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HEIDEGGER'S POLITICAL PHILOSOPHY AND THE THEORY OF THE LIBERAL STATE

ABSTRACT. The paper explores Martin Heidegger's political philosophy and its relation to the theory and ethical foundations of the liberal state. It first reconstructs the key doctrines of Heidegger's philosophy formulated in *Being and Time*. It then turns to Heidegger's later philosophy after the famous turning and investigates its relation to the fundamental ontology of Heidegger's earlier years. In a third step, Heidegger's much discussed Nazism and its link – by some commentators fervently defended and by others passionately denied – to his philosophy is the focus of attention. The findings about Heidegger's philosophy are then critically assessed: firstly as to their philosophical merits concerning fundamental questions of epistemology, ontology or philosophical anthropology and secondly as to their relations to the ethical and theoretical foundations of the liberal state. As a result some proposals are made as to whether or not it is justified to regard Heidegger's work as part of the darker legacies of European thought.

KEY WORDS: fundamental ontology, Heidegger, Heidegger's Nazism, Kehre, liberalism, liberal state, Nazism, pragmatism, time and being

Very different attitudes have been expressed about the philosophical work of Martin Heidegger. There have been – and right from the beginning of his growing fame – voices of serious commentators who declared that Heidegger's work had no scientific merits at all and was nothing but an idle, pretentious play with words. A classic example for this attitude is Carnap who took Heidegger, in his famous critique of metaphysical thought, as a prime example of how philosophy should not be if it hopes to be taken seriously as a science.¹

On the other hand, there are many voices that assert Heidegger's importance as a thinker of great originality and who rank him even among the great minds of the 20th century. It is noteworthy that among these thinkers are key figures of current philosophical debates that are highly critical of some aspects of Heidegger's work, most notably his activities during the Third Reich.² Given these kind of intellectual credentials it might be less

¹ See R. Carnap, "Überwindung der Metaphysik durch logische Analyse der Sprache", in *Erkenntnis* Bd. 2 (1931) S. 231.

² This view is well illustrated by the summary of R. Rorty of his discussion of Heidegger's Nazism: "In our actual world Heidegger was Nazi, a cowardly hypocrite, and the greatest European thinker of our time", in R. Rorty, *Philosophy and Social Hope*



than obvious to discuss Heidegger under the heading of the dark legacies of European thought. Is his work not, to the contrary, part of the philosophical illumination emanating from European philosophy?

Heidegger wrote about most of the great topics of the philosophical tradition. He made epistemological remarks, set out to renew ontology, framed a philosophy of language and provided a philosophical method that the most prominent advocates of deconstruction take as a methodological inspiration. The following remarks will concentrate on a particular topic within this framework, even though there will be some discussion of the general philosophical outlook that Heidegger was working in as well, namely on the political and ethical dimensions of Heidegger's philosophy. The most obvious reason for this choice might seem to be Heidegger's famous and much discussed attempt to put his philosophy in political practise by supporting the Nazis after their seizure of power. This kind of political action clearly raises the curious and perhaps bewildering question of how such an extraordinary action could be explained and whether or not it was rooted in Heidegger's philosophy. Heidegger's sympathies for Nazism will be discussed but they do not form the main focus of this paper. Rather, its main concern will be to extrapolate from Heidegger's major works and, most notably from *Being and Time*, some anthropological assumptions in ontological disguise that are not highlighted enough in many interpretations. This gap in the interpretation is particularly unfortunate because of the distinct political and ethical implications anthropological theories often possess. The reason for this choice is the perception that the legacy of Heidegger's thought is surely not the open sympathy for Nazism but the widely lauded main tenets of his philosophy. To assess Heidegger's legacy means thus to assess the merits of his core philosophical doctrines, which may or may not explain his political actions.

(London, 1999), 196. For Derrida's defence of Heidegger against charges of Nazism compare J. Derrida, *De l'esprit: Heidegger et la question* (Paris, 1988). Habermas has made highly illuminating and critical remarks on Heidegger's philosophy and its place in the history of thought; compare J. Habermas, *Der philosophische Diskurs der Moderne* (Frankfurt/M, 1988), 158ff, including an account of Heidegger's Nazism, *ibid.*, at 184ff. Compare on the same topic his remarks in 'Heidegger – Werk und Weltanschauung', in V. Farias, *Heidegger und der Nationalsozialismus* (Frankfurt/M, 1989), 11ff. Like Rorty, however, he emphasises the importance of Heidegger's philosophy, most notably of *Sein und Zeit* and underscores the point that in his view Heidegger's political activities cannot diminish the great substance of this work; compare *ibid.*, at 14. The core of Habermas' appreciation of Heidegger's work is Heidegger's critique of the philosophy of consciousness, which is in Habermas view a great achievement even though in the end not radical enough, Habermas, *Der philosophische Diskurs der Moderne*, at 177.

This kind of political and ethical anthropology implied in Heidegger's work will then be the object of normative scrutiny. More concretely, I will assess whether Heidegger's political and ethical philosophy has features that are detrimental to the ethical, political and, as a consequence, legal foundations of the liberal state. Clearly, this intended assessment presupposes a certain ethical point of view, namely that the liberal state is actually a social arrangement whose merits somehow outweigh its considerable and much discussed deficits. This presupposition will become transparent, if not convincing, after some clarifications of the idea of a liberal state.

At first, however, Heidegger's work itself will be the focus of attention in order to clarify the general philosophical framework in which he was working and, more concretely, the political and ethical dimensions of his work. After that, an attempt will be made to assess the relation of the main features of Heidegger's philosophy to the core foundations of the liberal state. Finally, there will be some proposals as to whether Heidegger is part of a dark, intellectual European tradition or, to the contrary, a continuous source of philosophical light.

THE DAWN OF A NEW ONTOLOGY? HEIDEGGER'S PHILOSOPHICAL FRAMEWORK IN *BEING AND TIME*

In later years Heidegger famously and significantly reframed the philosophy outlined in *Being and Time*. He never produced, however, an equally coherent alternative view of his later opinions. Therefore, *Being and Time* is rightly regarded as his major piece of work. In addition, Heidegger often referred in later works to *Being and Time*, trying to reinterpret it in the modified framework of his thought, but still taking it as a reference point of his discussions. *Being and Time*, therefore, is the most important text to assess Heidegger's philosophy.

If one tries to sum up in a nutshell the main point of Heidegger's philosophy in *Being and Time* one might suggest as follows: Heidegger tried to show the necessity to go back behind the fundamental moves of modern philosophy that made the subject and its mental world the prime focus of philosophical attention. This would allow the framing of a new ontology. It is difficult to delineate any epochs in the history of thought, with its fertile potential for old ideas becoming suddenly fresh and providing new insights. Traditionally, however, this move is connected with Descartes' systematic doubt. This brought reflection back to the *cogito*, the thinking

subject as the only indubitable truth.³ From here onwards, modern theoretical philosophy took its course and became for a long time occupied with epistemological questioning of the foundations of human knowledge and their relation to the external world. Following Descartes, Leibniz developed the idea of innate ideas as the basis of human understanding,⁴ Locke outlined the core doctrines of empiricism,⁵ Berkeley challenged the assumption that there was demonstrative proof for the existence of an external world,⁶ Hume powerfully formulated the challenge of scepticism, shattering dogmatic beliefs about, for instance, causality, personal identity and space and time.⁷ Kant (for Heidegger, one of the main reference points in his argumentation) tried to find new ways beyond rationalism and empiricism by pursuing the project of transcendental philosophy; bringing the philosophy of consciousness for many in its classical and nearly canonical form. The world of experience is a creation of the thinking subject framed by its modes of perception, categories and concepts of mind. The ‘things-in-themselves’ behind these creations of the mind are covered with – for human reason – impenetrable darkness.⁸

Heidegger radically challenges this whole tradition. He pursues a theoretical project that one might call a ‘reversed idealism’. Hegel tried to show that the world is actually spiritual (in fact, the Spirit itself in its dialectical unfolding of itself) thus challenging Kant’s view that there is an unknown and unknowable world beyond the thinking subject.⁹ In Hegel’s view, the world is Spirit. Heidegger, by contrast, does not make the non-spiritual disappear like Hegel but brings the subject back to the world. Heidegger makes the subject a primordial part of the world: the subject is not separated from the world by the unsurmountable epistemological barriers that the philosophical tradition thought to be in place. In Heidegger’s philosophy the subject and the world are thus united again.¹⁰ The world and not Spirit becomes the key concept of philosophy.

³ R. Descartes, “Discours de la Méthode”, in Adam and Tannery, eds., *Œuvres de Descartes* (Vrin C.N.R.S., 1964–1976).

⁴ G.W. Leibniz, *Nouveaux essais sur l’entendement humain* (Frankfurt/M, 1996).

⁵ J. Locke, *An Essay concerning Human Understanding* (London, 1997).

⁶ G. Berkeley, *Three Dialogues between Hylas and Philonous* (London, 1997).

⁷ D. Hume, *A Treatise on Human Nature* (Oxford, 1978).

⁸ I. Kant, *Die Kritik der reinen Vernunft* (Akademie Ausgabe, Bd. III, 1904).

⁹ Compare Hegel’s definition of reason to be the certainty of consciousness to be the whole reality, ‘Gewissheit des Bewusstseins ‘alle Realität zu sein’, *Phänomenologie des Geistes* (Frankfurt/M, 1986) at 179.

¹⁰ Martin Heidegger makes this point repeatedly throughout *Being and Time* (New York: Harper & Row, 1962), compare, e.g., pp. 61, 132, 164. He even asserts that this is the

Heidegger's enquiries are motivated by one fundamental question: What is the meaning of being, as such, beyond the particular things existing?¹¹ To answer this question Heidegger chooses a particular entity as the object of his analysis: The human being. In *Being and Time* the term for human beings is *Dasein*, a term that is used in the English discussion as well.¹² He chooses *Dasein* because in his view it has a privileged status that makes it the key to the understanding of being as such. *Dasein* has an ontically and ontologically distinguished status. First, as existence, it is naturally concerned with being as such. Second, it is itself ontological because of this concern. Third, it is the precondition of asking ontological questions about the non-human world.¹³ If one carefully analyses *Dasein* and, thus, human existence one finds what Heidegger calls *existentials* that are fundamental ontological facts about *Dasein* or human beings, in contrast to *existentiell* features that concern only the individual lives.¹⁴ Thus, Heidegger provides a fundamental ontology with the means of an existential analysis of *Dasein*.¹⁵ The result of his attempts is to shatter the view that being as such is existing in something like an eternal present – a view Heidegger identifies with the traditional view held since antiquity. Instead, he argues, being is itself *temporal*.¹⁶ The temporality of *Dasein* and thus of being as such is the final perspective of *Being and Time*. But this is no more than a perspective as the book stayed a fragment; unfinished by its author who, in many ways, modified his philosophy after his famous turn, his *Kehre* in the early thirties of the last century.¹⁷

Heidegger is self-confident about the fundamental nature of his philosophy. In his view, the fundamental ontology provides the basis on which all particular sciences and, most notably, the natural sciences unknowingly

positive result of Kant's philosophy, even though Kant clearly asserted the exact opposite, *ibid.* n. 8, at 10f.

¹¹ Heidegger, *Being and Time* (New York: Harper & Row, 1962), at 2ff. Heidegger's language is notoriously idiosyncratic. The translation used in this paper is the translation of John Macquarrie and Edward Robinson. The references, however are to the German original that is cross-referenced in the Macquarrie/Robinson translation.

¹² Heidegger, *Sein und Zeit*, *supra* n. 11, at 11.

¹³ Heidegger, *ibid.*, at 13. In Heidegger's view there is a productive circle in this argument: an analytic of Being presupposes an analytic of *Dasein* as the key to Being. An analytic of *Dasein*, however, presupposes an understanding of Being, as *Dasein* is concerned with Being as a fundamental property of its existence, *ibid.*, at 8. On the "hermeneutical circle" in general *ibid.*, at 148ff.

¹⁴ Heidegger, *ibid.*, at 12.

¹⁵ Heidegger, *ibid.*, at 13.

¹⁶ Heidegger, *ibid.*, at 17ff, 231ff.

¹⁷ Heidegger, *ibid.*, at 437.

operate.¹⁸ In order to buttress his far reaching claims, he is inspired by the phenomenological method of his teacher, Husserl.¹⁹ He asserts that the main methodological point of phenomenology is to let the fundamental facts of *Dasein* appear in their disclosedness (*Erschlossenheit*).²⁰ He admits the possibility of error but defends the view that, in principle, *Dasein* has direct access to the things of the world.²¹

Dasein is not defined by a fixed set of properties. The essence of human beings is not formed by some anthropological attributes or – in traditional terms – a species character.²² It creates itself by a *Entschluss*, a resolution. The essence of human beings is, in consequence, their existence as something that creates itself by a resolution. The content of this resolution can be, in principle, anything. It is not predetermined by, e.g., a human nature. The content of the resolution is created by the resolution itself.²³

The starting point of Heidegger's further analysis is *Alltäglichkeit*, everydayness; the every day world of human beings in its pre-theoretical mode and concreteness.²⁴ An important existential is *Befindlichkeit* of everyday *Dasein*, its state-of-mind. For Heidegger it is a crucial observation: human beings are always in a certain mood; they feel something during every moment they live.²⁵ This analysis of the particular state-of-mind in which human beings always live is the basis of another core concept that became a central inspiration of the hermeneutic tradition and the work of influential authors like Gadamer: the concept of *Verstehen*, or understanding. Understanding is the way *Dasein* has access to the world: *Dasein* interprets the world. This understanding is not scientific understanding of the abstract world of mathematical natural sciences. It is coloured by the state-of-mind: it has always an emotional dimension.²⁶ This emotionally coloured understanding is in Heidegger's view the prim-

¹⁸ Heidegger, *ibid.*, at 11: "As ways in which man behaves, sciences have the manner of being which this entity – man himself – possesses".

¹⁹ Heidegger, *ibid.*, at 27.

²⁰ Heidegger, *ibid.*, at 38.

²¹ Heidegger, *ibid.*, at 27ff.

²² "(W)e cannot define *Dasein*'s essence by citing a 'what' of the kind that pertains to a subject-matter (*eines sachhaltigen Was*), and because its essence lies rather in the fact that in each case it has its Being to be and has it as its own, we have chosen to designate this entity as 'Dasein', a term which is purely an expression of its Being", Heidegger, *ibid.*, at 12.

²³ Heidegger, *ibid.*, at 298.

²⁴ Heidegger, *ibid.*, at 43ff, 50.

²⁵ Heidegger, *ibid.*, at 134ff.

²⁶ Heidegger, *ibid.*, at 142ff.

ordial way to interpret the world.²⁷ Scientific understanding is only a particular mode of understanding, based on a particular state-of-mind: the clear, only seemingly neutral mood of theoretical reflection.²⁸

In the disclosed world of everydayness things are not primarily objects of theoretical reflection. They are, to the contrary, determined by their purpose for human action: they are *zuhanden*, ready-to-hand.²⁹ *Dasein* is dealing with these things in circumspective concern.³⁰ Beyond their use for human purposes things are just *vorhanden*, present-at-hand. This is important as this analysis is one of the bases for Heidegger's claim that there are more basic ways to understand the world than by the methods of (empirical) sciences, that the latter are just a derivative mode of accessing the world. Thus, the doctrine of readiness-to-hand leads to a new epistemological assessment of the natural sciences. They have no privilege of providing unique and superior understanding of the world.³¹

Given the existential of *Befindlichkeit*, of state-of-mind, it is not surprising that further existentials – that finally lead to the core of the ontological structure of *Dasein* and thus to being as such – are described by concepts with a clear emotional connotation: *Angst* und *Sorge*, anxiety and care. The latter translation is slightly misleading, as it lacks the connotation of worries that the German word *Sorge* can possess. Anxiety is a core concept for Heidegger.³² He claims that this existential has a very important function. It discloses the fact of the naked existence, its thrownness into existence,³³ the uncanniness of the world and *Dasein*'s existence³⁴ and leads the way to understand that the basic ontological structure of *Dasein* is *Sorge*: the constant worried concern about itself and its future.³⁵ For Heidegger *Sorge* is an important illustration of the temporality of *Dasein*, as in *Sorge* the three modes of temporality forming time (past, present and future) are present.

²⁷ Heidegger, *ibid.*, at 138.

²⁸ Heidegger, *ibid.*, at 138. He insists that this does not mean that science becomes a matter of emotions, *ibid.*, at 138. It is not quite clear – and not explained – how he avoids this consequence.

²⁹ Heidegger, *ibid.*, at 69. Things ready-at-hand are the things in-themselves (*Seiendes an-sich*), *ibid.*, at 71.

³⁰ Heidegger, *ibid.*, at 68.

³¹ Compare, e.g., Heidegger, *ibid.*, at 147, 153.

³² Heidegger, *ibid.*, at 186ff.

³³ Heidegger, *ibid.*, at 135 on “Geworfenheit”.

³⁴ Heidegger, *ibid.*, at 189.

³⁵ Heidegger, *ibid.*, at 192: “Sich-vorweg-schon-sein-in-(der-Welt-)als Sein-bei (innerweltlich belegendem Seiendem)”.

Heidegger formulates in *Being and Time* a theory of estrangement. *Dasein* can lack *Eigentlichkeit*, authenticity.³⁶ It is even a constituent feature of human existence to live estranged.³⁷ Most notably *Dasein* is corrupted by the social world, the *Man* or the *They*, as Heidegger calls the social world.³⁸ For Heidegger there is no other-mind-problem. *Dasein* is primordially *Dasein-with*; it is part of its ontological constitution to live in a social world shared with other human beings.³⁹ The *They*, however, form an estranged world, lacking authenticity, busy with *Gerede* or idle talk, with curiosity and ambiguity, falling and trying to escape another basic fact of human existence: death.⁴⁰ Death plays an important role in Heidegger's philosophy. Only when human beings contemplate death and take it as part of their existence can they understand their existence as a whole. In consequence, for Heidegger *Dasein* is a *Sein zum Tode*, a being-towards-death.⁴¹

The instance that frees human beings from estrangement is conscience.⁴² Conscience, in Heidegger's view, has nothing to do with the traditional concept of a mental faculty of human beings providing some orientation of right and wrong with both cognitive content and motivational force a view formulated by moral philosophers like Socrates, Thomas Aquinas or Kant. Conscience for Heidegger is a call to authenticity of *Dasein*, fallen into inauthenticity. Conscience reveals to *Dasein* its primordial guilt, a guilt that has nothing to do with consequences of (avoidable) actions of human beings and broken rules but is, in Heidegger's view, something much more basic and profound as it is connected with the nullity of human existence. He defines guilt as being the reason for a nullity.⁴³ In his view *Dasein* is, in the last instance, such a reason in two ways. In its *Geworfenheit*, its thrownness, it is nil, as it cannot provide a reason for its existence as such. In addition, *Dasein* is not only thrown into existence: it is essentially a projection. It creates its own life by a resolution. These life choices, however, are also nil, as *Dasein* cannot become everything.⁴⁴ Thus, *Dasein* or human beings are nil in their existence and nil in what they possibly can make of it. This is their primordial guilt. Heidegger asserts that the twofold nullity of human beings is not to be

³⁶ Heidegger, *ibid.*, at 41f.

³⁷ Heidegger, *ibid.*, at 177.

³⁸ Heidegger, *ibid.*, at 114ff.

³⁹ Heidegger, *ibid.*, at 116.

⁴⁰ Heidegger, *ibid.*, at 167ff, 252.

⁴¹ Heidegger, *ibid.*, at 235ff.

⁴² Heidegger, *ibid.*, at 270ff.

⁴³ Heidegger, *ibid.*, at 283.

⁴⁴ Heidegger, *ibid.*, at 284f

misunderstood as unworthiness.⁴⁵ The connection with a primordial guilt, however, clearly points in another direction.

As mentioned above, *Dasein* is not defined by a species character but is essentially the potential for a resolution, for a self-creation. This sounds like a philosophy of existentialist freedom. But this is not the case, as *Dasein* is free in a rather peculiar sense. According to Heidegger, freedom is to be understood in a way that reduces it to more or less nothing but the acceptance of what is preordained for human beings by superindividual forces: *Dasein* is bound to the limited amount of possibilities open for its decision. The possibilities are determined by two crucial factors: history and the concrete situation in which *Dasein* finds itself. At this point collective powers play an decisive role. Heidegger sees *Dasein* primordially as Being-in-the-world and being-with-others in this world. The *Dasein* is irredeemably connected to this collective body. Heidegger does not spell it out in *Being and Time*, but from his other writings (to some of which we will turn later) one can conclude that the collective body referred to is the *Volk*, understood not as a plurality of citizens but in a strongly nationalistic sense as an homogenous entity. Thus, human beings cannot escape estrangement, through the at least partial regaining of their human essence, understood for example as a species character of a free, moral being with a concern for others, a set of feelings and intellectual concerns. They can do so merely by accepting the concrete possibilities of their given situation defined by collective forces and historical contingencies. *Dasein* thus escapes estrangement not through the attempt to change personal or social circumstance to regain some lost humanity by action, but by accepting the disclosed possibilities of the situation and *abandoning* itself to them. This is the core of Heidegger's concept of *destiny*.⁴⁶

⁴⁵ Heidegger, *ibid.*, at 285.

⁴⁶ "If Dasein, by anticipation, lets death become powerful in itself, then as free for death, Dasein understands itself in its own *superior power*, the power of its finite freedom, so that in this freedom, which 'is' only in its having chosen to make such a choice, it can take over the *powerlessness* of abandonment to its having done so, and can thus come to have a clear vision for the accidents of the situation that has been disclosed. But if fateful Dasein, as Being-in-the-world, exists essentially in Being-with Others, its historizing is a co-historizing and is determinative for it as *destiny* (Geschick). This is how we designate the historizing of the community, of a people. Destiny is not something that puts itself together out of individual fates, any more than Being-with-one-another can be conceived as the occurring together of several Subjects. Our fates have already been guided in advance, in our Being with one another in the same world and in our resoluteness for definite possibilities. Only in communicating and in struggling does the power of destiny become free. Dasein's fateful destiny in and with its 'generation' goes to make up the full authentic historizing of Dasein", Heidegger, *ibid.*, at 384f.

PHILOSOPHY AFTER THE KEHRE – THE DOMINANCE OF BEING

Let us turn now to Heidegger's later philosophy, notoriously arcane, written in cascades of semantic and etymological associations that inspired so deeply the style of post-modern writers. As a good introduction, a core text of his later philosophy will be used that is particularly relevant for the questions of interest here, namely 'Über den Humanismus', written as an answer to a letter from a French intellectual after the war and then expanded to a little treatise.

In this text, the new focus that Heidegger's philosophy gained until the thirties is clear enough. Heidegger now turns his back to the subjective, existentialist flavour of his philosophy of *Dasein*. A crucial passage in 'Über den Humanismus' reinterprets a sentence of *Being and Time*, by which the thought seems to be expressed that the being as such is the creation of *Dasein* and, thus, something subjective.⁴⁷ Heidegger asserts that this interpretation completely misunderstands the intention of *Being and Time*. He maintains that in the unpublished third part of the book, a turn of perspective was intended, which would have made clear that being as such is not dependent on *Dasein* but, *vice versa*, being as such is the condition of *Dasein*. This is the famous *Kehre* or turning in Heidegger's philosophy.⁴⁸ The emphasis shifts from a subjective existentialism to a theory of objective *Being*. It is now commonly believed that this turn happened in the early thirties, which is of interest in the context of the interpretation of Heidegger's Nazism. Heidegger argues in his treatise against traditional forms of humanism. He denounces them as being caught up in a hidden metaphysical system that does not recognize the essential feature of humanity, namely its connection to Being.⁴⁹ This critique of metaphysics is a core concern of his later philosophy: his philosophy will end all metaphysics and form a new beginning of thought beyond philosophy. Heidegger formulates this connection in a mystical language: human beings are supposed to stand in the *Lichtung*, the lightening of being, they are – framing a new word in German – *ek-sistierend*, meaning that they somehow reach over to the realm of Being.⁵⁰ Because traditional forms of humanism lack this insight they do not value human beings highly enough.⁵¹ In Heidegger's view there is no need for ethics with rules

⁴⁷ Heidegger, *Brief über den Humanismus*, at 27 referring to "Nur solange Dasein ist, gibt es Sein". The original reads: "Allerdings nur solange Dasein ist, das heißt die ontische Möglichkeit von Seinsverständnis, 'gibt es' Sein", compare *Sein und Zeit*, *supra* n. 11, at 212.

⁴⁸ Heidegger, *Brief über den Humanismus*, at 19.

⁴⁹ Heidegger, *ibid.*, at 13f.

⁵⁰ Heidegger, *ibid.*, at 15 and *passim*.

⁵¹ Heidegger, *ibid.*, at 11ff.

and values. The real ethic is the philosophy that clarifies the connection of human beings to Being.⁵² Human beings are 'shepherds of Being'.⁵³ What is Being that is of such prime importance? This crucial question is left open. As in *Being and Time*, Heidegger defends the view that the most important insights in philosophy are not attained by conceptual thinking and the application of logic, but a more profound but again not specified kind of mental grasp of Being.⁵⁴ Being is somehow revealed through language but its content is unclear. Heidegger offers only the following explanation: Being is – itself – an assertion that does not clarify a lot.⁵⁵

This mystical, unspecified entity Being appears to be an agent, as it throws man into existence.⁵⁶ This is another core feature of Heidegger's later philosophy: the agency of Being that is the real driving force of history. Heidegger also takes up some of the motifs of his earlier philosophy of history and society. He explicitly praises Marxism for its doctrine of estrangement. For him the post-war period is a period of cultural crisis determined by the rule of technology (the much discussed theme of some of his later philosophy) Communism and Americanism. The crisis can be overcome, it is indicated, if the occident rediscovers Being.⁵⁷ The destiny of the world is essentially determined in Heidegger's view by the European culture, which should find its own roots again.⁵⁸ Again, the alternative is not quite clear – and one might add, is not made any clearer in Heidegger's other writings – apart from that it is supposed to have some connection to Being. He avoids, in the text, any nationalistic undertones and asserts that any appeal to the Germans to find their German essence again is not meant in any such narrow way.⁵⁹

⁵² "Indem das Denken dergestalt die Wahrheit des Seins sagt, hat es sich dem anvertraut, was wesentlich ist als alle Werte und jegliches Seiende", Heidegger, *ibid.*, at 42. At 47 he calls his philosophy the primordial ethic. At 51 he formulates: "Den Halt für alles Verhalten verschenkt die Wahrheit des Seins".

⁵³ Heidegger, *ibid.*, at 32 and passim, "Hirt des Seins".

⁵⁴ Heidegger, *ibid.*, at 6, 39, 47 on thinking that is stricter than conceptual thinking, "strenger ist als das begriffliche".

⁵⁵ "Doch das Sein – was ist das Sein? Es ist Es selbst. Dies zu erfahren und zu sagen, muß das künftige Denken lernen", Heidegger, *ibid.*, at 22. One cannot say that anywhere in Heidegger's later philosophy the concept of Being becomes more concrete.

⁵⁶ Heidegger, *ibid.*, at 28.

⁵⁷ Heidegger uses the term "Heimat", home in a general sense, Heidegger, *ibid.*, at 28. An inspiration for him is Hölderlin, whose work is "weltgeschichtlich", world historical, whereas Goethe is supposed to be just "weltbürgerlich", cosmopolitan, at 28–30.

⁵⁸ Heidegger, *ibid.*, at 31.

⁵⁹ "Das 'Deutsche' ist nicht der Welt gesagt, damit sie am deutschen Wesen genese, sondern es ist den Deutschen gesagt, damit sie aus der geschickhaften Zugehörigkeit zu den Völkern mit diesen weltgeschichtlich werden", Heidegger, *ibid.*, at 29.

HEIDEGGER AND THE HISTORIC AND PHILOSOPHICAL MISSION OF
THE GERMANS

In 1933 Heidegger became Head of the University of Freiburg. His tenure was ill-fated and ended soon in 1934. There are still some historical controversies dealing with this period but many factual questions are settled by now, after intense debate, that have clarified Heidegger's active involvement in the Nazi movement of that time.⁶⁰ The following remarks are mainly concerned with two core texts that deal with this time: his inaugural speech and a self-defence written in 1945 and handed over to his son to be published when suitable. Both texts are of interest here, most notably the self-defence, as it offers some clarifications of Heidegger's concrete political views after the catastrophe of the Third Reich. Some remarks on Heidegger's persistent idea of Germans as philosophically and historically chosen people will be added to understand Heidegger's thought in concrete terms.

The inaugural address is a programmatic speech written with the pathos of the feeling of being part of a promising historical revolution. It ends with the description of the magnificence and greatness of this new beginning.⁶¹ It is concerned with the future role of German science after the seizure of power by the Nazis. Heidegger interprets this situation as the possibility for Germany to regain its true spiritual world. Science has, in Heidegger's view, the responsibility to ensure that this opportunity is not missed. Science has to lead the new leaders. This true spiritual world is not an empty cleverness, an analytic dissection or 'Weltvernunft'. It is not just a cultural superstructure, either. It is, he asserts, part of a primordial, knowing resolution in a particular mood that maintains the forces of earth and blood of the nation.⁶² Note that Heidegger uses core terms of *Being*

⁶⁰ Compare, e.g., the contentious study of V. Fariás, *Heidegger und der Nationalsozialismus* (Frankfurt/M, 1987); H. Ott, *Martin Heidegger. Unterwegs zu seiner Biographie* (Frankfurt/M, 1988); Bernd Martin, ed., *Martin Heidegger und das 'Dritte Reich'* (Darmstadt, 1989); and T. Rockmore, *On Heidegger's Nazism and Philosophy* (London, 1992).

⁶¹ Heidegger, 'Die Selbstbehauptung der deutschen Universität', at 19: "Herrlichkeit aber und Größe dieses Aufbruches". One paragraph before he writes: "Wir wollen uns selbst. Denn die junge und jüngste Kraft des Volkes, die über uns schon hinweggreift, hat darüber bereits *entschieden*" (Emphasis in the original).

⁶² "Wollen wir das Wesen der Wissenschaft im Sinne des *fragenden, ungedeckten Standhaltens inmitten der Ungewissheit des Seienden im Ganzen*, dann schafft *dieser* Wesenswille unserem Volke seine Welt der innersten und äußersten Gefahr, d. h. seine wahrhaft *geistige* Welt. Denn 'Geist' ist weder leerer Scharfsinn, noch das unverbindliche Spiel des Witzes, noch das uferlose Treiben verstandesmäßiger Zergliederung, noch gar die Weltvernunft, sondern Geist ist ursprünglich gestimmte, wissende Entschlossenheit zum Wesen des Seins. Und die geistige Welt eines Volkes ist nicht der Überbau einer Kultur,

and Time in this context like *Entschlossenheit* (resolution) and *gestimmt* (being in a mood). The former describes the path to authenticity; the latter, in *Being and Time*, is the key to understanding that *Dasein* is always in a particular emotional state-of-mind. These are two of the most fundamental claims of existential ontology. Heidegger combines these existentials with Nazi ideology of earth and blood. It is surely wrong to say that Nazism was the only possible consequence of the political anthropology of *Being and Time*. Its content is much too abstract and vague for that. Its doctrines are not completely empty either and are pointing in a certain direction, given the denial of some kind of human nature with needs and vulnerabilities that could form a critical yardstick for social arrangements or the emphasis of the role of fate and collective determination instead of individual action and responsibility. In consequence, other forms of nationalistic, collectivist, authoritarian movements could have realised the social visions of *Being and Time* as well.⁶³ But Heidegger's support for the Nazis was clearly possible without doing too much violence to his own philosophical theory. The passage cited from his speech fits neatly into his doctrine of destiny as the limitation of possibilities open to human beings to escape inauthenticity. In *Being and Time* destiny was determined by the concrete collective, of which *Dasein* was a part. In his inaugural address Heidegger makes clear what destiny meant for him in 1933: It meant to gain authenticity in the National socialist revolution and to support the Nazi movement in the felicitous *Augenblick* of the Nazi seizure of power.

In concrete terms Heidegger argued for the authoritarian university with strong leadership and against academic freedom. In his view traditional academic freedom had been just negative. True freedom has to be bound by the community of the nation (*Volksgemeinschaft*, a Nazi term), the honour and destiny of the nation among other people and the spiritual mission of the Germans.⁶⁴

sowenig wie das Zeughaus für verwendbare Kenntnisse und Werte, sondern sie ist die Macht der tiefsten Bewahrung seiner erd- und bluthaften Kräfte als Macht der innersten Erregung und weitesten Erschütterung seines Daseins", Heidegger, 'Die Selbstbehauptung der deutschen Universität', at 14.

⁶³ This is of course not a new interpretation of the relation of fundamental ontology and Heidegger's Nazism. In the same direction, e.g., T. Rockmore, *On Heidegger's Nazism and Philosophy* (London, 1992), at 41. On the translation of concepts of fundamental ontology in Nazi concepts: Habermas, *Der philosophische Diskurs der Moderne*, *supra* n. 2, at 184ff.

⁶⁴ Heidegger, *Die Selbstbehauptung der deutschen Universität*, at 15, "Die drei Bindungen – durch das Volk an das *Geschick* des Staates *im* geistigen Auftrag – sind dem deutschen Wesen *gleichursprünglich*. Die drei von da entspringenden Dienste – Arbeitsdienst, Wehrdienst und Wissensdienst – sind gleich notwendig und gleichen Ranges", at 16.

Heidegger claimed to have broken with National socialism after his rectorate and there are without doubt passages, most notably in his *Nietzsche lectures* or in the *Beiträge zur Philosophie (Vom Ereignis)*, that indicate distance from the Nazi state. These remarks, however, never transcend the idea that Germans are the historically and philosophically chosen people.⁶⁵ This idea of the uniqueness of Germans is a persistent theme of Heidegger's philosophy. At its core lies a vision of history that sees the world endangered by the Will to Power, embodied in technology, politically organised in Russia and America, that can only be overcome by Germany as it is, in Heidegger's view, the "metaphysical people".⁶⁶ How deeply engrained this view is in Heidegger's thinking is made transparent by his impression (as late as in the Spiegel-interview of 1966, published in 1976 posthumously and clearly intended by Heidegger to form some kind of intellectual testament) that Germany has a special potential to bring about the needed turn of world history because of the special features of the German language. He even asserts that the French speak German when they start thinking.⁶⁷

In his 1945 self-defence, written after the German capitulation, Heidegger asserts that after his rectorate he had no further contact with Nazi politics and that he became more and more alienated from the movement, which even led to reprisals against him. He claims, in addition, that during his rectorate he protected prosecuted colleagues. These claims have been the object of intense historic scrutiny, leading to considerable revision.⁶⁸ A topic of special concern in this respect is Heidegger's anti-Semitism. It is widely held that in fundamental ontology there is no space for racism. Furthermore, Heidegger helped his assistant, Brock, to emigrate. In addition, the number of his Jewish pupils, seems to indicate that Heidegger did not share anti-Semitism with the Nazis. These claims,

⁶⁵ An example is the following passage: "Ein Volk ist *nur* Volk, wenn es in der Findung seines Gottes seine Geschichte zugeteilt erhält, jenes Gottes, der es über sich selbst hinwegzwingt und es so in das Seiende zurückstellt. Nur dann entgeht es der Gefahr, um sich selber zu kreisen und das was nur Bedingungen seines Bestandes sind, zu einem *Unbedingten* zu vergötzen. Aber wie soll es den Gott finden, wenn es nicht jene sind, die für es verschwiegen *suchen* und als diese Sucher sogar dem Anschein nach *gegen* das *noch nicht* volkhafte 'Volk' stehen müssen", Martin Heidegger, *Beiträge zur Philosophie (Vom Ereignis)*, Gesamtausgabe, Bd. 65, 1989, p. 398. Here a clear distance to Nazism as a "God" for the Germans is indicated, the estrangement of a people from its national essence (nicht volkhafte Volk) and the isolation of the philosopher who has grasped this essence.

⁶⁶ Compare Martin Heidegger, *Einführung in die Metaphysik* (Gesamtausgabe, Bd. 40, 1983), at 41.

⁶⁷ Spiegel 23/1976, p. 217.

⁶⁸ See *supra* n. 60.

however, have been put into question by a letter of 1929, where Heidegger deplores the *Verjudung*, the “Jewification” of German thought.⁶⁹

Of core interest here, however, are not the historical assertions but the substantial comments on the background of his political action. Here, Heidegger is remarkably outspoken. He states that one of the main motives for his engagement with the Nazis was hope. He saw in the movement the potential to renew the German nation and to make it fulfil its mission in the history of the occident.⁷⁰ He writes that he saw the Nazis as an alternative to the universal rule of the will to power that dominates history in the form of Communism, Fascism or world-democracy.⁷¹ He then makes an utterly stunning comment: He asks what could have happened and what could have been prevented from happening if the Nazi movement had been purified by well-meaning people, clearly implying that the problem of the Nazis was not their Nazi-ideology in the first place, but that it was not purified enough to grasp the historic mission of the Germans.⁷² Even after the cataclysm of 1945 Heidegger defends the historic potential of the Nazi movement and deplores nothing but its corruption. This idea of the corruption of the Nazi-movement is of great persistence in Heidegger's thought. In a famous passage from the *Introduction to Metaphysics* from 1935 Heidegger lauds the “inner truth and greatness” of Nazism, lost in

⁶⁹ “Was ich in meinem Zeugnis nur indirekt andeuten konnte, darf ich hier deutlicher sagen: es geht um nichts Geringeres als um die unaufschiebbare Besinnung darauf, daß wir vor der Wahl stehen unserem *deutschen* Geistesleben wieder echte bodenständige Kräfte und Erzieher zuzuführen oder es der wachsenden Verjudung im weiteren u. engeren Sinn endgültig auszuliefern” (emphasis in the original). The letter was written on behalf of Baumgarten, who was denounced by Heidegger in 1933 after having fallen from grace preventing him from achieving his Habilitation. The letter is reprinted in *Die Zeit*, 22.12.1989, at 50.

⁷⁰ Heidegger, ‘Das Rektorat 1933/34, Tatsachen und Gedanken’, at 23. In the Spiegel-interview he underlines his initial support for the Nazi as he saw “no alternative”, *Der Spiegel*, 23/1976, at 196.

⁷¹ Heidegger, *ibid.*, at 24f.

⁷² Heidegger, *ibid.*, at 25: “Aber die Frage darf doch gestellt werden: Was wäre geschehen und was wäre verhütet worden, wenn um 1933 alle vermögenden Kräfte sich aufgemacht hätten, um langsam in geheimem Zusammenhalt die an die Macht gekommene ‘Bewegung’ zu läutern und zu mäßigen?” Heidegger continues after this passage by accusing the enemies of Nazism to be guilty of what has happened because – despite their knowledge – they failed to prevent the Nazis from seizing power. The existence of, e.g., concentrations camps that might have played a role in this course of affairs seems to have escaped his attention. Again on the purification of Nazism as political hope: “Das Rektorat war ein Versuch, in der zur Macht gelangten ‘Bewegung’ über alle ihre Unzulänglichkeiten und Grobheiten hinweg das Weithinausreichende zu sehen, das vielleicht eine Sammlung auf das abendländisch geschichtliche Wesen des Deutschen eines Tages bringen könnte”, at 39.

its official philosophy.⁷³ These remarks are echoed, though with an apparently more distant tone, in the 1966 Spiegel-interview, where Heidegger acknowledges that the Nazi movement at least made some steps to confront the epochal problems but that it was too ignorant to understand what was at stake.⁷⁴ These findings indicate that Heidegger might have broken with Nazi reality but seemed to have valued until the end of his life some of its ideological foundation, most notably an extreme form of essentialist nationalism.

HEIDEGGER'S PHILOSOPHY, POLITICAL ANTHROPOLOGY AND ETHICS

Heidegger breaks with the philosophical tradition in a distinct way. He tries to solve epistemological riddles like the correspondence of the picture of the world in the human mind and the real world, or the question of the existence of the external world, by asserting that subject and object are primordially one: the subject is always in the world and not something separated from it. The subject – or less abstractly put – a thinking, perceiving human being is not constructing a more or less accurate picture of the world. Instead it has a uniquely uncorrupted access to the essence of things.

This epistemological outlook is based on rather weak ground, given the strong arguments for the sceptical epistemology of modern times. With what justification can one draw conclusions from the human understanding of the world as a whole? What criterion is there to guarantee that those propositions that seem to be true for human beings are in fact objectively true? How can human beings escape the insight that their constructions about the world are nothing but plausible theories, some better, some worse and not some absolutely certain insights into the hidden essence of the world?

More important, however, are three other points. First, Heidegger regresses with these remarks behind one of the most important achievements of modern philosophy since Descartes, namely the *representational*

⁷³ “Was heute vollends als Philosophie des Nationalsozialismus herumgeboten wird, aber mit der inneren Wahrheit und Größe dieser Bewegung (nämlich der Begegnung der planetarisch bestimmten Technik und des neuzeitlichen Menschen) nicht das Geringste zu tun hat, das macht seine Fischzüge in diesem trüben Gewässern der ‘Werte’ und der ‘Ganzheiten’”, *supra* n. 66, at 208. Heidegger changed “N.S.” = Nationalsozialismus to “Bewegung” and inserted the bracketed text after the war, as widely discussed, compare *ibid.* in the editorial note at 254.

⁷⁴ *Der Spiegel*, *supra* n. 70, at 214.

theory of knowledge. According to this theory, human beings construct with their minds the world in which they live, be it due to internalisation (like widespread ontogenetical assumptions assert) or be it due to a special, genetically determined endowment (like the presumably more promising, mentalist point of view assumes with some remarkable explanatory success).⁷⁵ This theory is an important achievement of modern science. It freed modern philosophy from the bounds of scholasticism to open the path to a deeper understanding of men's most distinguishing capacities, the higher faculties of their minds.

Secondly, Heidegger is wildly interpreted (by Rorty, for example, or Habermas) as presenting some kind of dewyian, pragmatist theory of truth by making human understanding by the doctrine of readiness-to-hand dependent on some praxis. Truth becomes, from this point of view, a question of usefulness for human purpose. Against this view the classical arguments, critical of a pragmatist theory of truth, have not lost their force. The truth of a proposition seems not to depend on a human purpose. Rather, an insight can only be useful and serve a human purpose if it is true. With false assumptions about gravity you will not get a rocket to the moon. In addition, there seems to exist a wide range of propositions in science that have no practical use at all or had at least none when their scientific merit had to be assessed. The truth of these propositions cannot be dependent on some practical human purpose because this purpose does not exist.

Thirdly, Heidegger's philosophy has a distinct flavour of irrationalism and even mysticism. The source of this mysticism is twofold: First, by recourse to a state-of-mind as a way to disclose existence. Secondly, by his critique of logic and conceptual thinking. Let us first turn to the former of these claims. It is surely common sense that human beings are feeling beings that always feel something. Heidegger's claim, however reaches further. He asserts that these feeling actually provide understanding of the world.⁷⁶ This is a contentious claim that seems less than obvious. It is not clear why the commonly presupposed abstraction from moods in scientific work is a bad choice. To change theories according to moods is obviously a rather unpromising research strategy. This is also surely true

⁷⁵ On the background of these questions and the research projects see N. Chomsky, *New Horizons in the Study of Language and Mind* (2000); for an overview of the history of the problems concerned and some constructive attempts in practical philosophy see M. Mahlmann, *Rationalismus in der praktischen Theorie* (Baden-Baden, 1999); J. Mikhail, *Rawls' Linguistic Analogy* (2000).

⁷⁶ Heidegger, *Sein und Zeit*, *supra* n. 11, at 138. "It is precisely when we see the 'world' unsteadily and fitfully in accordance with our moods, that the ready-to-hand shows itself in its specific worldhood, which is never the same from day to day".

for the general interpretation of human existence. Here, the main task is to ascertain the facts of the matter that might lead to very strong emotions like joy, melancholy or despair, depending on their nature and the sincerity with which one addresses the many facets of human life. These facts seem, nevertheless, not dependent on the mood of the person interpreting the world; they are rather a precondition for having any such mood. Thus, anxiety, for example, does not tell you anything about the world apart from the fact that you are yourself in a certain emotional state. If you know, however, something awful about the world you might legitimately feel some anxiety without confusing this emotion with a proposition about the world. Emotions can be the effect of propositions about the world but not their source. It is surely true that a certain calm serene mood might foster scientific thinking even though one can certainly think quite well if one is furious, desperate or dismayed. This mood, however, is not thinking itself. The fact that this mood might be a useful precondition for thinking, illustrates to the contrary that it is different from it. There are, in consequence, no good reasons to adhere to the first aspect of Heidegger's irrationalism. One might add, that Heidegger refutes his claim himself by his practice. His texts argue theoretically: they are not just the records of moods. Even the supposed insight into the importance of moods to understand the Being of *Dasein* is, itself, a theoretical proposition, not an emotional statement.

In addition to this role of emotion in understanding the world, irrationalism is fortified by Heidegger's constant critique of logic and conceptual thinking and the defence of some other mode of thinking that is not open to everyone.⁷⁷ This alternative mode of thinking is put into practise throughout his philosophical life, most notably in his later philosophy, which is full of highly unclear or even explicitly empty formulations. Thus, instead of clear content, Heidegger's writings produce some associations of some higher force beyond the human world invested with agency, whose nature human beings have to grasp with this special, particularly profound mode of thought beyond logic and conceptual thinking. This mode of thinking seems very close to mystical intuitions of former times. One of the most striking examples is his assertion that one of the profound insights, provided by this new mode of thinking is that Being is – itself. One might wonder what would happen to a scientist of any domain asserting such a tautology. If a mode of thought can be at least partly judged by its results a mode of thought that produces tautologies and vague ambiguities and has the aftertaste of mysticism is not a very attractive one.

⁷⁷ Compare for a late statement on this matter *Der Spiegel*, *supra* n. 70, at 212.

The recapitulation of his work highlighted a not very convincing attempt to avoid epistemological questions by ontological assertions; the destruction of the representational theory of knowledge; and an unconvincing idiosyncratic version of pragmatism and methodological irrationalism as the main shortcomings of Heidegger's theoretical philosophy.

As far as practical philosophy is concerned, something shall be the focus of scrutiny now that it seems to escape the attention of some commentators despite its considerable importance: The fundamental ontology of Heidegger's early period and to a lesser degree his later work contains, in fact, a hidden anthropology. This picture of man is perhaps the core of Heidegger's heritage to practical philosophy. In the terms of fundamental ontology the following picture is painted: Human existence is dominated by anxiety and care. Human beings have no essence but the one they pick from the limited possibilities offered to them by the concrete collective in which they live. They do not appear as real agents of the historical process. Their task is to realise their destiny determined by the collective in which they live and abandon themselves to it. This is the only way to regain authenticity lost to the They, to idle talk, to curiosity and ambiguity, to the empty life of the modern world dominated by public life, technology and the universality of the Will to Power embodied by communism, Americanism and world-democracy alike. Freedom is only worth something if it is bound by the collective and its historic mission. Human beings, thrown into an uncanny world, carry the burden of a primordial guilt, not incurred by actions and thus unavoidable. Conscience is not the promise of moral orientation that could help to avoid guilt and possibly even to bring about some good things in a short and troubled human life. The reason for human primordial guilt is the fact that human beings are essentially nil. Nil because they cannot influence the fact that they are born into the world, nil because whatever they do with their lives it amounts to nothing. They are beings-towards-death, for whom death is not an unavoidable and somehow deplorable end of some dearly held years of life, but their outmost possibility – the core of life as a whole. In his later work the vision of human life changes. Now human beings are the plaything of mystical forces that possess all the magnitude and power of which human beings are deprived.

Heidegger's vision of human life is full of despair, futility and hopelessness. But is it true?

Let us turn now to some fundamental ideas behind the concept of the liberal state to understand better whether this dark picture of the world is the heroic contemplation of an unavoidable, though possibly unpleasant truth about man; a truth that any sincere person trying to avoid rosy but

baseless illusions has to accept; or a deeply troubling misperception of what human life is about.

THE ANTHROPOLOGICAL AND ETHICAL FOUNDATIONS OF THE LIBERAL STATE

There are many very different ways to understand the concept of the liberal state. Most notably, it is contentious whether a theory of the liberal state is antagonistic to social solidarity or not. It will be argued here, that there is no antagonism between protected liberty and meaningful social solidarity but, to the contrary, that substantial freedom is only achieved on the basis of a strong concern for the well-being of others.

There are many potential starting points to reconstruct the core tenets of the theory of the liberal state. A natural one is classical liberal contractualism of Locke, basing the legitimation of public power on a covenant between the people forming a civil society and establishing a system of government protecting the pre-existing natural rights of the state of nature.⁷⁸ In this theory, with all its shortcomings, some basic insights of modern statehood are formulated: the ideas of delegated powers originating from the community of the citizens as the core of government and of the material limits on government action imposed by human rights. Kant, taking up some motifs of Rousseau, contributed further to the theory of the liberal state in a crucial way. He clearly dissociated morality and legality, limiting the latter to external action and thus liberating the conscience of the citizens from the regiment of legal powers.⁷⁹ Kant insisted that there is no need for a religious base of morality (even though he himself was a religious man) and that the legal order should be separated quite generally from some substantive notions of the ethical identity of the community.⁸⁰ Furthermore, he formulated in his doctrine of the categorical imperative the moral insight that only a universalisable system of freedoms is a legitimate system of freedom. In this doctrine, every human being clearly counts. In this doctrine, only an equal distribution of liberties is a justified distribution of liberties.⁸¹ This is made even more explicit by his definition of human dignity that postulates that every human being is an end in itself and not just a disposable means for the ends of others.⁸² There is a strong strand

⁷⁸ J. Locke, *Two Treatises of Government* (Cambridge, 1960).

⁷⁹ I. Kant, *Die Metaphysik der Sitten* (Akademie Ausgabe, Bd. VI, 1907).

⁸⁰ I. Kant, *Die Religion innerhalb der Grenzen der bloßen Vernunft* (Akademie Ausgabe, Bd. VI, 1907).

⁸¹ I. Kant, *Die Kritik der praktischen Vernunft* (Akademie Ausgabe, Bd. V, 1908).

⁸² Kant, *supra* n. 79.

of egalitarianism in Kant's ethics that should not be missed.⁸³ With this doctrine, any suggestion of empty formalism as the main flaw of Kant's practical ethics⁸⁴ becomes flawed itself. Kant's curious reader, Wilhelm von Humboldt, added to the theory of the liberal state another crucial ingredient: the deduction of social solidarity from the self-interest of the individuals.⁸⁵ Von Humboldt argued that the end of human life is the development of individuality to a proportional whole. The achievement of this end is dependent on two conditions: freedom and variety of situations. A human being can only develop a limited amount of abilities in the course of her life – you cannot be an opera singer, a great cook, an expert lawyer and a fire fighter at once. Nevertheless, her own abilities depend for their development on stimulation through others – if you cannot be Mozart yourself, you need him to compose some operas that you might enjoy profoundly. From this perspective it is very harmful to one's own interest to let one of the many Mozarts starve in the third world or vanish in the slums of western inner cities. In consequence, others are not limits to the freedom of the individual but the precondition of their substantial self-realisation. An egoist without any sense of altruism is not an egoist at all, as she deprives herself of the assets of human variety provided by other people, upon which she herself is crucially dependent for her self-fulfilment.

There is, of course another source of social solidarity, namely the simple, disinterested concern for the well-being of others, very obvious to important thinkers of the past that contributed themselves to the theory of the liberal state⁸⁶ and surely not foreign to most human beings.

Considering these classic accounts of thinkers of the liberal state it becomes clear that individualism, respect for human dignity and freedom, a sense of equality and awareness of the good and plausible reasons for social solidarity, are core constituents of its ethical foundations. Institutionally, it intends to limit the power of government and to maximise the autonomy of individuals. There is a bit of political scepticism at its heart as well. The very idea of limited powers of government is based on the insight that there is no guarantee that even the most philosophical of kings will not err at some stage. Thus, limited powers are a better solution than trust in

⁸³ Even though, as Locke, Kant does not extend the rights defended to all groups like women or servants.

⁸⁴ As Hegel famously did, establishing a strong tradition of criticism, with his early essay: 'Über die wissenschaftlichen Behandlungsarten des Naturrechts'.

⁸⁵ W. von Humboldt, *Ideen zu einem Versuch, die Gränzen der Wirksamkeit des Staats zu bestimmen* (Darmstadt, 2002). For some comments on the idea of a union of social unions, see J. Rawls, *A Theory of Justice* (Oxford, 1991).

⁸⁶ To take an example from the Scottish Enlightenment: F. Hutcheson, *An Inquiry into the Original of Our Ideas of Beauty and Virtue* (New York, 1971).

the right insight into the essence of things by some rulers or visionary philosophers.

These ethical foundations of a liberal state and their connection to institutional arrangements illustrate something that forms a core difference to Heidegger's political philosophy. The theory of the liberal state presupposes a certain mildly positive anthropology. The doctrine of human beings as ends in themselves, of the value of freedom, equality and solidarity and of institutions securing the realisation of these values makes sense only in the light of a certain positive vision of human life. This vision of human existence is not particularly outlandish if one avoids overlooking basic aspects of human existence. It is something intrinsically valuable to be alive, to experience the bitter-sweet variety of human feelings, to think about the world, to make sometimes morally guided, sometimes more narrowly defined choices and to pursue somehow – in the disorientating twilight of often terrible historical circumstances – the twisted way to a meaningful life that might not be full of bliss (who can guarantee that) but that can be at least – in Kant's terms with their usual austere charm and touch of human greatness – worthy of happiness. This rather plausible, humane anthropology is the opposite of Heidegger's troubling doctrine of human existence that regards existence as being nil in its origin and nil in its result; as a burden, disclosed by anxiety, shadowed by uncanniness and doomed by collective destiny to a repetitive life in the grip of the past; heading to death as life's outmost possibility or, as proposed in his later works, as the plaything of superhuman, mystical forces. It is very different to the posturing heroism implied in Heidegger's thought that debases human life behind the pretentious veil of ontology to enable itself to triumph pathetically over this self-created nullity by the heralded acceptance of existence as a being-towards-death or of the commands of mystical being as such.

Another point is worth mentioning. In a liberal state, understood in the way outlined above, conscience matters in a much sincerer way than in just accepting an imagined primordial guilt. The law is regarded as dissociated from morality in principle, but only in order to increase the freedom of citizens and not in order to take away their moral responsibility for their individual action or for the course of political life. Kant, for example, certainly hoped that positive law would at some stage be congruent with the morality of reason⁸⁷ – even though he was quite sceptical as to the probability of this development. In a liberal state, therefore, human individuals count as historical agents. It is not the collective into which they are born and to which they have to abandon themselves, as it is vested with

⁸⁷ Even though he denounced a right to resistance, compare *supra* n. 79 at 321.

some grand mission of world history, and it is surely not a mystical Being either, ungraspable and completely obscure that determines their life. It is their combined choices that create history – by their own action and by what they have allowed to be done in their name without resistance. Consequently, the theory of a liberal state offers no easy escapes for the conscience of citizens, like the shifting forms of Heidegger's thought, seducing them with the sweet abandonment of responsibility to *fateful destiny* or the mystical volitions of *Being*.

CONCLUSION

To sum up, Heidegger provides a fundamental ontology by the means of an analytic of human existence as a key to being as such. His method is the phenomenology of everydayness. Key concepts are the state-of-mind of human beings called *Dasein* that is the precondition of understanding the world. This understanding is emotionally tainted and, at its core, exists anxiety and care. Human beings are, in his view, without an essence or species character. Their essence is determined by the ability to create themselves by resolution. He provides an anthropology of remarkable darkness: Human beings are thrown into an uncanny world. They live estranged lives but can be redeemed by a conscience that reminds them of their primordial guilt of being nil in their existence and nil in their lives. Their life is dominated by anxiety and care. Its course is determined by a collective destiny. Human beings experience the whole of their existence only in death: They are a being-towards-death. As a key to being, temporality is introduced: Being is in itself temporal and does not exist in a constant present. With this early doctrine Heidegger goes back behind the achievements of the modern philosophy of consciousness since Descartes, with its epistemological insights and its research programme of specifying the architecture of the human mind, which has become quite recently a leading research paradigm of cognitive science. Heidegger's theory of truth is often interpreted as a version of pragmatism. Against this view the classical arguments, critical of a pragmatist theory of truth, have not lost their force. His later doctrine is a deeply mystical, mainly associative appeal to insights beyond logic and conceptual thinking. Being becomes supernatural force with rudiments of agency but unspecified properties. Throughout his life Heidegger adhered to irrationalism, by the emphasis of the importance of the emotional disclosure of the world to human beings and the critique of logic and conceptual thinking. Politically, he criticised a perceived cultural crisis of the modern world dominated by technology, Communism, Americanism and world-democracy alike. Even after the cataclysm of 1945

he has shown sympathy for an uncorrupted Nazi-movement, even though later after the war he shied away from certain nationalistic tones while defending the historic and philosophical selection of the Germans as the chosen.

This dark anthropology stands in marked contrast to core tenants of the theory of the liberal state that seems not completely unrelated to a defensible perception of human existence. This theory is ethically based on the ideas of human dignity, equality, liberty and the plausibility of social solidarity. It is an institutionalised form of political scepticism, that secures values through legal rules and procedures and not through trust in the insight of some blessed few. It takes moral agency seriously and regards human beings as agents of a history that is basically open to choice – for better, for worse – and that is not determined by a collective destiny of nation with historic missions. At its core is a perception of human existence that takes human life – despite its rather obvious shortcomings and the historically, widely manifested capability of human beings to hurl themselves into abysses of barbarity – as something not completely flawed, at times even quite pleasurable. In the light of these results, Heideggerian thought has not only philosophically little constructive merit but is indeed part of the dark legacies that Europe bequeathed to the world.

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