the following: does man have the right to commit some evil to achieve great good, in this case to kill one worthless, malevolent being (the old woman) to save many good people she blackmails, who would otherwise be doomed to perdition? Can one commit one of the worst types of crime, a murder, in the name of an ideal (as even Russian nihilist revolutionaries believed)?

This places Rodya in the Nietzschean dimension beyond good and evil, emphasized by the evocation of Napoleon, a prototype of Übermensch, the embodiment of an abstract idea that penetrates the concrete reality of the world to remodel it. For Rodya does not only think about saving the future of his family, but in him, as in many people resentful towards frosty bourgeois society, one senses an interest for socialist, revolutionary ideas for Russia (the reason D. ended up in prison, where he discovered the Gospel): he wants to become a new Napoleon.

Can an old, hateful money-lender stop him? Wouldn’t a young Napoleon have killed her, if she had been the only obstacle preventing him from becoming Napoleon?

A Napoleon prototype of the Übermensch evokes Pushkin (2008), an author very dear to D., who was devastated when he learned of his death following a duel. In Eugene Onegin we find:

Having fought
all prejudices, we [Russians] consider
ourselves the ones, all others nought.
We all aspire to be Napoleons;
two-legged creatures in their millions
are no more than a tool for us.
(en. transl. Mitchell, 2008, 2, st 14).

Simone Weil (Weil 1957, 24) would comment as follows: ‘when the notion of supernatural is lost ['all prejudices destroyed'] the consequent materialism forces one
To disparage man. Placing good in matter leads to treating man as matter, or as less than matter.

To his sister Dounia, who scolds him for having spilled blood, Rodya answers with the utilitarian thesis. He meant to do a thousand good deeds, but that was the only means to do so: to do a little evil, in view of a greater good. That is – basically – the theory held currently by consequentialism, which, to defend itself from this accusation must theorize the inexistence of intrinsically evil actions; it is the optimizing goal, the calculation of the best possible result, that decides whether actions are good or not, as all actions are now seen as rigorously neutral. The good or evil nature of a deed depends on the person’s adequacy to carry out the optimizing aim: an ethics of the best possible result, the result of calculation, which ignores the acting subject. In this way, this ethic defends itself today from the accusation of a (good) end that justifies the means (evil deeds). For if actions are neutral (there are no more intrinsically evil deeds), consequentialism is – by definition – exempt from this accusation, which is still adumbrated in a Christian conscience like Rodya’s.

This opens up the possibility of taking advantage of people, toward an optimizing goal, which corresponds to the ethics behind the crudest capitalism, current terrorism, and not only Russian nihilist radicalism, which, starting in the 1860s, had vigorously defended the utilitarian pragmatism theorized by J. Bentham. The use made of Kirillov – the suicidal character in The Possessed – by anarchist revolutionaries offers a further practical example.

The main theme of the novel is the idea that suffering (the cross) shapes conscience, which implies the need for penance and moral punishment. The novel invites (the reader) to not see evil only in others, but to recognize its unsettling – both potential and actual – presence within us.

It is an invitation to depart from the ‘hypocritical self-righteousness’ of the Pharisees condemned by Christ: they affirm that, if they had lived in their ancestors’ time, they would not have sentenced and killed the prophets they now build tombs for: in this way bearing witness that they are the descendants of the prophets’ killers, and – moreover – they believe themselves to be better than their ancestors, whereas they are not. According to individualist middle-class conscience, evil is always only in others, in society; or it is exorcised, turning to Bentham’s ideas.

D. invites readers to eschew alibis or scapegoats, to renounce mimetic violence against others, themes poignantly discussed in the entire work of René Girard, who, not surprisingly, was a splendid critic of D. Indeed, D. urges us to have a peculiar form of courage: the courage to face ourselves.

Even 16-year-old Sonia, in a way, can understand Rodya well and feels a strong connection to him. The love between them unfolds partly because of their similar life experience: they are excluded from the human community. She voluntarily fell into the debasement of prostitution, to feed her younger siblings and the family of Semyon Marmeladov, oppressed and abandoned to her fate by her drunken father. Even Sonia has done ‘some evil,’ by exploiting herself, killing her dignity in view of a ‘greater good.’ The same utilitarian, consequentialist approach that initially seems to motivate Rodya. But Sonya, at least, does not try to justify it, with the tenacity with which Rodya, instead – initially – defends his doings.
In an article that ends up in the hands of inspector Porfiry Petrovitch, Rodya himself theorized that the world is made up of multitudes of ‘lice’ (those who Nietzsche calls slaves), but the man who stands above (morals) is exceptional and can even be authorized to commit a perfect crime.

To Sonia he then confesses – in a much more explicit and transparent way than to his sister Dounia – that he committed the crime because ‘whoever is strong in mind and spirit will have power over [men]. Anyone who is greatly daring is right in their eyes … he who dares most of all will be most in the right!’ (Dostoevsky 2016, en transl. Garnett 2016, 279). Therefore it is no longer merely utilitarian or humanitarian reasons that explain Rodya’s deed (so much so that the murderer hides the stolen goods without even calculating their value and almost forgets about them), but the passage to the proud, contemptuous conception of the Übermensch: ‘I wanted to murder without casuistry, to murder for my own sake, for myself alone! I didn’t want to lie about it even to myself. … I wanted to find out then and quickly whether I was a louse like everybody else or a man.’ (Ibid. 280). The Übermensch, 20 years before Nietzsche. In his tragic confession, however, we already see a glimmer or Christian conscience: ‘Did I murder the old woman? I murdered myself, not her … But it was the devil that killed that old woman, not I.’ (Dostoevsky 2016, 281).

3. Two ethics compared in their interpretation of the crime

In Sonia, a Christian lymph shines through, which is implied even in Rodya, and will bring redemption to both of them. The raising of Lazarus makes its entry, evoked in the final version of Crime and Punishment. Both protagonists, who in that passage D. calls ‘the murderer and the harlot,’ find themselves reading that chapter of John’s Gospel: they need to expiate, because they need to bring their lost dignity back to life.

In his novel, D. shows his total aversion to utilitarianism, to rationalist middle-class moralism, and to the caricature of ethics that derives from it. The magazine’s editors at the time refused to publish that passage: they found it ‘immoral’, perhaps they feared an explosive tie between nihilism and new forms of messianism. Let us remember that the strict censorship of the state’s bureaucracy bore down on religion, as the Russian Orthodox Church was controlled even within seminaries; the government was quite suspicious of any irruption of religion even in the world of novels, considering it as subversive to bourgeois morality. Reluctantly, D. felt forced to remove that passage. Subsequently, although, he reinserted the censored passage, definitely embedding it in his novel.

The plot of Crime and Punishment is a perfect example of the difference between personalist ethics (which have Aristotelian roots, even before the Christian ones) and contemporary utilitarian ethics.

There are two possibilities: every man counts as one, and, therefore, he – just as things are – is subject to calculations of proportionality, and single people or minorities can be sacrificed for the sake of a universal good; or every man carries infinite relational dignity, as suggested by Christian ethics and Kant’s categorical imperative, which I would sum up as follows: never use people only as means, but always consider them even as ends in themselves. Either man carries an incalculable dignity,
which cannot, therefore, be violated; or, as is true for things, every man has a price, so he becomes the object of utilitarian calculations and possible radical exploitation.

How is this conflict portrayed in the novel?

I shall illustrate it by pointing to one of the moments I consider most significant. When Rodya tells Sonia – the girl he is falling in love with – of his terrible burden. He, no other, committed two murders, killing – by the way – a stranger who chanced to be at the wrong moment at the place where the first intentional murder had just been carried out. Besides the money-lender, Rodya was forced to kill Lizaveta, the good-natured, simple, and ill-treated stepsister of the usurer, who also happened to be a good friend of Sonia’s.

Faced with such a horrific sudden confession – made to the only person before whom Rodya dares to face himself, because he feels loved by her – Sonia breaks out into an exclamation that is incomprehensible for consequentialism, while fully plausible for personalist ethics. Stunned, filled with infinite pity, she does not say: ‘what did you do!’ viewing in her mind two corpses as the result of that crime. Instead, she immediately turns to Rodya, who committed that terrible deed, and says: ‘Wretch, what did you do to yourself!’ What did you inflict on yourself.

Utilitarian ethics, still so popular today, would ask: what did you do? Thinking only about consequences. Personalist ethics ask: What did you do to yourself? Immediately considering the person who acted. The consequentialist perspective looks at us only as ‘parents’ of our deeds (claims the paternity of our deeds, at the moment when a rule is found to be broken). The personalist perspective, without excluding the relevance of a similar perspective, considers us first of all as ‘offspring’ of our deeds: how we become, based on what we do. Without, in so doing, neglecting consequences, as is systematically done, instead, by Kantian duty ethics. Nobody today cares about the person who commits a crime, other than caring that they be properly punished. This is the opposite of personalist ethics, embodied by Sonia, who instead accompanies Rodya to Siberia, to support him up until he has served his sentence, and marry him: with his dignity recovered.

Utilitarian moralism considers only what a man does in the world, when he does something. Personalist and Christian morals, without neglecting the analysis of consequences, consider first what a man does with himself, when he does something in the world. Christian ethics, furthermore, remind us that God asks Cain, first of all, where his brother Abel is—and not whether he has violated any commandments. He is a God who immediately asks for an account not of rules, but of people first. And in asking about Abel, he also asks about Cain.

In the end Rodya, after a troubled, pained process of repentance, which lasts even in the Siberian prison, will give up on ‘his reasons,’ partly because of Sonia’s loving heart. She becomes the personification of love that saves, that knows how to discover a deeper reason: the Logos, God’s logic, love that makes itself vulnerable in order to redeem the beloved, ‘the love of Christ which is beyond knowledge’ spoken of by St. Paul (Eph 3:19). Love that is stronger than death that offers itself to save those who yield to evil.

Personalist ethics take care of the subject. Consequences are important, but the person and the dignity of the fallen child of God, Pascal’s ‘fallen king’ – who only
religion reveals to us as such – is at the center: saving individuals, protagonists of their deeds, from the evil within them.

This is why the world needs a Savior, to first of all make our conscience alive; Lazarus is a symbol of this. Life is a struggle with self, so Sonia hears from deep within her an imperative dictated by love: ‘Save Private Rodya!’ And his salvation will be a medicine even for herself. He who saves, becoming co-redeemer, is saved. Only thus, in the abyss of our inner underground – where the demon of nihilism hovers – do we find the best part of ourselves and can we then climb up again.

D.’s novels are unlike Greek tragedy and much closer to Seneca’s peculiar tragedies, all brought to the level of the inner self and internal monologue, and not based on external action. In addition to this, however, D. had a skill in psychologically penetrating within the workings of the human soul for which he became a universal master of humanity, attracting – and rightly so – the attention of psychiatrist-philosophers such as R. Girard, who penned an essay by the eloquent title of Dostoevski: du double à l’unité (en. transl. Resurrection from Undergournd, Girard 1997). Significantly, Girard points out that Rodya’s last name, Raskolnikov, contains the term raskol, which in Russian means split, schism, separation (as the Greek diabolos – from which our word devil derives – means ‘will that splits in two’). Karl Jaspers (Jaspers 1969) wrote ‘For nearly every one of Nietzsche’s judgments, one can also find an opposite. He gives the impression of having two opinions about everything.’ (en. transl. Wallraff and Shnitz 1969, 10). This splitting can lead to madness. No wonder Sonia, at first, believes Rodya to be mad.

From a harrowing inner quandary between choosing to live as a ‘louse’ or becoming an exceptional being, an Übermensch, thanks to Sonia’s loyalty, to repentance, punishment, and the Gospel, Rodya will regain – through a painful, gradual process – integrity of conscience, human dignity, love, for which every man deserves to fight and live. Finally, the lost unity. His reawakening to life takes place – after a few years – in prison, at a fitting time: during a Holy Week, as Resurrection is imminent.

4. What is the link between utilitarianism and Übermensch?

Today it is clear that both Nietzsche and D. had written their prophecies on nihilism unbeknownst to each other, with different outcomes. D. never encountered Nietzsche (Strada 1986, 69). Whereas Nietzsche encountered D. only in the last two years of mental clarity – before going mad – when he had already long written his Will to Power, published posthumously in 1906. What is, finally, the link and passage between utilitarianism and Übermensch?

It is very simple: when God and truth are abolished (Nietzsche will say one needs to renounce ‘grammar,’ logical argumentation, if one really wants to renounce God), the distinction between good and evil becomes arbitrary and subjective. The new objective criteria of choice will now be, instead, between what is useful and what is useless. Consequently, the laws that hold up a political community – only Leviathan – are merely functional to living in society and assess optimization, but they have no objective value: they are merely arbitrary. At this point, the Übermensch can come along and – not without reason – ask himself: ‘why should I abide by social rules that
are totally arbitrary, and not, instead, impose my own free will, as the only parameter of choice?

With skill, social laws can be eluded, to do exclusively one's own will, like the Marquis De Sade. Therefore, Rodya wants to devise the perfect crime. D. is extraordinary in the way he articulates this connection between utilitarianism and the Übermensch, through the statements of two key characters in his works. One is Ivan Karamazov, when he says (Dostoevsky 2005, *The Brothers Karamazov*, 1880): ‘if you were to destroy in mankind the belief in immortality … nothing then would be immoral.’ (en. transl. Garnett 2005, 69). For men do not then all have infinite relational dignity and sacredness: one man is worth one, just like things. This leaves free reign to consequentialist utilitarianism: killing, stealing, lying is now possible, if this is the only way to obtain a more satisfactory overall result.

Ivan’s statement is complemented by a further statement by Kirillov (in *The Possessed*, 1872): ‘If there is no God, then I am God.’ (Dostoevsky 2009, 378). An affirmation that will be echoed, in a way, even by J. P. Sartre. For not even a functional society based on utility is God: I am all that is left.

The Übermensch can then be affirmative, as in Nietzsche, in the ideal of Napoleon idealized by Rodya, or in anarchist revolutionary terrorism; or lead to a negative nihilism, which can even result in a rebellion against the non-sense of life, the suffering of children, or the monotonous banality of evil, that leads Smerdyakov (brainwashed by Ivan Karamazov), Svidrigailov (another character from *Crime and Punishment*) and Stavrogin (in *The Possessed*) to suicide.

In the end, there is a single alternative: either God is society itself – as basically attested by the true father of sociology, L. G. A. De Bonald (see R. Spaemann 1959) – whose merely functional laws of self-conservation of social life I need to follow, or – once those laws are recognized as arbitrary – I am God; and my free will is the only absolute guideline of conduct, which others and society must submit to. For this, however, one needs to be an Übermensch.

My essay might have ended here, but following the observation of a true friend (I thank S. Legarre, Constitutional law professor in Buenos Ayres, and esteemed writer), I had to add its true conclusion. For if I were to conclude here, the reader would eventually come to the implicit relativist deduction that if you have the faith of D., who discovered the Gospel during his prison years, then the novel is fully justified; but if you reach the death of God and every idolatry, wagering that nothing exists beyond death, then Nietzsche is right. Different existential conditions would lead to different conclusions: life’s events bring us now, as D., to choose Christ; or, as Nietzsche, to reach an affirmative nihilism. In part this is true, but if these are the conclusions then something is missing.

### 5. Conclusions

If Rodya had been a Nietzschean hero, he would have chosen not to reveal his crime; to consider himself perhaps a louse, but one who had known – at least once in his lifetime – how to act as an Übermensch, going beyond the line between good and evil, remaining the author of a perfect crime. And for a little while Rodya does consider this possibility, being inclined not to confess. It would be Sonia’s fault that he
does confess, as she forced him to – out of love; and a result of the religious restlessness of both, which modern man today seems to relegate to the past. Woody Allen’s film *Match Point* (2005) should indeed be called: *Crime without Punishment*. And it is explicitly inspired by D., offering a perfect crime which remains without a culprit for society.

D.’s theory is that the person who commits a perfect crime will always have a conscience that will make the wait for death, which comes closer as time passes, ever more tormenting. This is also why Sonia talks Rodia out of his wish to run away together, without confessing: she urges him to have the courage to face himself. Even the wise advice of inspector Porfiry invites him to do the same; the inspector shows uncommon humanity toward the murderer and fears Rodia may commit suicide (as a matter of fact, he does waver for a long time on a bridge over the Neva …). But the world remains full of unpunished crimes, partly to follow the *in dubio pro reo* principle: it is better to have a criminal run loose than an innocent man behind bars.

However, speaking of the fear of death, Kafka, who was certainly not an observant Jew, wrote (quoted in Janouch 1971, 128): ‘Anyone who grasps life completely has no fear of dying. The fear of death is merely the result of an unfulfilled life. It is a symptom of betrayal’. What is then the beacon that can help orient oneself to grasp life well and not fear death, even for non-believers?

The presence of natural law, as a rule of conscience. In the essence, D. already cites natural law in the plot of the novel, which we quoted in the introduction: ‘divine truth and human law’. A law which relativism confines to mere positive law, contingent among others, but which is the true yardstick to distinguish between moral and immoral codes of law. In Nuremberg, Nazi criminals were judged based on natural law, as the international law of the time was insufficient. If all codes of law were only positive and contingent, they would be incommensurable; and those who are accused of crimes against humanity would simply have done their duty, if they had done so in obedience to the laws of their country. In that case, the laws of the Nazis, who had come to power with regular elections in 1933. And this, not coincidentally, was their line of defense. Without natural law, it would never have been possible to sentence them. Seneca hints to the existence of this law in his tragedy, *Troades* (st. 334): ‘what law forbids not, shame forbids be done.’

Blessed John Henry Newman (1875) affirmed that, should the Catholic church be destroyed – with the killing of the pope and of all bishops and priests, and, therefore, with no one to administer the sacraments – God would continue to speak to man through his conscience. For this reason, in his famous letter to the duke of Norfolk, faced with the alternative between drinking first to the Pope or to conscience, he affirmed he would choose conscience first, the Pope afterward. We could, however, quote another twentieth century author (another Jewish author, like Kafka): ‘Fear in face of death is the best sign of a false, i.e. a bad, life. … Certainly it is correct to say: Conscience is the voice of God.’ (Wittgenstein 1961, en. transl. Anscombe, 1961, entry dated 8 July 1916).

Cicero, being a philosopher, did not give much credit to traditional Roman religion, which was already frayed at that point, but believed in the unknown God of philosophers. A God, in any case, who offers us something cognizable: God is the creator of natural law, as rule of conscience. Therefore, he is also the remunerator of
good and evil. That is why, instinctively, approaching death is problematic to those who commit perfect crimes. Seneca reminds us that the distinction between good and evil, which every man perceives deep in his conscience, was not invented by Christianity: ‘a holy spirit indwells within us, one who marks our good and bad deeds’ (Ad Lucilium, or Letters to Lucilius 41, 1–2).

How could one respond, then, to the main character of Match Point, who committed a perfect, unpunished crime?

Using these words of Cicero’s (De Republica, or On the Commonwealth, III, 22–23):

True law is right reason, consonant with nature, spread through all people. It is constant and eternal . . . it is not permitted to abrogate any of it; it cannot be totally repealed. We cannot be released from this law by the senate or the people, and it needs no exegete or interpreter. There will not be one law at Rome and another at Athens, one now and later; but all nations at all times will be bound by this one eternal and unchangeable law, and the god will be the one common master and general (so to speak) of all people. He is the author, expounder, and mover of this law; and the person who does not obey it will be in exile from himself. In so far as he scorns his nature as a human being, by this very fact he will pay the greatest penalty, even if he escapes all the other things that are generally recognized as punishments.

We can now understand that the secular thesis with which D. confutes the Übermensch (and the utilitarianism that evokes it) has universal value and is the following: nobody is more prey to evil, than he who believes he can put himself and his actions above good and evil.

Christianity enriches natural law with other principles and precepts, but does not abolish it. Opting for D., therefore, does not necessarily imply sharing his faith. For the same reason, the exemplary figure of Thomas More still fascinates believers (he died for his faith, although not only) and non-believers (he died to defend the reasons of his conscience, shaped by natural law). He decided to face death, due to a false witness, for two reasons:

... as for the law of the land, though every man being born and inhabiting therein, is bounden to the keeping in every case upon some temporal pain, and in many cases upon pain of God’s displeasure too, yet is there no man bounden to swear that every law is well made, nor bounden upon the pain of God’s displeasure, to perform any such point of the law, as were indeed unlawful. (Rogers 1974, 206)

Thomas More, man of law, could not tolerate that a political parliament, with an unconstitutional act (harming the autonomy of the Church, guaranteed by the Magna Charta), could take on the authority to proclaim a layman, King Henry VIII, supreme religious authority in England (carrying out the schism with Rome). It is not only faith that is involved, but reason as well. A parliament cannot lay down the law in a sphere that does not concern it. In good conscience, More cannot accept it. Therefore he refuses to sign the law and, only once he has been sentenced, makes his thought known.

If D. is a universal writer it is because he lets us secularly grasp what anyone, whether they believe in God or not, can feel: the existence of a conscience that is based on natural law and allows even non-believers to perceive in human life something holy, which cannot be susceptible to merely functional calculations.
To choose Nietzsche’s Übermensch, one must, therefore, bet on the inexistence of
God, but also of natural law (as foundation and principle for positive laws) of con-
science and grammar, of that truth that is based on the principle of non-contradic-
tion, a principle that no branch of science can yet avoid using.

In turn, the believer – of course with greater conviction, but with him, even those
who believe in the unknown God – bets on the existence of God. There is no absolute
certainty. Thus, a saint like Teresa of Lisieux must face anguished uncertainty in faith
and feel as if she were a little boat, which at any time may sink in the bottomless
depths of sheer void. And non-believers themselves sail on an insidious, fearsome
ocean: and if after death in the ‘void that seethes beneath him’ the non-believer were
to discover that belief in God is ‘after all the reality which it claims to be’? (Ratzinger
1990, The image of the little boat is found in J. Ratzinger: en. transl. Foster 1990, 19–20). Already Euripides, in a fragment (638 Nauck) of his tragedy Poli
didus, which we were lucky to have preserved by Plato (Gorgias 492E), wondered: ‘Who knows if
to live is to be dead, and to be dead, to live?’

This makes Pascal’s reasoning applied to the rationality of stakes still current today.
In this case, the sensibleness or not of wagering on the existence of God or denying
him, which leads to the crossroads: either good, or utility (and, in the latter case: util-
ity for society or for the Übermensc). I refer to the famous argument of the ‘even’
course which – as is common knowledge – is based on the comparison between who
has the most to lose, if the wager on which he staked all his hope does not come
through (Pensées, Brunshwig n. 233). Should Pascal’s argument have been forgotten,
one might seize the chance to go back and read it again. It was an argument which,
however, Nietzsche could not use: ‘I am afraid we are not rid of God because we still
have faith in grammar.’ (Nietzsche 1990, en. transl. Hollingdale 1990, 48).

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**References**

Balzac. 1835. *Le père Goriot*.
Dostoevsky, F. 2005. (1880). *The Brothers Karamazov*. Translated by Constance Garnett.
Mineola, NY: Dover.
Dostoevsky, F. 2016. (1866). *Crime and Punishment*. Translation by Constance Garnett. Los Angeles, CA: Enhanced Media.

Dostoevsky, F. 2009. (1873). *The Possessed (The Devils)*. Translated by Constance Garnett, Digireads.com.

Girard, R. 1997. (1963). *Resurrection from Underground*. Translated by J. Williams, New York: Cross Road.

Janouch, G. 1971. *Conversations with Kafka*. Translated by Goronwy Rees. New York: New Directions.

Jaspers, K. 1969. (1936). *Nietzsche: An Introduction to the Understanding of His Philosophical Activity*. Translated by Ch. F. Wallraff and F. J. Schnitz, Chicago: Henry Regney Company.

Rogers, E. F. 1974. *The Correspondance of Sir Thomas More*, Princeton: Princeton University Press.

Newman, J. H. 1875. *A Letter Addressed to His Grace the Duke of Norfolk*. London: B. M. Pickering.

Nietzsche, F. 1990. (1889). *Twilight of the Idols*. Translated by R. J. Hollingdale. London: Penguin.

Pacini, G. 2002. *Féodor M. Dostoévski*. Milan: Bruno Mondadori.

Parkes, G. 1994. *Composing the Soul: Reaches of Nietzsche’s Psychology*. Chicago: University of Chicago.

Pushkin, A. 2008. (1832). *Eugene Onegin*. Translated by Stanley Mitchell. London: Penguin.

Ratzinger, J. 1990. (1968). *Introduction to Christianity*. Translated by J. R. Foster, San Francisco: Ignatius Press.

Shéstov, L. 1969. (1903). *Dostojevsky and Nietzsche: The Philosophy of Tragedy*. Translated by S. Roberts. Athens, OH: Ohio University Press.

Spaemann, R. 1959. *Der Ursprung der Soziologie aus dem Geist der Restauration*. Munich: Kösel Verlag.

Strada, V. 1986. *Le veglie della ragione*. Turin: Einaudi.

Weil, S. 1957. *Ecrits de Londres et dernieres lettres*. Paris: Gallimard.

Wittgenstein, L. 1961. (1916–1917). *Notebooks*. Translated by G. E. M. Anscombe. Chicago, IL: University of Chicago Press.