

## **An exercise in »higher« penology: Nietzsche's genealogy of punishment (I.)**

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In the first part of the article, the author opposes the common notion that although Nietzsche's thought is indeed interesting in its radicalism, it is too extreme to be considered relevant philosophy. According to this misunderstanding, Nietzsche's intellectual extremism sooner or later proves to be a blind alley, which calls for some sort of return to the "real". The author, however, believes that Nietzsche's philosophy is not extreme at its very core; on the contrary, it is an inaugural cognitive enterprise, and the same holds true of his reflections on punishment. Admittedly, the 'cobweb-spinner' does not develop a comprehensive penal theory that could serve as a foundation for a penal system or at least of some of its segments, but he provides original answers to some of the most basic sociological and philosophical questions of punishment and criminal justice systems.

From a Nietzschean perspective, a consideration of punishment is necessarily immoralistic and non-essentialist, i.e., beyond the established, traditional definitions of the "essence" of punishment, its moral justification and its functions. In the article, Nietzsche's thought is placed not only beyond the antagonism of the retributive and utilitarian doctrines that can be found in Kant, Hegel, Beccaria, Bentham, Durkheim and others but also beyond views of punishment normally recognized as »humanist«. The author presents Nietzsche's genealogy of punishment as an exercise in "higher" penology, as imbued with sharp mountain air, *vigorous air*, for which a penologist must be ready, otherwise he might catch a cold...

**Key words:** Nietzsche, genealogy, penology, punishment, retributivism, utilitarianism, resentment.

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