ABSTRACT: The centrality of the embodiment of mind, self, and values for the later Nietzsche is widely acknowledged. Here, I reconstrue Nietzsche’s HL to show that he uses his drive model of the mind already in this early text. The “historical sickness” central to HL is diagnosed in the form of failures of embodiment and drive control. First, I argue that a precursor to Nietzsche’s figure of “the last human” is already the target in HL. Second, I offer working definitions for terms such as ‘drives’, ‘affects,’ and ‘values,’ which are crucial to Nietzsche’s heuristic diagnostic framework. I then focus on the neglected passage that contrasts the medieval memento mori with a modern memento vivere, showing that the former functions as an embodied mechanism of willing and self-control, which Nietzsche claims the moderns have been unsuccessful in replacing. Finally, I draw on recent research in embodied cognition and identify two causes—“overload” and “semantic embodiment”—of the modern “historical sickness” that undermines flourishing.

KEYWORDS: embodiment, history, mind, drive, memento mori, death, self-control, medieval, modern

Your knowledge does not perfect nature, but only kills your own nature. Just measure the wealth of your knowledge against the poverty of your abilities. (HL 9: 147)

Previously this “memento mori,” called out both to humanity and to the individual, was always a terribly painful goad and the pinnacle, as it were, of medieval knowledge and conscience. The phrase with which the modern age answers this call, “memento vivere,” still sounds, to be quite frank, rather timid; it has no resonance, and almost seems to be insincere. (HL 8: 139)

After all, the strongest peoples—that is those strong in both deeds and works—lived differently and educated their youth differently (HL 8: 138)

Introduction

This article offers a new perspective on Nietzsche’s important early text On the Use and Disadvantage of History for Life (HL). The centrality of the embodiment of mind, self, and values for the later Nietzsche is widely acknowledged, but I here argue that the “historical sickness [die historische Krankheit]” that is the central concern of HL is diagnosed already in this early text as a failure to understand the embodied nature of human values. In the first
section, I show that a precursor to Nietzsche’s figure of “the last human” is already the target in *HL*. In the second, following recent research, I offer working definitions for terms such as ‘drives’, ‘affects’, and ‘values’ that are crucial for understanding Nietzsche’s diagnostic framework: Nietzschean selves are best understood as complex, embodied systems of drives with affective orientations, as well as embodied unconscious and conscious values. While this picture of selves as embodied self-systems of drives and affects emerges fully only in Nietzsche’s later writings, I propose that it can be identified and applies already in *HL*. In the third section, I focus on a neglected passage that contrasts the medieval *memento mori* with a modern *memento vivere*. I interpret the *memento mori* as an embodied mechanism of willing and self-control, which Nietzsche claims the moderns have been unsuccessful in replacing. In the fourth and final section, I draw on recent research in embodied cognition to illuminate two hypotheses—I label these “overload” and “semantic embodiment”—that Nietzsche considers as causes of the moderns’ “historical sickness” that undermines their flourishing.

The “Last Human” and the Lastborn “Firstlings”

Many of Nietzsche’s later writings are driven by his concerns over what he calls “nihilism,” in which the formerly highest values are in the process of devaluing themselves, leading to despair over their loss, and to disorientation regarding humanity’s future direction. The later writings seek to analyze and overcome not just nihilistic disorientation and despair but also to avoid another scenario, what Nietzsche describes in *Z* as the scenario of “the last human [der letzte Mensch].” It is important to distinguish “the last human” from the nihilist. The last human does not deny that there are values and likewise does not lack them. The last human experiences neither despair over the loss or unavailability of some set of formerly held highest values, and nor does she experience disorientation due to the unavailability of evaluative orientations or the overwhelming number of available, seemingly equipollent,
evaluative orientations. The last human clearly has values that guide her actions (among them equality, pleasure, comfort, and security) and lives by those values, but in Nietzsche’s deprecating description in Z, they are the opposite of inspired and just as great a danger to humanity as the nihilist:

The earth has become small, and on it hops the last man, who makes everything small. […] Everybody wants the same, everybody is the same […] One has one’s little pleasure for the day and one’s little pleasure for the night: but one has a regard for health. “We have invented happiness,” say the last men, and they blink. (Z Prologue 5)

In HL, the second of his Untimely Meditations and a much earlier text than Z, Nietzsche already fights what we could see as the precursor of the later text’s last human. In HL 9 he contemptuously likens the modern European, who has replaced religion and tradition with science and an obsessive occupation with history, to animal “firstlings.” When overlooking what they take to be the entire process of world history these modern “lastborn” firstlings announce: “We have reached our goal; we are the goal; we are nature perfected.” Nietzsche’s response is ridicule and outright condemnation. He calls his contemporary Europeans raving mad: “raving, delirious! Your knowledge does not perfect nature, but only kills your own nature” (HL 9: 147). In his judgement, which resembles his depiction of the world of the last human, their “excess of history” actually makes their world self-centered and very small:

He then retreats from an infinite horizon into himself, into the tiniest egoistical realm, and is doomed to wither there and dry up. […] He compromises, calculates, and accommodates himself to the facts; he does not show any emotion, he merely blinks

[…] the world would be […] redeemed if it were redeemed of these men. (HL 9: 157)

The last human and the “lastborn firstlings” of HL both “blink”! Why this emphasis on the smallest of reflexes? Does Nietzsche seek to portray them as tired? Are they trying to free
their eyes from some uncomfortable obstacle? Or to shut out that which is trying to reach their senses? Is a mere “blink” the only emotional expression they are still capable of? Is this how much the world still affects them? Or are they betraying insincerity? This is not the place to come to a considered view on how to interpret Nietzsche’s use of the image of “blinking.”

But this much is clear: their blinking is not a virtue. The Nietzsche of HL conceives of the moderns as mere “aggregates” of humanlike qualities (HL 10: 166), semblances of human beings that lack an organized self and character.

This brief analysis shows that, already in this early text, Nietzsche aims at a different type of agent who does more—is more engaged—than those who merely “blink.” Nietzsche addresses them in HL as the “hopeful young people.” The goal he has set himself in HL is “their redemption from the historical sickness, and hence their own personal history up to that point at which they will once again be healthy enough to pursue history anew and to make use of the past in the service of life” (HL 10: 165–6). Such new agents have to achieve something that, according to Nietzsche, Greek culture had achieved only “gradually,” by reflecting on and discovering their true needs:

“Know thyself.” [...] The Greeks gradually learned how to organize this chaos by concentrating—in accordance with this Delphic doctrine—on themselves, that is, on their genuine needs, and by letting those pseudo needs die out. They thereby took possession of themselves again [...] (HL 10: 166–67)

 Much of the picture Nietzsche paints of what he takes to be a more accurate conception of human selves and values emerges only in his later writings, among them D, GS, Z, BGE, and GM. The picture that emerges, from his attempt to “translate humanity back into nature” (BGE 230), incomplete as it is, is one that conceives of human beings as embodied self-systems composed of drives, affects, and values that are both inscribed in them by humanity’s evolutionary history and by the forces of socialization. While this picture emerges fully only
in Nietzsche’s later writings, I propose that it can be identified and is already being worked out in HL. Before I can show this, however, it is necessary to provide a summary of some of the key concepts underlying Nietzsche’s diagnostic framework.

Nietzsche’s Drive Heuristic and the Historical Sense
As early as HL, Nietzsche makes arguments that presuppose the existence of drives as a heuristic that is so much more familiar from his later writings. What I mean by “heuristic” or “heuristic technique” is a strategy or model that, while imperfect, works for approaching certain kinds of problems. We have a wealth of textual evidence that Nietzsche uses such a strategy. He approaches a great number of traditional philosophical problems and questions—What is a self? What is the soul? What is willing? What are values?, etc.—by reframing them using a drive-based model of the (unconscious and conscious) mind. He believes that, if successful, the problems themselves undergo changes, and the solutions (if still required after such re-descriptive therapy) turn out to be different. This is part of his broadly naturalistic strategy guided by the assumption that the human being is no more but also no less than a complex animal, thereby challenging, as Peter Kail recently put it, “the false dichotomy between humanity and other animals.”

In the Untimely Meditations Nietzsche repeatedly makes use of the concept of drives in expressions such as the “drive for knowledge” (DS 4: 24), “life drives” (HL 10: 165), “drive for culture” (SE 3: 193), and “drive for truth” (SE 6: 225). In HL, the “historical sense” (HL 3: 105)—also referred to as the “heightened historical need” (HL 8: 139)—functions like a drive that has developed pathologically and poses an “immediate danger” to the flourishing of individuals and the culture as a whole. When the drive is active, saliences are affected, and “anything ancient and past that enters into this field of vision is simply regarded as venerable” (HL 3: 105). This introduces, Nietzsche argues, a problematic bias against
anything new and not yet available for assimilation by the drive. The result is that “whatever is new and in the process of becoming is met with hostility and rejected” (HL 3: 105). Such an excessive historical sense, Nietzsche argues, is no longer adaptive but instead detrimental to flourishing. It “no longer conserves,” i.e., keeps alive the past for further future use, as it would if the drive functioned normally; rather, it kills both the future and the past—it “mummifies it” (HL 3). The individual and the culture that is driven by a pathologically excessive historical drive “dies an unnatural death” (HL 3) as it merely preserves what the dead. In relativizing each and every one of their beliefs and traditions to their historical origin, individual and culture lose their grounding such that Nietzsche likens them to a great tree: “eventually the roots themselves commonly perish” (HL 3). I hope this provides a first understanding of what Nietzsche means by the modern “historical sickness.” The historical sense functions like a drive and is used to explain why certain features of one’s environment and culture become salient, liked, and valuable, and why other features come to be excluded, disliked, and seen as disvaluable. But what exactly are these “drives”?

The later Nietzsche’s frequent use of the psychological categories of drive and affect is now better understood than only a few years ago. Rather than adding to the discussion regarding their status in Nietzsche’s philosophy here, I will draw on recent work by Paul Katsafanas and John Richardson. According to Katsafanas, drives as they occur in many of Nietzsche’s texts have four key features:

(i) they are dispositions that generate affective orientations;

(ii) they admit an aim–object distinction;

(iii) they dispose agents to seek their aims, rather than their objects; and

(iv) they are constant.\(^5\)

I would like to add that “disposition” has to be understood in a weak and wide sense, including inborn instincts just as it includes culturally acquired, habituated tendencies.\(^6\)
While the aim, the characteristic activity of a drive, is more or less constant, the object of a drive is variable. Drives are not just desires. When the hunger drive is active, I will experience positive affective orientations towards “drive objects” such as different types of “food” that become salient as they may enable my hunger drive to express its characteristic activity. While a mere desire to visit Tanzania, or to get a Blue Mountain coffee, may be satisfied once and for all, a drive is a disposition or tendency that is relatively constant and recurring. It may be temporarily sated but will awaken again in the not-too-distant future.

According to Richardson’s suggested terminology, Nietzschean drive selves have “animal” or “body values” in virtue of their basic drives. If I am an angry and aggressive person, due to my having a strong aggressive drive or disposition, I “body value” (i.e., I experience positive “affective orientations” toward) objects that potentially allow me to vent my anger and engage in aggressive behavior. In Richardson’s view, in addition to “body values” there are also our linguistically articulable and communicable “agent values.” These are the values a person consciously holds, at least in principle. Nietzsche frequently attacks such values as designed by our own “prehistoric” but also current cultural processes, stating that they often either serve the basic drives, the causally effective but often unconscious “body values,” or the ends of the agent’s social group or society. Nietzsche thus concludes that the human animal has been tamed and domesticated with little inkling of the provenance of its values and its actual organizational nature and needs as an individual self-system. Human beings have been, and still are, in the dark about what Nietzsche calls “the great reason of the body” (Z “Despisers”), by which he means precisely the self-system’s complex structure of drives and affects, the embodied nature of the human’s animal and social values.

It is important to note that, based on Katsafanas’s account of value, neither drive-based affective orientations (close to Richardson’s “body values”) nor “agent values” that have been “bred” into us by socialization and culture are as such sufficient to count as ethical
or moral values proper. For something to count as a value proper, it must be an affective orientation of which an agent “does not disapprove.” The weak-willed pie-eater who experiences a strong affective orientation for the piece of pie in front of him, while clearly “body valuing” the piece (and salivating accordingly), can reasonably claim, licking the last drip of cream off his lips, that he disapproves of this recurring affective orientation, and that he did not act on his values proper, such as “health” and long-lasting physical strength, which he consciously regards as more important than the short-term “pleasure” he has just experienced.

It is important to emphasise that, for Nietzsche, drive-induced affective orientations and thus unconscious and conscious values are “built into” human beings by evolution and acculturation, but that this does fix their expression in action. D 38 provides a good example of a Nietzschean analysis of this kind: depending on the moral or cultural context, a drive, while in itself indeterminate, can be “transformed by moral judgement” and express itself negatively as “cowardice” or positively as “humility.” Also, both strengthening and weakening of a drive’s expression in action are, in Nietzsche’s account, possible. D 109 famously discusses six different strategies of drive-control. As should by now have become clear, the drive heuristics Nietzsche often employs shed light on his image of the self being embodied (leiblich) and, given that drives are conceived as related to and functioning as part of a more or less organised whole, a “societal construction (Gesellschaftsbau) of many souls” (BGE 19). It is thus often helpful to conceive of Nietzschean selves as complex functional systems, with different sub-systems of drives and affects, and related conscious and unconscious beliefs, capable of self-regulation and self-preservation. In Nietzsche’s evolutionary account, the living human being is the inheritor of an evolutionary success story. And yet, precisely because we know only the success story, as Welshon puts it, human beings “project onto the current function of systems and organs that they were once designed to
perform that function.” Nietzsche does not tire of warning against such projected purposes and ends.

Even in an early work such as *HL*, it is well known that Nietzsche is already critical of teleological conceptions of history. He analyzes what he sees as a culture of excessive collecting of theoretical-historical knowledge, for (mummified) knowledge’s rather than (lived) life’s sake. It is an activity that is carried out by increasingly one-sided, impoverished and enfeebled self-systems driven by a historical drive that has become so hypertrophic that it threatens to become a liability, both for the self-system itself and for the entire culture. In short, in *HL* Nietzsche already assumes that self-systems and cultures can either flourish or fail to flourish, and that the historical sense, a drive to historicize that has become dominant, could either contribute to or undermine flourishing. If the historical sense is acculturated too early, and rules “uncontrolled” (*HL* 7: 131), then it “robs existing things of that atmosphere in which alone they are able to live” (*HL* 7: 131). It is to Goethe that Nietzsche attributes the insight that excessive historical education is problematic:

> it is precisely in the greater and more highly developed historical person [Goethe] that we find an awareness […] just how much incongruity and superstition are inherent in the belief that the education of a people must be as predominantly historical as it is today. ([*HL* 8: 138])

He immediately adds that “the strongest people—that is those strong in both deeds and works—lived differently and educated their youth differently” (*HL* 8: 138). But why? What exactly is the problem with a predominantly historical education and an excessive amount of historical knowledge?

Nietzsche holds that it somehow leads to an inability, a disability even, to see history as an “incentive” for action (*HL* 8: 142). In contrast, “true historical natures” see historical data not as an “is,” theoretical knowledge, but instead as practical, as an “ought”: 
the true historical natures [are] precisely those who were little troubled by the “That’s how it is,” but instead pridefully followed a “This is how it should be.” It is not the burial of their generation, but the founding of a new one that drives them unrelentingly forward. (HL 8: 146)

Nietzsche is not, I believe, putting forward the thesis that all youth can be educated to become “true historical natures,” or Goethes. His diagnosis is that, like compulsive eaters who suffer from a digestive disorder, his contemporaries display a very strong and dominant historical drive and lack something that prevents them from relating to history and engaging with it in the right way.

What is it that prevents them from digesting history in the right way? Before we look at two hypotheses that Nietzsche considers, I wish to turn to one short passage from HL 8 where Nietzsche contrasts, rather enigmatically, a medieval memento mori with a modern memento vivere. My hope is that this passage will shed light not only on what function history is supposed to serve but also what it is that previously served this function and that history is (supposed to be) replacing.

Memento Mori: A Medieval “Mechanism” of Willing

In HL 8 Nietzsche mentions in passing the medieval memento mori as the medieval’s “goad” and “conscience.” It is worth recalling the passage in full:

Previously this “memento mori,” called out both to humanity and to the individual, was always a terribly painful goad and the pinnacle, as it were, of medieval knowledge and conscience. The phrase with which the modern age answers this call, “memento vivere,” still sounds, to be quite frank, rather timid; it has no resonance, and almost seems to be insincere. (HL 8: 139)\textsuperscript{16}
To medieval conscience, I take Nietzsche to claim here, *memento mori* (“remember that you have to die”) plays an important motivational function, for individuals and for the culture as a whole. Through constant reminders in word and image of one’s mortality, the *vanity* of earthly desire, and, as is well documented, a divine Last Judgement, the *memento mori* played a pivotal role in the functioning of the medieval conscience that guided people’s actions. It is helpful to look at an example of how the *memento mori* featured in medieval culture. For example, here are some stanzas taken from *Ad mortem festinamus* (“To death we are hastening”) from the *Llibre Vermell de Montserrat* (*The Red Book of Montserrat*), a collection of medieval songs from 1399 AD:

Vita brevis breviter, in brevi finietur, Life is short, and shortly it will end;  
mors venit velociter quae neminem veretur. Death comes quickly and respects no one,  
Omnia mors perimit et nulli miseretur. Death destroys everything and takes pity on no one.  
Ad mortem festinamus peccare desistamus. To death we are hastening, let us refrain from sinning.  
Ni conversus fueris et sicut puer factus, If you do not turn back and become like a child,  
et vitam mutaveris in meliores actus, And change your life for the better  
intrare non poteris regnum Dei beatus. You will not be able to enter, blessed, the Kingdom of God.  
Ad mortem festinamus peccare desistamus. To death we are hastening, let us refrain from sinning. […]  
Vile cadaver eris, cur non peccare vereris. You will be a worthless cadaver: Why do you not avoid sinning? […]

17
As we have seen above, Nietzsche often views beliefs as expressions of embodied values (body and agent values) that serve a function within the individual self-system and, often unknown to the individual, within the individual’s social group and culture. I suggest therefore a functional interpretation of the *memento mori*. It provided conscious and unconscious content, words and images, for self-systems to run what I have elsewhere described as “mental simulations” that motivate action. Contemplating one’s death and the consequences of sinful actions would motivate the medieval agent, utilising their deeply embodied affects such as fear and hope, embedded in its culture, to:

(i) curb the expression of certain drives;

(ii) practice and express other drives; and

(iii) live by and express their (at least for some) consciously adopted values.

Its function was to enable the medieval person to “refrain from sinning” and it pushed them to “change their lives for the better.” But exactly how did the *memento mori* function as the medieval mechanism of willing?

In a famous passage from *GS* 127, Nietzsche describes willing as a “mechanism” that is so well practiced that it “almost escapes the observing eye.” Criticising Schopenhauer, he argues that willing is nothing “simple” and “immediate,” rather:

willing is actually such a well-practiced mechanism that it almost escapes the observing eye. Against him I offer these propositions: first, in order for willing to come about, a representation of pleasure or displeasure is needed. Secondly, that a violent stimulus is experienced as pleasure or pain is a matter of the interpreting intellect, which, to be sure, in most cases [zumeist] works without our being conscious of it [uns unbewusst]; and one and the same stimulus can be interpreted as
pleasure or pain. Thirdly, only in intellectual beings do pleasure, pain, and will exist; the vast majority of organisms has nothing like it. (GS 127)\textsuperscript{20}

It is necessary here to emphasise Nietzsche’s debt to Schopenhauer’s analysis of willing, a debt that he often fails to acknowledge. In Schopenhauer’s analysis, most fully developed in his *Prize Essay on the Freedom of the Will*,\textsuperscript{21} willing in animals and human beings depends on two factors: (i) the unknown but empirically observable character (the distinctive dispositions and traits, the will of the agent); and (ii) the motives (mental representations of objects of desire or aversion) represented in the intellect (mind/brain). From character and motive, willing or action follows necessarily.

To give an example, an animal with a brain has “understanding” or “intellect” [Verstand] and can represent several different sources of food. Its mind, which Schopenhauer calls the “medium of motives,” can represent all of them with varying degrees of desirability. But just which one will trigger the action of eating will depend on the “fit” between the animal’s nature or character and the motive. Whatever is the strongest motive will trigger the action. Human beings also have a character that is both inborn and partly acculturated. In Schopenhauer’s model, willing is more complex for humans than it is for animals. In addition to “character” and “understanding,” human beings also have “reason” [Vernunft], by which Schopenhauer means, roughly, “abstract knowledge in concepts,”\textsuperscript{22} i.e., having a language, the ability to form words and concepts, reason abstractly, entertain thoughts and even ideals. For human beings, it is not just a piece of pie or the fear of perceived danger but also a thought such as “my community expects me to go to war” that can become a motive that, when it is the strongest motive, triggers action.

The phenomenology of deliberative choice, according to which we survey and deliberate about possible motives for actions and then “freely” will one of them, is, Schopenhauer argues, false. This phase of deliberation is better characterised as the *wishing*
phase. I can wish or imagine that I can do a great number of things, because introspectively, from the first-person, conscious perspective, they all seem possible motives for acting. But, Schopenhauer argues, it will always be the strongest motive, given the agent’s character, that determines what she ends up willing, i.e., doing.\textsuperscript{23} For both Schopenhauer and Nietzsche, an actor only really finds out what her will is when she sees how she acts. Deliberative choice that is \textit{causa sui}, independent of character (Schopenhauer) and the embodied system of drives (Nietzsche), is, while recalcitrant phenomenologically, philosophically and empirically an implausible picture of agency.

Returning to the passage from \textit{GS} 127, wherein Nietzsche claims that Schopenhauer’s account needs revising or at least supplementing, for Nietzsche the mechanism of willing works precisely with affective orientations. I do not just see a piece of cake; I see it in an affectively loaded way. This is what I take Nietzsche to mean by representing some content “as pleasure or displeasure.” When you find yourself in the presence of a lion as you briefly leave the Jeep, you do not just see a lion, reflect on your current unfavorable situation, and then decide that the right thing to do, all things considered, would be to jump back into the Jeep. You see the lion, immediately affectively framed—most likely a displeasurable representation of danger—and, with a rush of adrenaline, flee in the direction of the Jeep.

According to \textit{GS} 127, the intellect plays an important function. We do not necessarily have to eat a piece of pie when we see one, even if it is in our nature or character— evolutionarily or from habituation—that we experience pleasurable affective orientations in regard to sweet and fatty things. In addition to affective drive orientations that are built into the self-system, humans can also acquire “values” of which they consciously approve, such as “health.” The same piece of pie that, only a second ago, looked mouth-wateringly appealing may now be represented “displeasurably” as unhealthy. While Nietzsche is clear that interpretive processes that result in representational content are, “in most cases
[zumeist],” carried out automatically and unconsciously, he clearly leaves room for cases in which such processes are, or become, conscious.\textsuperscript{24} If I engage in a mental simulation of eating the pie and the consequences of eating the pie or, as we know from many self-control experiments, if I adopt a general conscious rule about pie-eating,\textsuperscript{25} my affects may change when my interpreting intellect represents the piece of pie negatively: despite my initial, immediate pro-pie attitude, if I am able consciously to follow a no-pie rule, my mental simulation may well enable the me to refrain from eating the pie and opt for fresh salad instead.

We can now return to the passage and interpret the \textit{memento mori} as a mechanism functioning along the lines explored in GS 127. With the aid of a mnemonic device, the medieval self-systems were able to incorporate and affectively motivate the implementing of rules. They thereby controlled their first-order drives through an effective re-framing of their affective orientations. This enabled them to act on their moral “agent values” rather than their more basic “body values.” Through negatively and positively charged images and teachings, by means of conscious and unconscious reminders, that could be used in “off-line” simulations\textsuperscript{26} of eternal punishments or eternal rewards, the medieval \textit{memento mori} could function as a conscience—“goading” the self-system in the right directions.\textsuperscript{27}

Preceding the \textit{memento mori} passage (\textit{HL} 8: 139), Nietzsche speculates that, while there has been a significant change in culture, the historical need is actually an adaptation of the \textit{memento mori}. Already in \textit{HL}, Nietzsche disapproves of religions that are life-denying and that focus on eternal rewards, writing dismissively of “a religion that regards the last hour of a human life to be the most significant one, that predicts the end of life on earth and condemns all living things to live in the fifth act of a tragedy” (\textit{HL} 8: 139). However, he does approve of self-systems that were able to achieve a certain control and organization of their
drives, who embodied practical knowledge (developed a “conscience”) regarding what they can and cannot do without endangering their organization.28

The moderns of whom Nietzsche disapproves, according to the diagnosis in HL, no longer have, no longer are “goaded” and guided by, any such functioning conscience as the memento mori mechanism. They have replaced their religious conscience with quasi-religious faith in, among other, historical and scientific knowledge, thereby compromising both. However, it is not easy to replace the ascetic mechanism of the memento mori. The result is “a profound sense of hopelessness [...] that historical tinge with which today all historical education and cultivation is gloomily darkened” (HL 8: 139). World-denying and hopeful imagery were both deeply embodied in the medieval mind, situated and extended in a culture that aided their organization in accordance with their culture’s values of which they consciously approved.29 There is, it seems, no simple transition from the medieval to a modern, replacement mechanism of willing; after all, the modern memento vivere30, Nietzsche claims, still “lacks resonance.” Why are moderns unable to make use of history as their “goad,” as their conscience? What causes the modern historical sickness?

Two Hypotheses: “Overload” and “Semantic Embodiment”

In this last section, I would like to turn to two passages where Nietzsche offers hypotheses regarding the causes of moderns’ historical sickness. In HL 7, Nietzsche argues that

*the massive influx of impressions is so great; surprising, barbaric, and violent things press so overpoweringly—“balled up into hideous clumps”—in on the youthful soul; that it can save itself only by taking recourse in premeditated stupidity. Wherever a more refined, stronger consciousness existed, a new sensation most likely occurs: nausea. (HL 7: 134–5)*
This passage offers what I call the overload hypothesis as an explanation of the cause of the modern historical sickness. The reason why history fails as a replacement and guide for the modern’s life is “overload,” a “massive influx” of historical data that is simply too much to handle (HL 8: 135). As the historical drive becomes increasingly hypertrophic and pathological, it generates much more data than can be processed by the self. This data is no longer embodied or, to use the term that Nietzsche often uses, it can no longer be “incorporated.” “Overload” means that the self-system reaches the limit of what Nietzsche famously calls its “shaping power [plastische Kraft]” (HL 1: 89). This results in different kinds of self-system failure, and one of two things happens: the self loses its ability to act and becomes an inactive observer; “in melancholy apathy,” the modern simply “lets opinion after opinion pass him by” (HL 8: 135). Alternatively, the self-system, when it can no longer cope, switches to a primitive mode, a mode of only basic functionality, “taking recourse in premeditated stupidity” (HL 8: 135). When the wealth of history is no longer interpreted by some set of higher values that provide a filter or schema for its selective incorporation, human cultural development collapses into a mere “continuation of the history of animals and plants” (HL 9: 147). Both types of self-system failure, which are not mutually exclusive and could occur together, severely affect a self-system’s health. Rather than gaining abilities proportional to the increase in historical knowledge, Nietzsche diagnoses the opposite: “Your knowledge does not perfect nature, but only kills your own nature. Just measure the wealth of your knowledge against the poverty of your abilities” (HL 9: 147). The overload hypothesis—the inability to harness history due a hypertrophied historical drive that generates more data than can be incorporated—is not the only hypothesis Nietzsche considers in HL. A second comes just before the passage I cited earlier. There, Nietzsche writes the following:
Young people are whipped onward through millennia: young men who understand nothing about war, about diplomacy, or about trade policy are presumed worthy of an introduction to political history. But we moderns run through art galleries and listen to concerts in just the same way that young people run through history. (HL 7: 134–35, my emphasis)

In order to illuminate what Nietzsche might mean here, it is helpful to turn to the contemporary literature on embodied cognition. The overload thesis of the “massive influx” passage could be viewed as an early version of what cognitive science and the philosophy of mind now call the “frame problem”: what counts as a fact that is relevant, that matters, and how are the masses of historical data related to the beliefs we already hold? The beginning of the “young people” passage just cited, however, seems to point to a more complex problem of how meaning is grounded: how is it that selves know their environment in the meaningful way they do, that certain symbols and words are meaningful and not others, that when thirsty they immediately turn to the water bottle in front of them, or spend time in front of a work of art in the hallway—how have these meaningful relationships come to be grounded? For those who endeavor to replicate or build artificial cognitive systems, the concept of embodiment has been seen as one solution to such problems. I think the way current embodied cognitive science describes cognitive systems may help us get a better grasp of Nietzsche’s hypotheses.

Above we saw that Nietzsche is critical of self-systems that are mere “aggregates” (HL 10: 166) in danger of “perishing in a flood of things alien and past, of perishing of history” (HL 10: 166). In his view, Greek culture successfully answered a similar challenge through the identification and organization of their “genuine needs” and “pseudoneeds”; in Nietzsche’s view, they “gradually learned how to organize this chaos” (HL 10: 166). Modern embodied cognition distinguishes between the organization of a system and the
structure of a system. The structure of a system is variable due to its being coupled with its environment. When the environment changes, the system’s structure changes. However, its organization, if it is a strong system, remains the same despite external changes. In “When Is a Cognitive System Embodied?,” Alexander Riegler argues that, while many different structures can support or instantiate a particular organization, a structure can undergo variation “without losing its constitutive character for the organization.” Variations, he argues, are often “caused by perturbations to the system.” It is only when these “perturbations” exist between a self-system and its environment that a system can be said to be embodied in its environment. Drawing on Maturana and Varela, in “On the Essence of Embodiment,” Quick, Dautenhahn, Nehaniv and Roberts define a minimal notion of embodiment as follows:

A system X is embodied in an environment E if perturbatory channels exist between the two. That is, X is embodied in E if for every time t at which both X and E exist, some subset of E’s possible states have the capacity to perturb X’s state, and some subset of X’s possible states have the capacity to perturb E’s state. If perturbations can occur between system and environment, then a system counts as structurally coupled.

From the perspective of embodied cognition, the information pick-up of such systems is seen as “schema-driven,” precisely opposed to a picture of cognitive systems that are “exposed to information overload as a result of processing the entirely available information.” As we saw in the second section, Nietzschean selves are not blank-slate, disembodied minds, empty buckets or containers for information. Embodiment in Nietzsche—this is crucial—denotes both a self-system’s incorporated drives and affects as well as its integration and embeddedness in its environment or world through these. Selves are—and this is where the terminology just introduced helps—structurally coupled with their
environment due to their inborn and acquired incorporated drives and affects that provide them with affective orientations, channels that embody or integrate them in their environment. The many relatively constant drive aims, their characteristic activities, make up the organization of a self-system. The drives’ objects, however, can and do vary. In the model that seems to underpin many of Nietzsche’s remarks, embodied self-systems can be said to change in structure even if they retain their organization.

We are now in a position to return to Nietzsche’s second hypothesis on why “the young” students of history cannot make use of history: “Young people,” he writes, “are whipped onward through millennia: young men who understand nothing about war, about diplomacy, or about trade policy.” History—practiced too early and only theoretically—is not exactly meaningless. The young people understand the meaning of those words and images that make up the historical texts they read and criticize. However, they understand them only superficially, and history lacks deep embodiment for those who are deficient in what Nietzsche refers to as real “abilities” (HL 9: 147), i.e., practical knowledge and lived experience that have already been embodied. I would like to call this HL’s “semantic embodiment” thesis: only if a self-system possesses an already existing, embodied experiential basis on which to build can it be perturbed by, and sustain a meaningful relationship with, history. According to Nietzsche, the moderns are introduced to history too early, at a point before they have acquired the practical experience required for an embodied semantics and a meaningful interaction with historical data. They develop, too early, a historical sense or drive that soon spins out of control.

An important passage that illustrates this point can be found in Nietzsche’s discussion of the critical historians, who are particularly affected by a pathological historical drive. Their outpourings lack connection with life and action, Nietzsche argues, and while they produce a
wealth of historical data, and produce text upon text, they are actually like empty containers that merely produce an “echo”:

Immediately the echo resounds […] At no point does the work give rise to an effect, but always only to a “critique,” and the critique likewise produces no effect, but instead is only subjected to a further critique. […] The historical cultivation of our critics does not even permit them to produce an effect in the true sense of that word, namely, an effect on life and action […] But their critical pens never cease to flow, for they have lost control of them, and instead of guiding their pens they are guided by them. It is precisely in this immoderation of their critical outpourings, in this lack of self-mastery, in what the Romans called impotentia, that the weakness of the modern personality is disclosed. (HL 5: 121)

Not only do these critical historians lack control over their historical drives but they produce far too much (the drive is constantly active), and no aspect of life is exempt (everything becomes a drive object). This indicates, Nietzsche argues, that they lack an organization that enables self-mastery and allows controlled expression of their drives’ aims and objects. While their historical sense or drive is certainly “effectively embodied” and they “value” history in a superficial sense by insatiably producing more of it, they nevertheless lack any deep semantic embodiment. Only the latter would enable the selection of relevant data, which could then become action guiding and aid their flourishing. Instead, history fails to perturb their systems—the historian’s and the reader’s—in any significant way. This absence of deep embodiment, this “sickness,” extends beyond the narrow context of history. It affects modern values and culture in general as it results in overall weakness, disorientation and a form of alienation. Let us once more recall the end of the “young people” passage: “We moderns run through art galleries and listen to concerts in just the same way that young people run through history” (HL 7: 134–35). We can illustrate lack of embodiment proper with
Maturana’s example of a fly that walks on a painting by Rembrandt. When the fly walks on a Rembrandt, it does not interact with the work of art. It does not exist as a painting for the fly; it is not structurally coupled with it as a painting. As Maturana puts it: “The painting of Rembrandt exists only in the cultural space of human aesthetics, and its properties, as they define this cultural space, cannot interplay with the properties of the walking fly.”

The “lastborn firstlings” of HL lack the practical knowledge and embodied experiential base that couples them with the cultural space of history: they, too, are like flies on a Rembrandt, and “we moderns,” the young Nietzsche worried then, and would probably worry now, “run through art galleries and listen to concerts in just the same way.” Unlike the medieval selves that were deeply embodied in their religious, cultural environment, and were actually perturbed by *memento mori*, the moderns have yet to learn how be perturbed by history, how to use history to their advantage. And there is a further complication. Nietzsche speculates that while the moderns have abandoned conscious belief in, and the culture of, the *memento mori*, they are nevertheless “still stuck on the *memento mori* [sitzt noch fest auf dem *memento mori*]” without realizing it. They have yet to fully develop and liberate a proper historical sense.

**Conclusion**

In this article I have tried to examine what might cause the famous “malady of history” or historical sickness identified in *HL*. I first defined drives, affects and values and introduced Nietzschean selves, following Katsafanas and Richardson, as systems of drives with affective orientations and values. I interpreted the medieval *memento mori* as an embodied mechanism of willing and self-control that Nietzsche contrasts in *HL* with a *memento vivere* that is not yet functioning as a replacement mechanism. The historical sense functions like an acculturated but still pathological drive that, to Nietzsche, lacks proper embodiment, is not
yet properly controlled, and weakens rather than strengthens the modern self. I then discussed two theses—“overload” and “semantic embodiment”—and argued, using distinctions from the embodied cognition literature, that lack of lived experience and practical knowledge undermined the modern embodiment in, and living relationship with, history.

We can see that Nietzsche realizes already in HL that a modern “mechanism of willing” and self-organization would eventually have to replace previous religious and cultural mechanisms. But Nietzsche also realizes as early as HL that modern self-systems remain in thrall to the past; they cannot easily ex-corporate the past and switch to new ways of willing and valuing. As we saw, Nietzsche speculates that the modern obsession with history, its acculturated historical drive, is still “stuck on the memento mori,” “a disguised Christian theodicy,” and rather than serve as the modern memento vivere instead leads to “hopelessness” and functions as “an opiate against everything subversive and novel” (RWB 4: 272). It comes, then, as no great surprise that many of Nietzsche’s later works are devoted precisely to working out how traditional values came to be incorporated in us, how they functioned, and what could be done to change them. It is also not surprising that the role of the body, and a greater understanding of the embodied nature of values, would become one of Nietzsche’s central concerns. The later Nietzsche’s project of a revaluation of values, and in particular Nietzsche’s diagnosis that our values must necessarily be embodied, has already begun in UM.44

1 Throughout this article, HL, DS and RWB are cited by section number, followed by page references to the Stanford translation of the KSA. I have consulted and at times amended the


3 Heidegger interprets the “winking [blinzeln]” of the last human as a deliberate action, a kind of wink by those, for those, who have made themselves comfortable in a present-at-hand world, in thrall of a technical, calculating forgetting of being: “das Verabredete” (see Wolfgang Müller-Lauter, *Nietzsche-Interpretationen 3: Heidegger und Nietzsche* (Berlin: Walter de Gruyter, 2000), 118 n. 256, 140–41.


I believe it to be perfectly acceptable to attribute to Nietzsche theoretical philosophical views, for example in epistemology and metaphysics. It is clear from many passages that Nietzsche does not believe these views are any more than heuristics that challenge traditional explanations of the same phenomena and that may require changing in light of new evidence or recalcitrant phenomena. Nietzsche may not have a scientific theory of drives, but this does not prevent him from very frequently relying on arguments and inferences based on heuristics of drives, and drive-theoretic assumptions.

This is John Richardson’s terminology in “Nietzsche on Life’s Ends,” in The Oxford Handbook of Nietzsche, 765–86, 767. He distinguishes between “body values” and “agent values.”

I will not try to distinguish here between drives and instincts. One useful way to distinguish drives and instincts is that instinct denotes a drive that has been “strengthened” such that it has become a more or less permanent feature of a self-system.


John Richardson, “Nietzsche on Life’s Ends,” 768. I summarize Richardson’s position here.

Paul Katsafanas, “Value, Affect, Drive,” 175: “An agent values X iff the agent (1) has a drive-induced positive affective orientation toward X, and (2) does not disapprove of this affective orientation.”
While this (Frankfurtian) picture of valuing may not strike us as Nietzsche’s, he nevertheless often relies on it. For example, when he describes the six different ways to combat drives in D 109, the entire discussion is premised on the idea that humans often do consciously disapprove of being in the grip of some drive. This is what motivates Nietzsche’s discussion of how one may deal with such recalcitrantly recurring drives. This raises the familiar question of the causal efficacy of such conscious disapproval or approval. Is the reflectively conscious state of disapproval also merely caused by some other drive? Suffice to say here that Nietzsche’s attempt to replace a Cartesian conception of the self with a drive model does enable taking different attitudes to drives once identified. On conscious aims and purposes as “directing causes,” see note 43 (below).

See D 109, where Nietzsche identifies six methods of drive-control.

This is especially appropriate since we now know that much of his account is based on scientific literature, in particular on physiology (Roux) and on biology (Rolf). On Welshon’s recent account, Nietzsche understands selves and “human physiology […] as a dynamic causal coupling between various non-linear systems and sub-systems that comprise an individual organism. Of course, the organism thus comprised is, in turn, dynamically (but non-constitutively) coupled with its surrounding environment” (Rex Welshon, Nietzsche’s Dynamic Metapsychology (New York: Macmillan Palgrave, 2014), 56).

Welshon, Nietzsche’s Dynamic Metapsychology, 62. Welshon relies on the account developed by Richardson. The example he offers is the kidney that was selected and sedimented in the organism due to its providing the function of blood cleaning. The general formulation of the functionalist account is: “a functional explanation of some property F is one that explains an organism O’s having F as O’s tendency or disposition to acquire or produce F because F enhances O’s fitness and has been selected for in the past.”
The context of the passage shows that Nietzsche believes the historical drive is not yet fully developed and has turned out to be pathological because it has not yet replaced what I call the medieval *memento mori* “mechanism” (*HL* 8: 139).


In many passages, Nietzsche is opposed to mechanistic explanations. In this case he uses the term ‘mechanism’ against those who see willing as a mysterious, supernatural faculty by which purely mental items can somehow start causal chains that result in physical changes and action. The “mechanism” Nietzsche refers to is ultimately the body; i.e., willing is the result of highly complex (but not mysterious) embodied processes that—this is Nietzsche’s claim—happens often automatically, hidden from reflective self-consciousness. It does not follow that something that often happens without consciousness always and necessarily happens without consciousness. See also notes 12 (above) and 43 (below).

I take Nietzsche to follow Schopenhauer in including animals in the class of intellectual beings. Schopenhauer distinguishes between intellect [Verstand] and reason [Vernunft]. Both animals and human beings have a brain, sense perception, and therefore the ability to represent the world (mostly unconsciously). Since animals have intellect, and represent or model the world, they also have knowledge according to Schopenhauer, but of a narrower, non-linguistic, non-abstract kind. While both animals and human beings share intellect, human beings alone have reason (again, in Schopenhauer’s sense of the term). Schopenhauer
argues (consistently with his rejection of the traditional conception of free will) that for human beings there is such a thing as “deliberation” and “a complete elective decision,” which again distinguishes them from animals. For the latter “a choice can take place only between motives of perception actually present; hence this [animal] choice is restricted to the narrow sphere of its present apprehension of perception” (World as Will and Representation, trans. E. F. J. Payne, 2 vols. (New York: Dover, 1969), I: 55; cited by volume number and section number).


22 Schopenhauer, World as Will and Representation, I: 23.

23 This is why Schopenhauer thinks it is quite common for us to find out only empirically, over time, who we are, what our character is, through observational knowledge of how we tend to act in given circumstances. It is a common phenomenon, discussed in the literature on weakness of will, that people often do not know how they will act, despite the fact that they know how they would like to act.

24 In “Nietzsche on the Superficiality of Consciousness” and “Nietzsche’s Pluralism about Consciousness,” Mattia Riccardi defends the view that ‘conscious’ refers to self-conscious mental states with propositionally articulated content. For a response, see Paul Katasafanas, The Nietzschean Self: Moral Psychology, Agency, and the Unconscious (Oxford: Oxford University Press, 2016), Ch. 3. On the question of the role of consciousness, see note 43 (below).

25 There is significant empirical evidence that the adopting of conscious rules increases levels of self-control.
An “off-line” simulation uses one’s own embodied cognitive system to simulate another person’s mental states and actions in a given situation without generating any output actions. On off-line simulation in reading other minds and one’s own mind, see Alvin Goldman, *Simulating Minds: The Philosophy, Psychology, and Neuroscience of Mindreading* (Oxford: Oxford University Press, 2005). For a discussion of, among other things, *enactment imagination*, see Alvin I. Goldman and Lucy Jordan, “Mindreading by Simulation: The Roles of Imagination and Mirroring,” in *Understanding Other Minds*, ed. Simon Baron-Cohen, Michael Lombardo and Helen Tager-Flusberg, 3rd ed. (Oxford: Oxford University Press: 2013), Ch. 26: “To E-imagine a state is to recreate the feeling of a state, or conjure up what it is like to experience that state—in a sense, to enact that very state. To E-imagine feeling embarrassed involves using one’s imagination to create inside oneself a pretend state that phenomenally feels somewhat like embarrassment.”


Many ideas on the latter, I believe, Nietzsche may have found, underdeveloped, in the famous conversations between Goethe and Eckermann.

Needless to say that Nietzsche does not approve of these values that are for him part of “morality in the pejorative sense” (Brian Leiter, *Nietzsche on Morality*, 2nd ed. (London, New York: Routledge, 2015).

*Memento vivere* is often translated “think of living” or “remember living.” Nietzsche is likely referring here to Goethe’s *Wilhelm Meisters Lehrjahre*. The protagonist Wilhelm finds the epigram “Gedenke zu leben!” written on a scroll held by a marble figure sitting on top of a sarcophagus (Book 8, Ch. 5). A discussion of the *memento vivere*, possibly a commentary on Goethe, is also found in one of Emerson’s journals of 1832; see *The Journals and
What is known as the frame problem originated within classical artificial intelligence and was, roughly speaking, concerned with what remains unchanged in light of an action or, put differently, which propositions or beliefs need updating in light of an action. So-called frame axioms were appealed to in order to avoid running through innumerable propositions held by the system that did not need updating. In the philosophical literature starting with Dennett, Fodor, Dreyfus and Wheeler, the frame problem was seen not just as a computational and logical problem but rather as a wider epistemological and metaphysical concern with context-sensitive relevance and “common sense inertia.”

That cognitive systems of the relevant kind are embodied, i.e., that they interact with their environments and thereby acquire knowledge, is often seen as a solution to framing problems and now underpins embodied cognitive science. See, for example, Rolf Pfeiffer and Christian Scheier, *Understanding Intelligence* (Cambridge, MA: MIT Press, 1999), 91. For a recent discussion that questions the evidence for embodied cognition and proposes “grounding by interaction,” see Bradford Z. Mahon and Alfonso Caramazza, “A critical look at the embodied cognition hypothesis and a new proposal for grounding conceptual content,” *Journal of Physiology – Paris* 102 (2008): 59–70, 67–69.

It is important to appreciate that there are illuminating parallels here with the later Nietzsche’s figure of the “decadent.” On this point I have profited from conversations with David Hurrell.

The system at issue here is a cognitive system. In itself structural coupling does not distinguish between cognitive and non-cognitive systems. Granite outcrop and the arctic tundra can be said to be structurally coupled, as the outcrop is perturbed by the wind and vice versa. On different notions of embodiment in the literature, see Tom Ziemke, “What’s That Thing Called Embodiment?” in Proceedings of the 25th Annual Meeting of the Cognitive Science Society, ed. Richard Alterman and David Kirsh (Mahwah, NY: Lawrence Erlbaum, 2003), 1105–10. On Nietzsche’s philosophy of mind see, in particular, Günter Abel, “Nietzsche’s Philosophy of Mind and Nature,” and Rex Welshon, “Nietzsche, Consciousness, and Dynamic Neuroscience,” both in Nietzsche on Mind and Nature. On a Nietzschean conception of embodiment, and the distinction between an “effectively embodied” mind that largely lacks “phenomenal embodiment,” i.e., the awareness that it is effectively embodied, see Mattia Riccardi, “Nietzsche on Embodiment of Mind and Self,” in Nietzsche and the Problem of Subjectivity, ed. João Constâncio, Maria João Mayer Branco, Bartholomew Ryan (Berlin: Walter de Gruyter, 2015), 533–49. On the question of how Nietzsche can be related to the contemporary embodied cognition literature, and how he might contribute to certain problems that arise within it, see Christa Davis Acampora, “Nietzsche and Embodied Cognition,” in Nietzsche on Consciousness and the Embodied Mind.

See Alexander Riegler, “When Is a Cognitive System Embodied?,” 344. That Nietzsche conceives of content as mediated via concepts that function like sensory schemas or

38 Goethe, as described by Nietzsche in TI “Skirmishes” 49 (“in allen Leiblichkeiten geschickt, sich selbst im Zaume habenden”) has such an embodied semantics. He stands for the possibility of a strong, embodied organization, which enables maximal diversity in the way he is able to entertain meaningful relationships within a wide variety of environments (the arts, natural sciences, politics, etc.), without endangering the cohesiveness of his self-system.

39 I have profited from conversations with David Hurrell, who argues that there are important parallels with the later Nietzsche’s preoccupation with “decadence” and that decadence may be construed as a type of alienation.


41 This results, Nietzsche thinks, in the further quasi-creation of unlimited amounts of shallow, self-referential data that weaken individuals and cultures to the point where they can be exploited by market forces, in which they, unwittingly, are pawns who create, though their uncritical educational institutions, further pawns.

42 In this passage, the German “sitzt noch fest auf” (from the verb ‘auf etw. festsitzen’) is better translated as “to be stuck on.” The sense is captured neither by Hollingdale
In later texts Nietzsche argues, at much greater length that, unbeknownst to itself, humanity is still stuck on the ascetic ideal of which the *memento mori* was merely a part.  

Ken Gemes’ seminal paper, “Postmodernism’s Use and Abuse of Nietzsche,” in *Philosophy and Phenomenological Research* 62.2 (2001), 337–60, already argued that the early Nietzsche, *pace* the Postmodernists, “valorizes unity as a goal” and “rejects certain false notions of unity” (351n22). There, Gemes sees consciousness as epiphenomenal to the process of self-organization: “a weak, irrelevant force, little more than an afterthought” (344). The account I favor differs on this point. Conscious mental states, not to be mistaken for the states owned by some underlying conscious subject, may well play a very different or even lesser role than hitherto assumed. Nevertheless, unconscious and conscious aims or intentions, are for Nietzsche part of the overall embodied mental economy. For example, according to *GS* 360, entitled, “Two types of causes, which one confuses,” while a self is moved by the drives, the dispositional powers ready to be released and used (“ein Quantum aufgestauter Kraft, welches darauf wartet [...] verbraucht zu werden”), unconscious and conscious aims or intentions (“Zwecke” or “Ziele”) play their part as different “orchestrating” or “directing powers [dirigierende Kräfte].” While the latter “directing causes” do not supply and merely direct or channel the drives’ damned up (aufgestaute) powers, it would be wrong to see them as irrelevant to a self’s overall organization (and disorganization). However, “directing causes” are only sometimes reflectively conscious, and, importantly, are not just “in the head.” A *memento mori* poem or painting could be seen as part of the medieval’s *extended* mind and self, to use Clark and Chalmers’ terminology, which enabled the medieval to act on the values of which she, in line with her culture, approved. And while Nietzsche himself disapproves of the medieval Christian values, he approves of the fact that unlike the

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