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The Iranian Yearbook of Phenomenology

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Man, kann heute von einem Vulgärrationalismus sprechen: Heideggers rejection of ideologism

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Abstract

This contribution focuses on Heidegger's critique of the vulgar nationalism contained in the Black Notebooks (1931-1938), and it follows the rejection of ideologisms that many of his works entail. According to Heidegger's juridical reflection, "freedom is the ground of the inner possibility of correctness" with which external ideologies such as that of nationalism are avoided. This suggestion contrasts with Heidegger pro-Semitic orientation, testified by his rector's speech in 1933, but is in line with the distance Heidegger sets between both the moral and the epistemological-ontological world, supported in his writings since the Marburg lectures (1923-1928). In the type of society, Heidegger figures out individuals live together in the πόλις by ek-sisting into the truth of being and by understanding the assignment of those directives that must become their laws and rules. These principles can't be merely something fabricated by human reason, because they are a) the expression of social thinking made upon a juridical and normative framework close to liberalism. According to Heidegger, humanity is conceived to be free-in and able to choose the avoidance of totalitarian regimes voluntarily, as well as of eternal values supporting ideologies. With the freedom-in concept Heidegger b) solves the problem of coercive violence caused by the restriction of the ought to (i.e., the obligations that come from ideologies) towards the Being, to show the significance of ἦθος in which Dasein is placed. The choice to be in the ἦθος c) provides an explanation based on Heidegger's critique of technology in his post-Turning writings. This critique clarifies why a national socialist ideology, making use of such technical instruments and supporting ethical materialism, is not in line with the political ontology Heidegger promotes in his writings.

Keywords: Law, freedom, community, justice, liberalism.



introduction

The question of whether Heidegger can, with his numerous writings, contribute to the most contemporary legal theories, up to those of liberalism as opposed to communitarianism, has so far not been the subject of analysis for the scientific community. There has not been any discussion upon why Heidegger considers nationalism as the doctrine of ethical materialism disseminated by journalists and cultural theorists (Heidegger, 2014, p.142). Much more often the philosophical analysis of Heidegger's works focuses on the genealogical traceability of his anti-Semitism (Löwith; 1984; Farias, 1987; Faye, 2005; Fried, 2014), political orientation to which Heidegger adhered in the 1930s and well known to the political community through his Rector's speech of 1933: *The Self-affirmation of the German University*. In this speech, Heidegger makes it clear that what happens in the political community depends on "historical-spiritual people [...] so that every individual participates in this decision." (Heidegger, 1933, p. 6). Several answers have so far been given by thinkers about these connections of the German historical-spiritual people with Heidegger's nationalist thinking (Beaufret, 1946; Derrida, 1987a; Di Cesare, 2014). However, these well-known thinkers, who underline according to this association Heidegger's philosophy of *silent Nazism* or *metaphysical anti-Semitism*, have perhaps not dwelt enough on the legal and political system that Heidegger built up from his first lectures in Marburg until his *post-Turning* writing. These works are proof that Heidegger could have never, even if he wanted to, capitulated into the ideological political networks like the *Anti-Semitism* one, for various reasons, first of all, because this would have only levelled down humanity. Thus, the authenticity of Dasein would be lost and people would fall victim to the deceptive networks of metaphysics. Therefore, all of Heidegger's writings are at odds over what he said in his rector's speech. Furthermore, Heidegger considers the vulgar nationalism to be responsible for the spread of an unclear biologism as reported in the *Black Notebooks*. The consequences of its diffusion are both ethical materialisms, putting aside the non-reductive materialist ontology upon which Heidegger bases all his political and philosophical reflection, and the search for the right political ideology to follow, which only wants to imitate bourgeois prerogatives and their prestige. In a political regime based on these two principles, the governors take



bourgeois principles upon themselves to govern; they avoid the struggle that “pushes towards the unknown and they know that only what is closed and suffering is the excellent open by the few and the individual” (Heidegger, 2014, p. 143 my transl.) These few lines contained in the *Black Notebooks* actually suggest one of the cornerstones on which Heidegger bases his existential analytics: human mental attributes are irreducible to physical attributes. From this, it follows that the conceptualization of human behavior goes beyond the causal nexus of physical law. Therefore, non-reductive materialist ontology is what allows in Heidegger's analytics that human behavior is ontologically free to choose, what a political ideology instead of denies (V. Porpora, 2005; Heidegger, 1962). Through this freedom, Heidegger's being is distinguished from others and preserves his authentic self (Heidegger, 1962). What does remain then of the (non-ideological) social bond between individuals who build communities? This does not, in fact, prevent the human being from being himself (Heidegger, 1962, p. 158), but rather it is that which does not allow the Self of individuals to be realized. (Fechner, 1956) Therefore, Heidegger suggests to preserve the uniqueness of the human being in the social context conceived as a *Cum* of individuals (Massa, 2020), and to use the equipment, the *in-order-to*, to regulate the life of individuals in the social context, so that individuals can coexist together in the same Πολίτης, a concept that clearly refers to Aristotle and in which Heidegger does not put any ideological drifts. The suggestion of this line of analysis in Heidegger's political reflection does not aim to revive the King of 20th-century philosophy, nor does it justify the political positions Heidegger took during Hitler's regime. Instead, it shows that the juridical question is a constitutive aspect of the ontological-political and philosophical apparatus of his thought. Therefore, the first chapter that follows will focus on Heidegger's liberalist position to demonstrate the non-ideology of his thought. First, a) Heidegger's response to community political theories will be explored; secondly b) it will be shown the reason why the in-being in πόλις represents the constitution of the society, in which Dasein is *being free* to respect the law it wants to choose.

Heidegger's liberalist position

Researchers who focused on Heidegger's social thought often believe that the Being-with, which builds much of the existential *socialitas*

theory of Being and Time, is comparable to Charles Taylor's ideology of the ontological community (Blattner, 2006). Taylor argues that the conditions of our identities (namely the Self) are indispensable for our being complete subjects in the community. One of the central poles of his theory considers the process of identification in the community given by language/culture, recognizable as "linguistic community" (Taylor, 1993, p.54 ff.). Unfortunately, Heidegger does not base his political system on such a dialectic principle. On the contrary, authenticity is the response he gives to the position of communitarianism ideologies. That is why, as *Being and Time* repeatedly makes clear, the authentic Being-Self is modified existentially by them (Heidegger, 1962). They are the ones driving in inauthentic and metaphysical consequences of the everyday analytic; they "are unified ruled over by a bringing that brings what presences into appearance" (Heidegger, 1977, p. 49). Precisely appearance in its mere form hints at the abandonment of being in the being "as self-concealing out of the night of metaphysics, through which beings pressed forward objectivity" (Heidegger, 2012, p.249). If the human being loses himself by becoming a physical appearance of them, he loses his possibility to be and to choose freely. *De facto* by following them Dasein loses its uniqueness, also if it can enjoy certain flexibility of his social world: "The person for Heidegger is essentially social and historical. Of course, the individual is free to combat this tradition as well as to lose himself in the politics of the day". (Hoy, 1978, 342). Because of this self-preservation and autonomy for individuals rather than the loss in communitarian thinking, Heidegger's political position is close to liberalism. Liberalism prevents individuals from choosing independently by whom they want to be politically guided by being able to associate in a lawful context. The purpose of liberalism is to reach justice. Alternatively, it could also be said that his juridical reflection can help liberalist theories, as Jonathan Salem-Wiseman rightly observes in his essay Heidegger's *Dasein and the liberal conception of the Self* (Salem-Wiseman, 2003, p. 249). Heidegger's political conception follows according to the suggestion of Wiseman what Kymlicka in his *Liberalism, Community, and Culture* observes:

But while we may be mistaken in our beliefs about value, it does not follow that else, who has reason to believe a mistake has been made, can come along and improve life by leading it for me, following the correct account of value. On the contrary, no life goes better by

being led from the outside according to the values the person endorses. (Kymlicka, 1991, 12)

Nevertheless, rethinking (liberal) ontological politics with Heidegger demonstrates the critique to a society dominated by technocrats where the legal information, as well as the legislative decrees, pass through the scientific dissemination (Heidegger, 2014). Today, this is replaced by social media. This criticism for inauthentic social life confirms Heidegger's liberal onto-political position for two reasons:

(i) Dasein chooses autonomously the possibility of his life as well as his political orientation guided by its conscience as a "call of care". "The caller is Dasein[...] in its thrownness (in its Being-already-in), is anxious" (Heidegger, 1968, p.322). Anxiety is what isolates Dasein in the stream of experience by comparing it with the two existential possibilities of authenticity and inauthenticity. (Fechner, 1968). If ideologies influence Dasein and Dasein supports external values, it can no longer be considered free and falls into inauthenticity. Hence, Dasein, along with his conscience, can decide about his (political) life which is represented by the *πολίτης*. However, this is only possible if Dasein is regarded as *ζῶον πολιτικόν* because of the pragmatic quality of the actions it will perform in the world. These actions affect the life of the Being-with within society and make it possible to define their "togetherness". By Being-in-the-*πολίτης* Dasein exists as a social Being with others. "The rules" define the condition for this living, giving individuals the possibility to choose the original experience of their existence - and not the mode of impropriety given by the forfeiture to the world, after which Heidegger identifies the mere philosophy of existence. Therefore, *Νόμοι* is according to Heidegger "assignments contained in the dispensation of being capable of enjoining humans into being. These obligations are socially supported". (Massa, 2020; Heidegger, 1997; Heidegger, 1997). Heidegger invites individuals to be able to choose whom they follow and whom they want to be political.

(ii) Heidegger's closeness to the ontological form of liberal political thinking excludes the meaning of positive freedom engages in the disclosure of beings as such (Heidegger, 1998, p. 145; Yuasa, 1969). The human being does not possess freedom as property. At best, the converse holds: freedom, *ek-sistent*, disclosive Dasein, possesses the human being - so originarily that only it secures for humanity the distinctive relatedness to beings as a whole. Positive

freedom, as Matthias Kaufmann in his essay *Wem gehört die Autonomie? Vom politischen Umgang mit einem zentralen Begriff neuzetlicher Philosophie* clarifies, is “the possibility of co-determining the fate of the own political community through political participation” (Kaufmann, 2013, p.151 my transl.). According to Heidegger, freedom for the human being is impossible in the case of non-authentic coexistence; the human being is the only bearer of freedom and the law. In covering the world, the human being is canceled out of it and is no longer free. Heidegger clarifies this meaning of freedom by using Molina argumentation entails in the work, *De concordia gratiae et liberi arbitri*. Molina argues that a trace of freedom is present “alone given the same awareness of the object and of the path, a more and less rapid movement may be commanded” (Molina, 1988,92). Translates in Heidegger’s words “Being placed indifferently before both possibilities are the genuine sense of being-free” (Heidegger, 2005, p.131). Dasein is free and acts rightly if it is ready for everything concerning the action itself; in this sense, an individual can decide to act or not. This thesis is completed with the analysis Heidegger offers of Kant’s categorical imperative “Because there is no hypothesis present here, no if-then, this imperative is categorical if-free [...] As a moral agent, as the existent end of own self, man is in the kingdom of ends. End, purpose, must be understood here always in the objective sense as the existent end, person” (Heidegger, 1988, p. 139). The existent ends are what Heidegger considers the the-being-with-one-another, the *commercium* of the person as such, the realm to reach freedom. This has a precise meaning: for Heidegger, individuals can freely choose to create a balanced view with the others only if they preserve their selfness of the shared conception that justice creates: a civic community. The representation of this civic community is the πόλις: “not something universal, not the sort of thing that floats above all and seizes none, but the originally unifying unity of what strives in confrontation” (Heidegger, 2000 p.162). In the πόλις, Heidegger has in mind that it should be avoided that the metaphysic (unjust) ideas which pertain to the materialistic ethic violate the Being of individuals.

The next chapter will demonstrate that the violence of the ought to towards the Being, causing the forgetfulness of the Being itself, is for Heidegger responsible for Western society’s fundamental crisis.

the violence of the ought to towards the Being: Western society's fundamental crisis

What frightens Heidegger after all when he criticizes the pervasive nihilism that subjugates modern life by interpreting Plato's cave allegory and the being represented as an idea? (Heidegger, 2005) The misleading association of Being with an appearance. This association is responsible for founding the meaning of the good that changes the meaning of ethics. The good becomes the predicate associated with an absolute ideal value that gives access, through seeing, to the attainment of truth. The correctness of this seeing depends on the consciousness of human beings. Consequently, truth changes its meaning: it becomes a grasp that represents Being. Both characteristics, *correctness of seeing*, *the correctness of apprehending as representing*, do not give the original inception of Being. In fact, Being can't be equipped with the idea, because this is only a prototype that no longer gives what provides measures for its significance. Plato's idea of ideas, the absolute good, the ἄγαθόν, corresponds to the meaning of the truth as *physis—Aletheia*, the unconcealment that essentially unfolds in the emerging sway (Heidegger, 2000, p. 211). According to Heidegger the absolute good cannot be understood in a moral way, but only as of the valiant. The ἄγαθόν *achieves* and *can achieve* what is proper to it. Since the end of the fifteen centuries, the good as value has decided of the modern cultural spirit toward being in general. This kind of παιδεία "to reach and to make the moral good the absolute value" has predominated and shaped Western society and its culture. Humanists are the glaring example of the pursuance of this statement. During colonialism populations that were not able to respect these prototypes have been considered inferior. The humanist Ginés de Sepúlveda gives in his *Demócrates segundo o De las justas causas de la guerra contra los indios* a clear example of what happens if the population does not reflect the absolute meaning of the good, embodied according to him by the Spanish conquerors. They, as "good Samaritans, had the obligation to convert the barbarians into civilized people" (Sepulveda, 2018, p. 63). De facto, Amerindians have been retained beasts to be educated. Stripping them of the concept of humanity has legitimized the Spanish conquerors to subjugate these populations in the name of *justa causa* (i.e., conquest was a civilizing mission) and to occupy their territories in name of the *Law of Discoveries*. This fury is the great paradigm of European

barbarism and of Western domination over not-European cultures. Without going deep into the *colonialistic good reason*, by justifying the action of conquerors Sepúlveda's example helps to better understand Heidegger's problematization of the difference between grasping a moral principle and claiming its observance. This discrepancy occurs precisely when moral principles become the ideal guide of the purpose for human actions, which neither respects the being in the sociality of this relationship, nor it takes into account the "Being itself" of individuals. Being, "in its particular interpretation as an idea, brings with it the relation to the prototypical and to what ought to be" (Heidegger, 2000, 211). Yet, "moral laws" regulate the different interests of action performed by individuals, because they "strike down self-conceit[.]Respect for the moral law is, therefore, a feeling that is produced by an intellectual ground. This feeling of respect for the law can be called a moral feeling" (Heidegger, 1988, p. 134). Nevertheless, being equipped with quality does not determine existence as a good one (Heidegger, 1997). Rather than only the practical moral disposition of good intention and the capability to find an (ontological-ethical) place, the ἦθος gives Dasein the possibility to reach the ethical realm. (Heidegger, 1997). Secondly, it is to admit that Kant, by representing the conscience as "court of justice" and by deciding that this is the guiding idea, has pointed out the unexpressed ontological presupposition of the 'metaphysics of morals', the ontology of Dasein and existence. "Dasein is regarded as an entity with which one might concern oneself, whether this "concern" has the sense of 'actualizing values' or of satisfying a norm" (Heidegger, 1968, p. 339). Dasein has also to contend with the *violent* ontic character that lies within the same analytic of the Dasein, a character that overwhelms being. With this *Gewaltsamkeit* as Heidegger defines it, Dasein's authentic meaning is covered by entities. One of these entities can be identified with absolute values, responsible for the ethical materialism by which Heidegger is terrified, opposed to the formal ethic which is, as Joanna Hodge in her book *Heidegger and Ethic* rightly notes, "a prior question of the emergence of a capacity to judge". (Hodge, 1995, p.202) Ethical materialism denies the possibility of Dasein reaching authenticity (Heidegger, 2014). Indeed, Ethical materialism is also higher than economic materialism, as long as one places the moral above the economic (Heidegger, 2014). On the contrary, formal ethics contain the existential analysis of existence if Dasein frees itself from

“the ‘they’”, which brings to its everyday life, without this being neutralized by it. (Heidegger, 1968; Massa, 2020; Kuhn, 1968). The occidental world dominated by metaphysics and by ethical materialism is pervaded by the violence of technological rationality. This violence manifests itself not only at the theoretical level, in the abolishment of the *Being* due to the binding power of objective ethical rules and norms (*ought to*) to be followed, but also with the dangerous and violent world Heidegger was concretely facing during his life. A world subjugated by the two World Wars and in particular by the advent of technology, in which also death has not even *value* anymore. Death represents for Heidegger the most proper possibility of Dasein. “In dying, it is shown that mineness and existence are ontologically constitutive for death”. (Heidegger, 1968, 284). However, in the technological world that Heidegger describes humanity can no longer die according to the original meaning that Heidegger attributes to death in *Being and time*. Instead, the human being is confronted with

Hundreds of thousands die in masses. Do they die? They perish. They are put down. Do they die? They become pieces of inventory of a standing reserve for the fabrication of corpses. Do they die? They are unobtrusively liquidated in annihilation camps. [...] *To die, however, means to carry out death in its essence. To be able to die means to be capable of carrying this out. We are only capable of it, however, when our essence is endeared to the essence of death.* (Heidegger, 2012, 53).

In depriving individuals of their original right to die, this lucid description of the cruelty hidden behind their massive annihilation of individuals leads an attentive reader to wonder which kind of violence Heidegger is thinking on as he drops out these lines. As this essay proves, Benjamin’s *Critique of violence* helps to answer this question. According to Benjamin, we must distinguish between at least two kinds of violence: one is law-establishing and one is law-preserving. These are intertwined and sometimes occur simultaneously. The police violence (state-legitimized violence) exemplifies this difference. The double moral light of law-making violence leads to wonder whether there are non-violent ways of dealing with conflicting interests. This is why individuals before “the conclusion of this rational contract, have *de jure* to use the violence that is *de facto* at his disposal” (Benjamin, 1996, 237). Thus, police violence is emancipated

from both conditions. It is law-making because its characteristic function is not the promulgation of laws but the assertion of legal claims for any decree, and is law-preserving because it is at the disposal of these ends. (Benjamin, 1996, p.243). Even though police make an intervention for security reasons, it accompanies the citizen as a brutal encumbrance through a life regulated by ordinances, or simply by supervision. Therefore, any law-enforcement contains an aspect of the law-establishment (Schinkel, 2010). When Heidegger denounces *the violence* used in the concentration camps to exterminate individuals who are denied the right to die, and therefore annihilate the Being of individuals, he implicitly refers to the example of violence which police exercises and that Benjamin in his essay explains. The military force uses this power given by the state order to annihilate innocent individuals. Clearly, a fundamental part in this kind of violence is played by external values such as that of *goodness* (emphasis, M.M.). Probably, military force is acting by thinking to perform good action in the name of the state. Militaries have been convinced of what they make, as well as colonists who were convinced to exterminate Amerindians. In light of this, it is possible to argue that the values with which these *violent* actions are carried out are completely anthropocentric and “based on biological presuppositions concerning growth and progress” (Heidegger, 1961, 94). This assumption is responsible for the discrimination and annihilation of individuals of different cultures. Heidegger's following words complete this thesis, “the critique of the highest values (i.d. the good *emphasis M.M.*) hitherto does not simply refute them or declare them invalid. It is rather a matter of displaying their *origins as impositions* which must affirm precisely what *ought to be* negated by the values established” (Heidegger, 1991, 25). The impositive nature of the values provides the measure for their domains of being — that is, of what is present at hand. Or, as it is explained in *Being and Time*, “Adding on value-predicates cannot tell us anything at all new about the Being of goods, but would merely presuppose again that goods have pure presence-at-hand as their kind of Being” (Heidegger, 1968, 132). To get over the problem that values-predicates represent on the Being of individuals, it is required to issue the genesis of the ontological problematic. *Being and Time* raises the most important problems for philosophy “The question of being has been forgotten” (Heidegger 1968[HM1], p.2). The crisis of Western society relies on the falling of the true nature of being into oblivion, the forgetfulness

of being (Seinsvergessenheit). This is particularly important to remark, as David Durst in his essay *Heidegger and the Problem of Metaphysic and Violence* notes, since it is the reason why Heidegger characterizes nihilism as “false fulfillment” (falsche Vollendung) of the Being. Nihilism manifests in the “total domination” (restlose Beherrschung), whose violence steals beings of the “quiet power of the possible” (Durst, 1998, 95). However, Heidegger's reflection proceeds further: it is not only a matter of formulating a mere criticism against the *causal* thought of Western metaphysics, or of pointing out what happens if its absolute values prevail by hiding the meaning of being. It is much more for Heidegger to conceptualize that this thinking drives biologism based on the articulation of the subjectivistic philosophy by following moral values. A society grounded on these values implies, as Silvio Vietta in his book *Heideggers Kritik am Nationalsozialismus und an der Technik* advises, the future perspective of an uprooted, purely technically and economically thinking society which, in its totalitarian concept of use, planning and feasibility, would also reach factories for the artistic production of human material, a future perspective which Heidegger finds in the NS movement, which effectively the breeding policy had taken up. (Vietta, 1989; Heidegger, 2012) The *brutalities* which Heidegger is denouncing by thinking on the consequences that both nationalist movements and biologism cause flows into his criticism of the technique. So where does the solution to both of these problems lie? In being able to recover the $\tilde{\eta}\theta o\varsigma$ of human existence promising to transcend the existing forms of violence which are plaguing modern society. (Durst, 1998). The ethical attitude towards the world is gained when individuals become authentic, through the self-determined and factual possibilities of human action. The calls upon us to remember the possible *ownedness* of our existence and our responsibility of our own being-there. Since conscience is in its original guilty state, it has no influence on the concrete circumstances. Rather, the individual is in an original connection with Being, not excluding the possibility of moral good or evil. It is the indifference between the two predicates that enables the right to inhabit existence ethically and therefore that the meaning of $\tilde{\eta}\theta o\varsigma$ for Heidegger finally appears (Massa, 2020). The ontological profile remains the being in the world, which is not an aggregate of beingness and represents instead its *order*: this is why it is possible to find in Heidegger's

philosophy a “situation ethic”, somehow locative where Dasein is ethically placed (Aurenque, 2014). The ethical requires the liberty to be chosen and to regulate the world. In this sense, Being-in-the-world becomes a way to *stay* voluntarily in the ethical realm, which hinders the capitalistic society to avoid the edge of “precipice where we stand”. The next chapter will dwell on the *precipice* Heidegger tries to explain: it will be shown a) that a (capitalistic) society considering being according to its use and its availability, the more evident character of technology, is the reason for national movements such as NS or populist ideology. Below these movements, b) there is ethical materialism as a consequence of capitalism. This plague was afflicting Heidegger’s society and is also damaging ours today.

***precipice* Heidegger tries to explain**

The advancement of technology perceived in two World Wars, with the use of the atomic bomb and the realization of concentration camps in World War II, is what Heidegger denounces as crude confirmation of the annihilation of Being. “Perhaps some already have the answer inasmuch as they judge that the atomic age means the dominance of materialism, which is why it is important to rescue the old spiritual values over against rapacity for the material”. (Heidegger, 1991, p. 122). In this era, the domination of materialism becomes the expression of the rapacity and inhuman distance that the SS used in order to annihilate individuals. Agriculture is one of the classic examples Heidegger uses to testify materialism as capitalistic expression and its relationship with the incessant technological development. According to Heidegger, this development can be “in essence the same as the production of corpses [...] the same as the blockading and starving of countries.” (Heidegger, 1977, 27). The disproportionate technological development implies the loss of the harmony that δίκη, justice, provides to humanity. δίκη is a word, as Christoph Perrin rightly points out in his essay *from the metaphysical into the juridical* rightly, which echoes not only the dimensions of law and values but also the opposition between duty and being. According to Heidegger, justice is precisely what brings the multiple totalities in its essential unity to language and helps Dasein to reach his being in the world in an authentic way. There are almost two different points of contradiction in this word: one regarding fittingness [Fug], both in the sense of joint and structure [Fuge und Gefüge], and another following

a “juridical moral sense”. This second exception, as Heidegger admonishes, means that “the word loses its fundamental metaphysical content.” However, justice makes it possible to find the connection with Being, because it names: “Being with reference to the essentially appropriate articulation of all being.” (Heidegger, 1979) But why does this connection between justice and Being make it possible to escape the ethical-materialistic context, linked to the technique Heidegger intends to denounce in his writings? The answer to this question depends on the rule of law. If, indeed, the knowledge of *δίκη* in his philosophy represents “the articulated laws of the Being of beings” and bases on the behavior of the community the “order of being”, the “juridical aspect” of knowledge, where “the self-determination without constraints of the historical Dasein” is placed. This brief excursion into the meaning and significance of justice helps to approximate what Heidegger considers unjust. Injustice is what does not allow Dasein to be authentic, it is the concealment of being since the law is an existential-phenomenological category. The relationship of the law with the legal system is questioned only in Dasein's existential relationship with his legal system and his own laws. Shi-ichi Yuasa clarifies this reflection in his doctoral thesis *Recht und Sein nach Heidegger Fundamentalontologie: der Weg zur Phaenomenologie des Rechts*. The law, according to Yuasa, is the ex-static existence of being which has an ontological structure in common with truth, freedom, and the time of being. Accordingly, Dasein must return from his sociality in the legal system to the actual stone of being, in order to open up to the law and to the self-revelation of being. The self-revelation of existence is a revelation in itself. Existence is in this sense the law-being (Yuasa, 1969). This equivalence between existence and the law-being constitutes the fundamental characteristic of the being in being. This kind of equivalence is precisely what is missing if materialistic capitalism, to which ethics also refers, prevails over the existential analytic because of its association with social imperialism. As a matter of fact, the materialist historical approach causes at least two types of problems: a) the individual fear, socially caused by a world that appears *reified* from the laws of the capitalist productions, with which real social processes, in their alienation and fetishist character limited by class barriers, are organized; b) the close connection between the social and individual way of existence, for which the life in the world is perturbed from the bourgeoisie and cannot detach itself from purely class-based things. (Gerlach, 1977).

In this kind of world, as Heidegger rightly perceives, technology has the upper hand over human life. The question of technology can be considered in principle, as Mazzarella also makes clear in his book *Technology and Metaphysics*, as the historical a priori of the question of being, connecting the final thought of being with its finite temporality, that is, the time in which it is sent as destiny: a sending that concerns human himself in his being and therefore does not consider it as an arrival (Mazzarella, 2002). In fact, the criticism of Heidegger's technique is not opposed to technological tout court but to technological development as end in itself, which includes industrial work, the bureaucratic state, mechanized war, the administration of culture, as well as the dictatorship of public opinion. Consequently, this criticism of technology generally has to do with the disuse that makes it an urbanized mass civilization. So how can human beings be saved in a society dominated by technology, where ethical and ideological materialism prevail over authentic values? According to Heidegger, in the technical world individuals must return to the original meaning of $\tilde{\eta}\theta\omicron\varsigma$, by perceiving the uncontrolled dangerousness of technology on humanity, made relentless in all its planning and calculation. Ethics in the technical world is not about finding the moral good, attracting the least inclined, or promising bliss: this ethic based on objective values would only promise how people should act, and therefore, for an individual who cares about his being, this assurance is not enough. Rather, the little magician of Messkirch, as Löwith called him, is concerned to show that technical individuals can be in $\tilde{\eta}\theta\omicron\varsigma$ and act ethically when they choose *voluntarily* to act in this way.

Conclusion

The reason why it is necessary to rethink the political ontological system provided by Heidegger in his writings in the light of his criticism against violence and technology lies in the crisis afflicting the modern world today, which depends on both these criteria. It is not a question of rehabilitating Heidegger's philosophy because of the Black Notebooks. Nevertheless, it is much more of using the philosophical paradigms Heidegger has foreseen in various writings, to create a liberal political system on an ontological basis, capable of integrating both the values of a democratic society and the privileges of the bourgeois societies we are dealing with. A balance between the two sides allows individuals permits to support themselves at least

economically at an autarkic level, even if in interaction with others, and not to blindly submit to the mechanistic will of politicians or the bourgeoisie, which is mostly the interest of their nation-state. The state must protect a type of egalitarian liberalism that can support all individuals equally and not particular groups, in order to separate nation-building from nationalist and other particularistic ideologies. I think this reflection is contained *in nuce*, when Heidegger suggests, developing the concept of inner directive freedom and historical humanity, that "the essential possibilities are preserved in the revelation of beings as a whole". This justifies the fact that "every nationalism is metaphysically an anthropologism and as such a subjectivism". Nationalism is not to overcome through mere internationalism, but rather is expanded and is elevated in a system brought to the humanitas. (Heidegger, 1988, 260). By preventing the individual from developing, rooting him in biologism, and forcing him into guided choices, this type of political movement can only be equivalent to the metaphysic and to anthropology. Heidegger rejects by reason of his ontological system both of these possibilities.

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