

“This Obscure and Enigmatic Concept”. Philosophy of Cruelty in Nietzsche, Freud, and Beyond*

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This essay traces Derrida’s interrogation of Nietzsche and Freud’s concept of cruelty and his attempt to think the beyond that this concept necessarily presupposes. On the one hand, it highlights the key traits of the Nietzschean and Freudian concept of cruelty, namely, its irreducibility to determination and its essential entanglement with life. On the other hand, it explains that the beyond cruelty, which Derrida thinks by dissociating life from cruelty, offers us the point of departure for another thinking of life as well as for the foundation of the right to life.

To characterize this treatment, I would not use the word “cruelty”, despite the temptation. It’s a confused, obscure, overdetermined word.¹

I.

What is cruelty? What do we mean by this strange and familiar (*unheimlich*) word? Can we determine cruelty? Are we sure that the phenomenon of non-cruelty has not already been a dissimulated cruelty, and a relaunch? What is an advance in cruelty: another degree, strategy, or differential in cruelty, cruelty that overcomes itself? How does cruelty relate to itself? Is there a beyond cruelty? For example, a life without cruelty? Would this life be the departure point for a resistance to cruelty and the foundation of the right to life?

* This essay is the result of a research residency at the Philosophy Department of the University of Salerno, funded by the ACRI Young Investigator Training Program 2016. I thank Pina De Luca and Francesco Vitale for hosting me in Salerno and engaging in a generous discussion of my work. I also thank Matías Bascuñan, Victor Ibarra, Thomas Clément Mercier, and my students in Santiago, for their gracious comments.

¹ J. Derrida, E. Roudinesco, *For What Tomorrow. A Dialogue*, translated by J. Fort, Stanford University Press, Stanford 2004, p. 64.

These questions are at the heart of the interrogation of the concept of cruelty that Jacques Derrida undertakes in two texts presented at the threshold of our century, in 2000, and that I will bring into focus in the pages that follow: *Death Penalty I* (1999-2000) and *Psychoanalysis Searches the States of Its Soul: The Impossible Beyond of Cruelty* (2000). In these texts, Derrida addresses the tradition that draws together Nietzsche's genealogy of moral concepts and Freud's meta-psychological theory of drives. Both Nietzsche and Freud hold on to an obscure and enigmatic concept of cruelty, as that which one can neither determine nor delimit, and thus whose possibility is the essence of life or what is most irreducible in the life of the living. As we will see, Derrida designates this tradition as philosophy of cruelty. Ultimately, both Nietzsche and Freud seem to Derrida unable to conceive of a beyond that is presupposed by cruelty itself, and thus of the necessary limits of the philosophy itself that they could elaborate.

What do we mean by cruelty, then? This question resonates with the question about the meaning of pleasure that Freud raises from the outset of his *Beyond the Pleasure Principle* (1920). Being aware that what remains suspended since the beginning of his investigation is the qualitative essence of pleasure, Freud pretends ironically to have recourse to philosophical tradition, which obviously has nothing to say about that essence. At this point, he can turn to metapsychology, namely, his economic description of pleasure (based on quantitative relations), as being the most complete representation of pleasure available at his time. He writes:

We would readily express our gratitude to any philosophical or psychological theory which was able to inform us of *the meaning of the feelings of pleasure and unpleasure* [my emphasis] which act so imperatively upon us. But on this point we are, alas, offered nothing to our purpose. This is the most obscure and inaccessible region of the mind, and, since we cannot avoid contact with it, the least rigid hypothesis, it seems to me, will be the best. We have decided to relate pleasure and unpleasure to the quantity of excitation [...] and to relate them in such a manner that unpleasure corresponds to an increase in the quantity of excitation and pleasure to a diminution.²

² S. Freud, *Beyond the Pleasure Principle*, trans. by J. Strachey, Norton & Company, New York 1961, pp. 1-2.

Derrida does not only draw attention to this point: «nothing is said about the qualitative experience of pleasure itself. What is it? What does it consist of?»³. Above all, he recalls the opening scene of Plato's *Philebus* that the evoked beginning of Freud's *Beyond* echoes. «The inheritance is assured. Plato is behind Freud»⁴, he suggests. Derrida alludes to the beginning of Plato's dialogue, when Socrates raises the question of the meaning of pleasure and of the different forms to which it refers. Socrates observes that the name “pleasure” makes us think of a unique reality, although the latter takes on different forms (*Philebus* 12b). Protarcus reacts to this observation by suggesting that these forms cannot be opposite and thus pleasure can only be identical to itself (*Philebus* 12b). This Platonic legacy offers Derrida the lever for raising once again the question about the qualitative essence of pleasure—that is, about the objectivity of the object and its material element, to put it in phenomenological terms that are not foreign to his concerns⁵. Furthermore, Derrida develops the Platonic legacy into what he had described elsewhere as the point of extreme obscurity and the very enigma of the concept of *différance*, that is, the articulation of economic detour and the relation to the absolutely other that would interrupt all economies, the synthesis of the economic and the aneconomic, of the same and the other⁶. Let us reread Derrida's remarks apropos of Freud's Socratism:

What is pleasure? Is there a unity of the thing called pleasure? Can one give a proper name to such a diverse, polymorph and ungraspable phenomenon? [...] And if pleasure were produced only by differing from itself, if it occurred only on this condition? [...] No/step of pleasure [*pas de plaisir*], certainly, but if it is pleasure that incessantly limits itself, dealing with itself, contracting itself in order to prepare itself for itself, producing *itself*, resolving, regenerating, losing and keeping itself in the service of a general function of which it is the tendency, then, equally, there is only Pleasure.⁷

³ J. Derrida, *The Postcard. From Socrates to Freud and Beyond*, translated by A. Bass, The University of Chicago Press, Chicago and London 1987, p. 279. For Derrida's analysis of Freud's opening scene, see J. Derrida, *The Postcard*, cit., p. 276.

⁴ Ivi, p. 398.

⁵ For a discussion of these problems in the Husserlian phenomenology, see J. Derrida, *Writing and Difference*, translated by A. Bass, Routledge and Keagan Paul, London 1978, pp. 204-206.

⁶ Cfr. J. Derrida, *Margins of Philosophy*, translated by A. Bass, The University of Chicago Press, Brighton 1982, p. 19.

⁷ J. Derrida, *The Postcard*, cit., p. 399.

Pleasure is always deferred, and yet there is nothing but pleasure. Pleasure relates to itself by limiting itself. This is how Derrida elaborates on the Platonic and Freudian question about the meaning and the reference of the obscure and enigmatic concept of pleasure. The working hypothesis of this article is that Derrida's interrogation of cruelty also responds to the Socratic question. What is cruelty, then? What do we mean by this strange and familiar word? The next sections explain that Derrida finds this question at stake in Nietzsche's concept of the cruelty of life as well as in Freud's psychic cruelty, and that he points to their irreducible beyond.

II.

In *Death Penalty* I.6, Derrida traces the paradigm of the philosophy of cruelty through a close reading of the second dissertation of Nietzsche's *Genealogy of Morality* (1887). This paradigm consists in understanding cruelty as what can be neither determined nor delimited, what has neither a contrary nor an opposable term that would put an end to it or to the opposition itself, and thus as what only relaunches itself by reacting against itself. An irreducible link between cruelty and the very life of the living is established. Derrida has recourse to the expression "the cruelty of life" in order to illustrate Nietzsche's concept of cruelty, and, more profoundly, he attributes to it the determination "the essence of life," which he had employed for his concepts of *trace* and *différance* almost forty years earlier⁸.

Derrida takes up the following task for his reading: to shed light on the "logic of cruelty (torture, punishment), of the relations between the cruelty of life and the law" that "governs" the second dissertation⁹. Therefore, he announces from the outset that he will read Nietzsche's treatment of cruelty as a philosophy of cruelty—according to which cruelty cannot be dissociated from life—and thus that he will trace the genealogy of the law back to the self-

⁸ For an overview of Derrida's engagement with Nietzsche throughout his work, see the interview "Nietzsche and the Machine" (1993) in J. Derrida, *Negotiations. Interventions and Interviews, 1971-2001*, ed. by E. Rottenberg, Stanford UP, Stanford 2002, pp. 215-256.

⁹ J. Derrida, *The Death Penalty. Volume I*, translated by P. Kamuf, The University of Chicago Press, Chicago and London 2014, pp. 125-126.

overcoming of cruelty. He offers the following account of this philosophy of cruelty:

Since our question for the moment is also, what is cruelty? One sees unfold there a philosophy of cruelty, the philosophy of a cruelty that, in sum, has no contrary. There are to be sure differences among several modes or different degrees of intensity of cruelty, between an active cruelty and a reactive cruelty, but there is no opposition between cruelty and non-cruelty [...] Life is—it owes it to itself to be—cruel wherever it keeps itself, wherever it keeps the memory and even, I will add, the truth of itself.¹⁰

The first consequence of this concept of cruelty as the cruelty of life is that, as Derrida points out, «in this logic of the differential of cruelty rather than of the opposition between cruelty and non-cruelty, there is no true, original place for a debate for or against the death penalty»¹¹, which is the focus of the seminar. Putting to death, he continues, is a degree or a strategy in cruelty, which requires one to interpret it in a non-judicial fashion «since this whole essay and this whole book are genealogies of law and of penal law that go back to movements of animal-human life [...] that are older and more profound, more irreducible than law»¹². We will return to this point. First, it is worth remarking that the irreducible link between cruelty and life consists in the implication of cruelty in what Derrida identifies as the most elementary process of life, that is, self-preservation, or memory. He draws an evidence of this implication from a passage of *Genealogy* II.3 that he paraphrases as follows:

The question is: how to make a memory for the man-animal (*Menschen-Tiere*) [...] how to make him remember [...] Nothing is more terrifying and *unheimlich* in the prehistory of man than his mnemotechnics. [...] It is thus indeed a history or rather a prehistory of cruelty: to remember, to imprint the memory, one causes suffering, one must cause suffering; here is where the red appears, the red of fire before the red of blood: a thing is applied with a red-hot iron to imprint it on the memory (and this whole text is written according to the figure of impression, of the painful inscription in the body: '*Mann brennt etwas ein, damit es im Gedächtnis bleibt,*' something is burned, something is made red hot by penetrating until it draws blood so that it remains in memory). And Nietzsche specifies what is then the universal law that he wants to recall here, the law that links memory to pain, wound, trauma: «only that which never ceases to hurt

¹⁰ Ivi, 126.

¹¹ *Ibidem*.

¹² *Ibidem*.

stays in the memory [*nur was nicht aufhört, wehzutun, bleibt im Gedächtnis*]¹³—
and Nietzsche underlines *wehzutun*.¹³

Derrida suggests that we find here the concept of cruelty (of «*causing-to-suffer* so as to remember») as «a zoological principle»¹⁴. Cruelty can no longer be dissociated from life (qua self-preservation) and thus constitutes «the essence of life, insofar as it keeps itself, insofar as, at the same time, it protects and keeps itself in memory in its truth»¹⁵. As anticipated, Derrida conjures up the determination that he had associated to *trace* and *différance* in “Freud and the Scene of Writing” (1966). In his early essay, these concepts are designated as the essence of life to the extent that life as self-keeping can only be thought in terms of *trace* or *différance*¹⁶. Therefore, the philosophy of cruelty that we found at stake in the later seminar seems to be a further elaboration of grammatology qua thinking of the *trace* as the element of life. It seems to tie cruelty to what is irreducible in the life of the living, that is, the trace.

We can go back to the aforementioned consequence of the concept of cruelty as a zoological principle, that is, the understanding of the law in

¹³ Ivi, pp. 126-127. For Nietzsche’s text, see F. Nietzsche, *The Genealogy of Morality*, translated by C. Diethe, Cambridge UP, Cambridge 2006, p. 38. Nietzsche scholarship, however extended and differentiated, does not read the concept of cruelty that Nietzsche elaborates in the second dissertation of the *Genealogy* as the essence of life. On the one hand, the cruelty of mnemotechnical practices is seen as required to breed a memorial (not-forgetful) animal and thus to the birth of the state. On the other hand, the estrangement of the animal-man from its spontaneous expressions of cruelty, through the dispensation of punishment, is interpreted as the decisive step towards the institution of the social contract. See, for example, Conway 2008. Interestingly, Conway acknowledges his debt to the reading of cruelty developed by Deleuze and Guattari in their *Antioedipus* (1977). The latter claim to know what cruelty means by linking it to the question of creating a memory for man and thus demarcating it from a biological organism: «Cruelty is the movement of culture that is realized in bodies and inscribed on them, belaboring them. That is what cruelty means» (G. Deleuze, F. Guattari, *Antioedipus. Capitalism and Schizophrenia*, translated by R. Hurley, M. Seem, H.R. Lane, University of Minnesota Press, Minneapolis 1983, p. 145). Cfr. also ivi, pp. 190-192.

¹⁴ J. Derrida, *The Death Penalty*, cit., p. 127.

¹⁵ *Ibidem*.

¹⁶ See J. Derrida, *Writing and Difference*, cit., pp. 254-255: «No doubt life protects itself by repetition, trace, *différance* (deferral). But we must be wary of this formulation: there is no life present *at first* which would *then* come to protect, postpone, or reserve itself in *différance*. The latter constitutes the essence of life. Or rather: as *différance* is not an essence, as it is not anything, it is not life, if Being is determined as *ousia*, presence, essence/existence, substance or subject. Life must be thought of as trace before Being may be determined as presence». In Derrida’s late writings, cruelty seems to be as irreducible as the text: one may *almost* say that *il n’y a pas d’hors-cruelty* (and yet there is, as we will see), as well as «*il n’y a pas d’hors-texte*» (cfr. ivi, p. 158).

relation to more than juridical, namely, zoological, movements. «It is an entire reading of history and culture, of law and religion», Derrida argues, «that Nietzsche submits to this natural and zoological principle». Punishment is not interpreted as «a juridical apparatus», but as «a movement of life, a writing of life so as to remember»¹⁷. According to Derrida, a philosophy of cruelty allows Nietzsche, in the subsequent passage from *Genealogy* II.3, to trace cultural and religious institutions (solemnities, festivals, celebrations and so on) back to acts of memory¹⁸.

As the seminar develops, Derrida examines how Nietzsche accounts for the relationship between the cruelty of life and the law. He interprets the genealogy of the social contract, as it is described in *Genealogy* II.4-6, as an advance in cruelty that amounts to a movement of idealization. His analysis begins by recalling that a principle of equivalence constitutes the movement through which the drive for revenge is idealized. He paraphrases the final part of *Genealogy* II.4:

During the longest period of human history, one did not punish because one held the wrongdoer to be responsible (*verantwortlich*, section 4, 2 [64; KSA, 298]), one did not acknowledge that only the guilty one should be punished. In this primitive humanity, which survives in us, one punished the way one punishes children when driven by anger. But at a given moment this anger comes to be contained within certain limits; it comes to be repressed and modified by the idea that every injury has its equivalent [*Äquivalent*], and that it can be compensated in a calculable fashion [*abgezahlt werden könne*], be it through some pain that would affect the author of the injury.¹⁹

Derrida interprets Nietzsche's exposition of the process of the social contract as the becoming-psychic and symbolization of cruelty. Nietzsche links the social contract, namely, the relationship between debtor and creditor, established through a promise, and the cruelty at work in memory. "Promises are made," Nietzsche notes, "precisely here, the person making the promise has to have a memory made for him: precisely here, we may suppose, is a repository of hard, cruel, painful things [*Hartes, Grausames, Peinliches*]" (Nietzsche 2006, 40). He goes on highlighting the cruelty of the debtor-

¹⁷ J. Derrida, *The Death Penalty*, cit., p. 127.

¹⁸ Cfr. F. Nietzsche, *The Genealogy of Morality*, cit., p. 38, and the explication of the text in J. Derrida, *The Death Penalty*, cit., p. 127.

¹⁹ *Ibidem*. Cfr. F. Nietzsche, *The Genealogy of Morality*, cit., p. 40.

creditor relationship. «The debtor pledges himself», Derrida summarizes, «to consecrate the holiness of his promise [*die Heiligkeit seines Versprechens*] [...] to indemnify the creditor in case he does not pay, by giving the creditor something he possesses, for example his body, or his wife, or his freedom, or even his life [*oder auch sein Leben*]» (Derrida 2014, 131)²⁰. At this point, Nietzsche introduces the *jus talionis* as the progress made by Roman law in the history of the social contract²¹. This progress, which amounts to establishing a principle of equivalence between injury and the price to be paid, secures the compensation of the creditor with the psychic enjoyment that derives from causing the debtor to suffer. It thus entails the foundation of the right to domination and cruelty. Derrida has the following paraphrasis of the second part of the section:

In place of an advantage that compensates (as *Rückzahlung*, as equal and accountable compensation in return) in the form of something or someone, a wife, for example, or a good, a thing, a body, the creditor is granted a psychic reimbursement, as it were, psychic or symbolic [...] he will be given some pleasure, some enjoyment [*jouissance*], a feeling of well-being or of a greater well-being [*Wohlgefühl*], a pleasure that consists in the voluptuous pleasure of causing the other to suffer, and cruelly [...] In place of some equivalent, something or someone, one grants in return, as payment, the pleasure of doing violence [*Genuss in der Verge-waltigung*], “*la jouissance de faire violence*”, as the French translation has it; I would also say the pleasure taken, the enjoying [*le jouir*] that has to do with exercising power (*Gewalt*), and here even with exercising one’s sovereignty over the debtor—man or woman. This is the foundation of what Nietzsche in concluding section 5 calls a “right to cruelty [*Anrecht auf Grausamkeit*]”.²²

This passage brings to light a structural link between power, violence, and sovereignty, on the one hand, and pleasure, enjoyment, and cruelty, on the other hand. As Derrida points out, the foundation of power and sovereignty merges with the becoming psychic of cruelty. In the subsequent section of *Genealogy* (II.6), Nietzsche concludes that the origin of morals is cruelty and thus even the categorical imperative of Kant must be retraced to this origin. «May we not add that this world [the moral conceptual world]», Nietzsche

²⁰ Cfr. F. Nietzsche, *The Genealogy of Morality*, cit., pp. 40-41.

²¹ For Derrida’s reading of the *jus talionis* in the Kantian moral and legal philosophy, see G. Bennington, “Ex Lex”, *The Oxford Literary Review*, 35/2, 2013, pp. 143-163.

²² J. Derrida, *The Death Penalty*, cit., p. 132. Cfr. F. Nietzsche, *The Genealogy of Morality*, cit., p. 41.

writes, «has really never quite lost a certain odour of blood and torture? (not even with old Kant: the categorical imperative smells of cruelty)»²³. Hence, Derrida deduces that the genealogy of morals, including the moral world of Kant, is a theatre of cruelty²⁴. However, within the paradigm of this philosophy of cruelty, further advance in the sphere of legal and moral obligations can always be reinscribed into the differential logic of cruelty. Derrida puts this consequence to the test by taking account of Beccaria's discourse against the death penalty and in favor of a life sentence of hard labor. «One can always interpret Beccaria's proposal as still more cruel than the still more cruel proposal of Kant, more cruel, then, than the death penalty», he observes, since for Beccaria this «will make the criminal suffer more»²⁵. A reaction against cruelty is just another strategy in cruelty, which allows cruelty to overcome itself.²⁶

III.

Bringing his analysis of Nietzsche's *Genealogy* to an end, Derrida designates the concept of cruelty that he has brought into light as "originary". For this reason, «it has no contrary», and «the phenomenon of non-cruelty, the appearance of non-cruelty would be but a dissimulated cruelty, or even a bid to raise the level of cruelty»²⁷. This conclusion allows Derrida to link Nietzsche and Freud's responses to the question about the meaning of cruelty: on the one hand, the cruelty of life and its relationship with the law, on the other hand, sadism and destructive drives. Therefore, for a further development of the analyses undertaken in *Death Penalty* I.6, he suggests, a patient examination of Freud's work in the wake of "originary cruelty, originary sadism" is required²⁸. This reference consists in a programme of reading that remains undeveloped. This section will unpack the key moments

²³ *Ibidem*.

²⁴ On the Kantian theatre of cruelty, see J. Derrida, *The Death Penalty*, cit., p. 134.

²⁵ *Ivi*, p. 136.

²⁶ For the examination of Beccaria's discourse within the Nietzschean framework of the philosophy of cruelty, see *ivi*, p. 136, and R. Trumbull, "Derrida and the Death Penalty: The Question of Cruelty", *Philosophy Today*, 2015, 59/2, pp. 327-328.

²⁷ J. Derrida, *The Death Penalty*, cit., p. 135.

²⁸ *Ibidem*.

of this programme that underlie Derrida's interpretation of the Freudian concept of cruelty.

Firstly, Derrida proposes following the traces of sadism throughout Freud's work («in particular the Freud of *Three Essays*, of "Drives and Their Vicissitudes", or of *Beyond the Pleasure Principle*, "The Economic Problem of Masochism"»). In so doing, we would discover the element of cruelty, that is, the "reflexive middle voice" of causing-to-suffer: «"to make oneself suffer" whether by oneself or by the other»²⁹. In the first work mentioned by Derrida, *Three Essays on the Theory of Sexuality* (1905), Freud explains that «the most common and the most significant of all the perversions – the desire to inflict pain upon the sexual object, and its reverse, received [the names of sadism and masochism] from Krafft-Ebing [...] for its active and passive forms respectively»³⁰. Furthermore, he notes that the alternative name "algolagnia" reminds us of the relationship between these perversions and cruelty (here understood as a passive voice): «this emphasizes the pleasure in pain, cruelty». Sadism is defined as «an aggressive and violent attitude towards the sexual object», from which masochism is derived when the subject's self «takes the place of the object itself»³¹. Finally, in the subsequent remarks, Freud recalls a suggestive thesis that links sadism to the cannibalism that is implicit in the drive for mastery. «According to some authorities», he points out, «this aggressive element of the sexual drive is in reality a relic of cannibalistic desires—that is, it is a contribution derived from the apparatus for obtaining mastery»³².

In the later "Drives and Their Vicissitudes" (1915), Freud further elaborates the relationship between sadism and masochism. He suggests that the active voice of sadism passes into a reflexive form in which «the object is given up and replaced by the subject's self», and a passive voice in which «an extraneous person is once more sought as object» who «has to take over the role of the subject»³³. It is likely that this reflexive voice provides Derrida with

²⁹ *Ibidem*.

³⁰ S. Freud, *Complete Works*, translated by J. Strachey, Ivan Smith Edition, 1956-1974, p. 1484.

³¹ *Ibidem*.

³² *Ivi*, p. 1485.

³³ *Ivi*, p. 2964.

a resource for his hypothesis about a reflexive making-suffer, which constitutes the concept of the cruelty of life (namely, cruelty as the essence of that life which makes itself suffer to preserve itself).

In the latest texts mentioned by Derrida in his programme of reading, *Beyond the Pleasure Principle* (1920) and “The Economic Problem of Masochism” (1925), Freud places sadism within the framework of his theory of drives. He supposes that sadism constitutes the form that the death drive takes on when it enters the service of the sexual drive and, more generally, when it contrasts erotic and conservative drives. In Chapter VI of *Beyond*, Freud writes:

From the very first we recognized the presence of a sadistic component in the sexual drive [...] But how can the sadistic drive, whose aim is to injure the object, be derived from Eros, the preserver of life? Is it not plausible to suppose that this sadism is in fact a death drive which, under the influence of the narcissistic libido, has been forced away from the ego and has consequently only emerged in relation to the object?³⁴

Furthermore, in a note added to this chapter in 1921, a note in which he summarizes the chronological stages of his theory of drives, Freud explains that his speculation has traced the dualism of erotic and destructive drives back to the dualism of life and death drives³⁵. “The Economic Problem of Masochism” further develops this relationship between sadism and destructive drives. Here Freud draws together “destructive drives”, “drive for mastery”, and “the will to power”, and describes sadism as the “portion” of these drives that «is directly placed under the service of the sexual function» (Freud 1956-1974, pp. 4075-4076).

³⁴ S. Freud, *Beyond the Pleasure Principle*, cit., pp. 47-48. For Derrida’s reference to this passage, see J. Derrida, *The Death Penalty*, cit., p. 135. In “To Speculate on Freud”, Derrida notes: «Apparently, it [sadism] would render service to monistic Jungianism by dissimulating itself in its libidinal form. Apparently it would disserve the dualist cause, and this is why it must be restored to its essential nature, and its authentic origin: *eigentlich eines Todestrieb*» (J. Derrida, *The Postcard*, cit., p. 368).

³⁵ Cfr. S. Freud, *Beyond the Pleasure Principle*, cit., p. 55: «The opposition between the ego-instincts and the sexual instincts was transformed into one between the ego-instincts and the object-instincts, both of a libidinal nature. But in its place a fresh opposition appeared between the libidinal (ego- and object-) instincts and others, which must be presumed to be present in the ego and which may perhaps actually be observed in the destructive instincts. Our speculations have transformed this opposition into one between the life instincts (Eros) and the death instincts». On this point, see R. Trumbull, “Derrida and the Death Penalty”, cit., p. 323.

Secondly, Derrida refers to the analysis of «the drive to dominate [*pulsion d'emprise*]» [*Bemächtigung, Bewältigung*] and of «its relation to love life and [...] sadomasochism» (p. 135), which he had undertaken in “To Speculate—on ‘Freud’”³⁶. In this text, he explains that the drive for domination [*Bemächtigungstrieb*] consists in a process of binding and mastering that is preliminary and independent from the mastery of the pleasure principle³⁷. This drive constitutes the element or the essence of the drive in general to the extent that it accounts for the drive’s self-relation:

One can envisage, then, a quasi-transcendental privilege of this drive for mastery, drive for power, or drive for domination [*emprise*]. The latter denomination seems preferable: it marks more clearly the relation to the other, even in domination over oneself [...] The drive to dominate must also be the drive’s relation to itself: there is no drive not driven to bind itself to itself and to assure itself of mastery over itself as a drive. Whence the transcendental tautology of the drive to dominate: it is the drive as drive, the drive of the drive, the drivenness of the drive.³⁸

Derrida explains that this quasi-transcendental drive also makes sadism possible. Following the entry on *Bemächtigungstrieb* in Laplanche and Pontalis’s *The Language of Psychoanalysis* (1967), he remarks that «a violent exercise of power or domination» (*Bewältigung*) is at work in sadism that «Laplanche and Pontalis relate precisely [*justement*] to *Bemächtigung*»³⁹.

IV.

It is time to open “Psychoanalysis Searches the Sates of its Soul: The Impossible Beyond of Cruelty”. In this text, Derrida does not only develop the suggestion of drawing together Nietzsche and Freud’s concept of cruelty. Taking Freud’s text as the point of departure for his analysis, he aims to a beyond this obscure and enigmatic concept of cruelty, and thus to another life

³⁶ For an excellent overview of “To Speculate on Freud”, see F. Vitale, “La vita la morte”, in S. Facioni, S. Regazzoni, F. Vitale, *Derridario. Dizionario della decostruzione*, Il Melangolo, Genova 2012, pp. 106-117.

³⁷ For Freud’s account of *Bemächtigungstrieb* as a drive that operates before and independently from the pleasure principle, see S. Freud, *Beyond the Pleasure Principle*, cit., pp. 10, 26, 29, and J. Derrida, *The Postcard*, cit., pp. 325, 350-351.

³⁸ Ivi, p. 403.

³⁹ Ivi, p. 404. Cfr. J. Laplanche, J.-B. Pontalis, *The Language of Psychoanalysis*, translated by D. Nicholson-Smith, The Hogarth Press, London 1973, pp. 217-218.

or something other than life, a life without cruelty, the beyond of the life whose essence is cruelty. The pages that follow focus on this task, which Derrida has announced since the title of his essay.

The opening scene still echoes the beginning of the *Philebus*: saying «cruelly», Derrida remarks, we act «as if we understood ourselves and agreed with one another as to what “cruel” means»⁴⁰. What is cruelty, then? What do we mean by that? Once more, Derrida evokes the proper names of Nietzsche and Freud, their concept of cruelty, and the differential logic by which cruelty relates to itself by overcoming itself.

In all these cases cruelty would be difficult to determine or delimit. Nietzsche, for example, sees there the cunning essence of life: cruelty would be without limit and without opposable term, thus endless and without contrary. But for Freud, who is nevertheless so close to Nietzsche, as always, cruelty might perhaps be without limit but not without opposable term, that is, endless but not without contrary—this will be one of our questions. One can staunch bloody cruelty (*cruor*, *crudus*, *crudelitas*), one can put an end to murder by blade, by the guillotine, in the classical or modern theaters of bloody war, but, according to Nietzsche or Freud, a psychic cruelty will always take its place by inventing new resources.⁴¹

This passage draws attention to a shift between Nietzsche and Freud’s concepts of cruelty. As we will see, the latter admits a contrary of cruelty or an opposable term (namely, eros and erotic drives) that, however, puts an end neither to cruelty nor to its self-overcoming. Therefore, he does not break with the concept of cruelty and its differential logic. Conversely, Derrida sheds light on the necessary beyond of cruelty and life (qua self-preservation) that would offer another ground for resisting cruelty and founding the right to life.

The essay starts with a twofold hypothesis on the relationship between the concept of cruelty and psychoanalysis. Psychoanalysis constitutes first a

⁴⁰ J. Derrida, *Without Alibi*, ed. by P. Kamuf, Stanford University Press, Stanford 2002, p. 238. On the obscurity of the concept of cruelty, see also *ivi*, pp. 262-263, and S. Morgan Wortham, “Survival of Cruelty”, in *The Southern Journal of Philosophy*, 2013, 51, pp. 125-127.

⁴¹ J. Derrida, *Without Alibi*, *cit.*, p. 239. The reference to “invention” in this passage resonates with the following passage from the *Death Penalty* seminar: «Even when the death penalty will have been abolished, when it will have been purely and simply, absolutely and unconditionally, abolished on earth, it will survive; there will still be some death penalty. Other figures will be found for it; other figures will be invented for it, other turns in the condemnation to death» (J. Derrida, *The Death Penalty*, *cit.*, p. 227). On the question of invention in the *Death Penalty* seminar, see R. Mendoza-de Jesús, “Invention of the Death Penalty: Abolitionism at its Limits”, in *The Oxford Literary Review*, 2013, 35/2, pp. 221-240.

privileged way of approaching the concept of cruelty: as Derrida puts it, it opens up «the only way» that would allow us «to interrogate what might be meant by this strange and familiar word “cruelty”»⁴². By consequence, no other discourse can account for cruelty as something whose possibility is «irreducible in the life of the living», without «reducing its meaning»⁴³, its resistance to determination/delimitation and its indissociability from life. In other words, Derrida continues, without psychoanalysis we would be unable to seriously engage with «something like psychical cruelty» and «something like the mere self-relation of cruelty» (its self-overcoming). Ultimately, he evokes «a psychoanalytic revolution» as necessary to take up «the task of taking account of the grammatical syntax, conjugations, reflexivities, and persons»⁴⁴ through which the meaning of cruelty remains the same. This revolutionary discourse would be able to account for the new forms that cruelty keeps on inventing by overcoming itself⁴⁵.

Before putting his hypothesis to the test through the analysis of Freud’s concept of cruelty, Derrida raises a question about the limits of this concept. The possibility of this question resides precisely within the framework of a philosophy of cruelty, that is, of the concept of cruelty as that to which one cannot put an end and thus as the cruelty of life. Derrida points to a beyond cruelty, a life without cruelty, from within Nietzsche and Freud’s elaborations of cruelty, that is, a beyond presupposed by their very concept of cruelty. Therefore, if, for Freud, the possibility of cruelty, qua sadism and destructive drives, cannot be dissociated from the life of the living and this possibility is linked to the beyond of the pleasure principle, that is, to the death drive and the drive for domination, Derrida wonders if there is a beyond that beyond and thus a beyond Freud’s discourse on drives. He formulates this question as follows:

Is there, for thought, for psychoanalytic thought to come, another beyond, if I can say that, a beyond that would stand beyond these possibles that are still both

⁴² J. Derrida, *Without Alibi*, cit., p. 239.

⁴³ Ivi, pp. 239-240.

⁴⁴ Ivi, p. 240.

⁴⁵ On Derrida’s twofold hypothesis, see E. Rottenberg, “Derrida and Psychoanalysis”, in *A Companion to Derrida*, ed. by Z. Direk and L. Lawlor, John Wiley and Sons, Chichester 2014, pp. 314-317.

the pleasure and reality principles and the death or sovereign mastery drives, which seem to be at work wherever cruelty is on the horizon? In other words, altogether other words, can one think this apparently impossible, but otherwise impossible thing, namely, a beyond the death drive or the drive for sovereign mastery, thus the beyond of a cruelty, a beyond that would have nothing to do with either drives or principles? And thus nothing to do either with all the rest of the Freudian discourse [...] especially with what Freud, as we will hear, also calls its 'mythology of the drives'.⁴⁶

In the following pages of the text, Derrida takes the correspondence between Einstein and Freud, collected under the title *Why War?* (1932), as his source for analyzing Freud's concept of cruelty at the same time as for responding to the question about its limits. He will delimit and make that concept tremble from within, by demonstrating that there must be a beyond cruelty and thus by opening a discourse other than Freud's theory of drives.

Einstein starts the exchange by formulating the problem: «is there any way of delivering mankind from the menace of war?»⁴⁷. He is confident that Freud will «bring the light of his far-reaching knowledge of man's drive life to bear upon the problem», so long as «psychological obstacles»⁴⁸ are at stake here. The only solution to the problem is, for Einstein, the institution of an international court, «a legislative and judicial body», that would «settle every conflict arising between nations»⁴⁹. This institution would require the «unconditional surrender by every nation, in a certain measure, of its liberty of action, that is to say, its sovereignty [*Souveränität*]»⁵⁰. But here all difficulties begin: «strong psychological factors [*mächtige psychologische Kräfte*]», as Einstein puts it, contrast this solution. «The craving for power [*Machtbedürfnis*] which characterizes the governing class in every nation», he explains, «is hostile to any limitation of the national sovereignty»⁵¹. The same psychological factors also explain how this minority succeeds in leading the rest of the nation to undertake wars («rousing man to such a wild

⁴⁶ J. Derrida, *Without Alibi*, cit., p. 241. For the irreducible relationship between cruelty and the beyond of the pleasure principle (death drive and drive for mastery), see *ivi*, pp. 257-258.

⁴⁷ A. Einstein, S. Freud, *Why War?*, translated by S. Gilber, League of Nations 1933, p. 12. Einstein adds that this is «a matter of life and death for civilization», given the progress of science and technology in his time (*ibidem*).

⁴⁸ *Ivi*, p. 13.

⁴⁹ *Ivi*, p. 14.

⁵⁰ *Ivi*, p. 15.

⁵¹ *Ivi*, p. 16.

enthusiasm, even *to sacrifice their lives* [my emphasis]). This minority awakens and stimulates «man's lust for hatred and destruction». Here Einstein finds «an enigma that only an expert in the lore of human drives», such as his addressee, «can resolve»⁵². Commenting on this passage, Derrida highlights the lexical and theoretical resonance between the strong psychological factors evoked by Einstein and the Freudian theory of drives, a resonance that is developed in Freud's response. According to Derrida, Einstein singles out the link between drive for power and cruelty that is a key feature of the Freudian theory:

Despite the ingenuousness that Freud attributes to him as regards things of the psyche, Einstein advances at this point a hypothesis that anticipates the direction of what will be Freud's reply, namely, that of a cruelty drive (*that is, basically a death drive* [my emphasis]), which, without being reduced to it, is coupled with the drive for power [*Bemächtigungstrieb*] that has such an original place in "Beyond the Pleasure Principle".⁵³

Anticipating Freud's response, Derrida translates the problem raised by Einstein into a question concerning the possibilities of a progressive politics and legislation within the differential logic of cruelty. «What could one do with an irreducible death drive and an invincible drive for power»⁵⁴, Derrida wonders. In other words, if cruelty relates to itself by overcoming itself and thus if it has already been at work in political and legal institutions, how can we ground a resistance to cruelty and the right to life?

In his response to Einstein, Freud recalls the economy of drives that he had exposed in Chapter VI of *Beyond*. A dualism of love and hate governs this economy. On the one hand, we have erotic or sexual drives («those that conserve and unify»⁵⁵), on the other hand, aggressive and destructive drives («drives to destroy and kill»⁵⁶). According to Freud's text, not only is there no end for this dualism but, more profoundly, the latter can be read as the self-relation of cruelty. In fact, Freud acknowledges that it is difficult to disentangle conservative from destructive drives and vice versa: «Each of

⁵² Ivi, p. 18.

⁵³ J. Derrida, *Without Alibi*, cit., p. 252.

⁵⁴ *Ibidem*.

⁵⁵ A. Einstein, S. Freud, *Why War?*, cit., p. 40.

⁵⁶ Ivi, p. 41.

these drives is as indispensable as its opposite and all phenomena of life derive from their activity, whether they work in concert or in opposition»⁵⁷. For example, the drive for self-preservation needs the drive for destruction to attain its ends, whereas, in the case of war, the release of destructive drives is facilitated by the appeal to the erotic ones.⁵⁸ Furthermore, Freud explicitly affirms the link between sadism, cruelty and the death drive. He describes the genesis of the destructive drive by appealing to the genesis of originary sadism: the death drive «becomes an impulse to destroy when», he observes, «it directs its action outwards, against external objects». In other words, «the living being [...] defends its own existence [according to the sexual and erotic drives] by destroying foreign bodies»⁵⁹.

The economy exposed here does not seem to leave room for a progressive politics and legislation, to return to Einstein's question. Freud thus concludes that, in his "mythology of drives", «there is no likelihood of our being able to suppress humanity's aggressive tendencies»⁶⁰. His mythology is finally a philosophy of cruelty. However, within these limits, it allows an indirect way to contrast cruelty. «If the propensity for war be due to the destructive drive», he observes, then «we have always its counter-agent, Eros, to our hand». Eros contrasts war by producing «ties of sentiment»⁶¹. Cruelty can be opposed only indirectly, precisely because erotic drives require aggressive drives to affirm themselves. One thus can put an end neither to destructive drives nor to the dualism love/hate. It is from this perspective that Derrida traces Freud's solution to Einstein's problem back to the philosophy of cruelty found at work in Nietzsche's *Genealogy*. «Freud thinks, like the Nietzsche of *Genealogy of*

⁵⁷ *Ibidem*.

⁵⁸ Cfr. *ivi*, pp. 42, 44.

⁵⁹ *Ivi*, p. 45. On the role played by the concept of cruelty in Freud's response, Derrida observes: «Not that the sense of the word "cruelty" [*Grausamkeit*] is clear, but it plays an indispensable operative role, and that is why I make it bear all the weight of the question. Having recourse more than once to this word, Freud reinscribes it in a psychoanalytic logic of destructive drives indissociable from the death drive. He alludes more than once to the "lust for aggression and destruction" [*Die Lust an der Aggression und Destruktion*], to the "countless cruelties in history" [*ungezählte Grausamkeiten der Geschichte*], to the "atrocities of the past" [*Gräueltaten der Geschichte*], to the "cruelties of the Inquisition" [*Grausamkeiten der Inquisition*]" (J. Derrida, *Without Alibi*, cit., pp. 269-270).

⁶⁰ A. Einstein, S. Freud, *Why War?*, cit., p. 41.

⁶¹ *Ivi*, p. 48.

Morals, that cruelty has no contrary, that it is tied to the essence of life and the will to power»⁶². Freud operates a displacement within the Nietzschean paradigm of philosophy of cruelty by introducing a contrary or an opposable term for cruelty. At the same time, he does not break with cruelty nor with that paradigm, since the contrary of cruelty, Eros, neither designates a beyond cruelty nor opens up a new discourse on life. Therefore, Derrida reformulates Freud's solution as follows:

Indirection, the rise of the detour [*Umweg*], consists, to put it too succinctly (but this is not the essential thing that concerns me here), in bringing into play the antagonistic force of Eros, love and the love of life, against the death drive. There is thus a contrary to the cruelty drive, even if the latter knows no end. There is an opposable term, even if there is not a term that puts an end to the opposition. This indirect stratagem of the antagonism between Thanatos and Eros operates in two ways, that is, by cultivating two sorts of ties, which are emotional ties.⁶³

As Derrida points out, Freud demarcates psychological discourse, as a mythology of drives, from the ethical, the juridical and the political, and finds in the former the foundation of a progressive politics. In so doing, he revises Nietzsche's philosophy of cruelty and yet remains within its logic. On the one hand, Freud acknowledges that destructive drives cannot be dissociated from life and thus from conservative and life drives; on the other hand, he holds on to conservative and life drives in view of eradicating cruelty and thus founding the right to life. In other words, he founds a resistance to destructive drives within his mythology. For Freud, an ambiguous concept of life—«organic life»⁶⁴, as Derrida puts it—motivates the right to life⁶⁵. Derrida finds in the revision that the Nietzschean tradition undergoes here the ultimate step of the philosophy of cruelty and of its relation to the law:

At the very point at which he recalls that there is [...] no sense in wanting to rid oneself of the destructive drives, without which life itself would cease, Freud continues [...] to find in life, in organic life, in the self-protective economy of organic life, and thus in one of the poles of the polarity, the roots of the whole

⁶² J. Derrida, *Without Alibi*, cit., p. 271.

⁶³ *Ibidem*.

⁶⁴ Ivi, p. 274.

⁶⁵ Cfr. A. Einstein, S. Freud, *Why War?*, p. 53: «We are pacifists», Freud explains, since «our organic nature wills us thus to be».

ethico-political rationality [...]. It is thus by life, by organic life, that he justifies the right to life.⁶⁶

Here we touch upon the very limits of Nietzsche and Freud's concept of cruelty: a thinking of life as merely organic and conservative. Life cannot be dissociated from the possibility of cruelty and thus it grounds a resistance to cruelty that is endless and can be read as the self-overcoming of cruelty⁶⁷. At this point, Derrida opens onto a beyond cruelty and the cruelty of life, at the same time as onto a beyond the philosophy of cruelty (Nietzsche's genealogy as well as Freud's mythology of drives). He points to a life that is without cruelty, since it accounts for the unconditional exposure (a yes) to the to-come (the other or time), and that, by its very definition, cruelty requires in order to relate to itself. This life constitutes the ultimate lever for thinking life as well as for founding the right to life. Derrida calls it "survival":

Well, I will affirm that there is, it is indeed necessary that there be reference to some unconditional, an unconditional without sovereignty, and thus without cruelty, which is no doubt a very difficult thing to think [...]. It is necessary for this economic and symbolic conditionality to constitute itself. It is attached to a life, certainly, but to a life other than that of the economy of the possible, an impossible life no doubt, a sur-vival, not symbolizable, but the only one that is worthy of being lived, without alibi, once and for all, the only one from which to depart (notice I say from which to depart) for a possible thinking of life.⁶⁸

In this passage, Derrida distances himself from Freud's elaboration of a contrary of cruelty that would justify our resistance to cruelty and the right to life. This is not because, in so doing, Freud betrays the legacy of Nietzsche but, rather, because he does not transgress the latter and keeps on affirming the differential logic of cruelty⁶⁹. On the other hand, this does not mean that

⁶⁶ J. Derrida, *Without Alibi*, cit., p. 274.

⁶⁷ For a different reading of Eros, see S. Morgan Wortham, "Survival of Cruelty", cit., pp. 135-137. The author interprets the Freudian dualism of cruelty and eros as the endpoint of Derrida's interrogation of cruelty and does not take into account the latter's thinking of a beyond cruelty.

⁶⁸ J. Derrida, *Without Alibi*, cit., p. 274. On the figure of survival in the *Death Penalty* seminar, see R. Mendoza-de Jesús, "Invention of the Death Penalty", cit., pp. 236-237. As we saw, here survival designates life without cruelty, which Mendoza-de Jesús links only to a traditional resistance to cruelty.

⁶⁹ Trumbull suggests that Derrida finds in Freud's concept of cruelty, as irreducibly attached to life, a key source for his understanding of life as finitude and exposure to death. Therefore, by affirming a pacifism based on erotic and conservative drives, Freud would overlook the potential in his concept of cruelty (cfr. R. Trumbull "Derrida and the Death Penalty", cit., pp. 333-334). On our reading, Freud unfolds the relationship between destructive and

the beyond of life discovered by Derrida merely frees a resistance to cruelty that has no relation with cruelty itself. Rather, Derrida conceives of the relation between survival and that resistance in terms of negotiation. The former «cannot be made into a task», but we can «come to terms» and «negotiate» with it.

conservative drives within his mythological discourse, beyond which Derrida points when thinking of a life without cruelty.