

Time and Law

*Philippe Nonet**

The seemingly "inextricable" mutual entanglement of history (in the sense of the German word Historie) and the play of power dissolves itself when thinking, under the sway of technique, moves beyond the horizon of metaphysic, and turns to question the unconcealment of being (in the sense of the German das Sein), that is, when man lets time become the law of his essence. Only so would a history (in the sense of the German word Geschichte), i.e. freedom, happen again, and rescue modern man from his otherwise destinyless age.

This article was written to be presented at a conference organized by the Cegla Center in Tel Aviv in December 2005. The invitation to the conference called upon us to think about the fate of law in modern times. It pointed — the quoted words in this paragraph are its own — to a "hallmark of modernity," that was to be the focus of our talks, namely: the "immanent relation" of two "inextricably linked" aspects of our world. One aspect was "the way in which power takes form and gives form," presumably to law, or by law, or in law. The other was that our times "have turned history and, particularly, modernity into a site of theoretical reflection." As to the relation between these two phenomena, little was said in the call for papers. Only a possible consequence of it was drawn, and that in turn concerned only the future course of intellectual inquiry: if indeed there is such an "inextricable linkage" of these phenomena, then "one may hypothesize that as much as political theory [i.e. the study of power] has become dependent upon an understanding of modernity [i.e. theoretical reflection on history], the rethinking of modernity may depend upon inquiry into the political."

The following observations attempt to say something of the inextricable

* Professor of Law, University of California, Berkeley. All translations in this paper are the author's own. The styles and citation format used in this article are the author's and do not follow *Theoretical Inquiries in Law's* usual conventions.

linkage itself. Briefly, it is this: the turning of law into a play of power, and the turning of history into an object of theoretical reflection, are both inseparable aspects of the sway of technique in our world. To gain clarity regarding this relation is indeed a task for thinking in our times. But no such thinking is apt to happen in either political theory, or historical reflection, or in any combination of both. Because history and political theory are themselves only technique, they are incapable of even posing the problem of the essence of technique.

The most indispensable steps toward a clarification of the relation between power and history are summarily taken in three lines and four crisp sentences published by Heidegger more than fifty years ago, as part of a set of notes on "the overturning of metaphysics." They say: "*Der Wille zum Willen verhärtet alles in das Geschicklose. Dessen Folge ist das Ungeschichtliche. Dessen Kennzeichen ist die Herrschaft der Historie. Deren Ratlosigkeit ist der Historismus.*"¹ For present purposes, in order to highlight the relation between the problems of "power" and "history," we may — without doing any violence to the sense — amend the beginning of the first sentence to read "*Der Wille zur Macht,*" instead of "*Der Wille zum Willen.*" A lexically correct translation of the text in English would then read: "The will to power hardens all into the destinyless. The consequence of the latter is the unhistorical. The mark of the latter is the domination of history. The thoughtlessness of the latter is historicism." The English text is utterly unintelligible. (1) How can the "unhistorical" be marked by a "domination of history?" Note that the German text uses two different words, "*Geschichte*" and "*Historie*," where the English has only one, "history." (2) What has "destiny" to do with "history?" Note that the German words "*Geschick*" and "*Geschichte*" exhibit a linguistic kinship that cannot be found between the English "destiny" and "history." (3) Only when the previous two questions are cleared up, does it become intelligible in what sense and why "will to power" and "history" are indeed the same. Let us begin with the first.

THE AMBIGUITY OF "HISTORY."

In English, the same word "history" is used to name the study and narration of human deeds (roughly speaking), and the human deeds themselves that constitute the subject of such study and narration. The same ambiguity is

¹ Martin Heidegger, *Überwindung der Metaphysik*, in *Vorträge und Aufsätze* 76 (Pfullingen, Neske 1954).

found also in French (*histoire*) and in Latin (*historia*). Of the two senses, the first is primary, in closest proximity to the Greek ἱστορία, "knowledge, inquiry," (without restriction as to subject), from which the Latin word is borrowed; the second sense is derivative. Strangely perhaps, the ambiguity obtains in German also, where, despite Heidegger's persistent attempts to introduce a new usage, the two words, "*Geschichte*" and "*Historie*," are commonly understood as synonymous. Unlike "*Historie*," however, "*Geschichte*," as a formation of the verb "*geschehen*," has the primary sense of "*das Geschehene*, what happened," or "*das Geschehende*, what is happening." Only by extension does it come also to signify the telling, and then the study of what happened. But if in the end "*Historie*" says the same as "*Geschichte*," it cannot be that, as Heidegger claims, the former marks an absence of the latter.

The first thinker who turned history into a problem for thought, Hegel, did not regard *historisch* as synonymous with *geschichtlich*: often, though perhaps not always, he took it in the restricted Greek sense of "proceeding from inquiry," the opposite of *das Mythische*, myth. We read, for example, that "[d]ie *Geschichte* aber haben wir zu nehmen, wie sie ist; wir haben *historisch*, *empirisch* zu verfahren. We have to take *die Geschichte* as it is; we have to proceed historically, empirically."² But Hegel was delighted to find in the common use of *Geschichte* the same double sense that we find in our own "history": "*Geschichte* unites in our language the objective as well as the subjective side, and signifies just as fitly the *historiam rerum gestarum* as the *res gestas* themselves; it is what happened [*das Geschehene*] no less than the telling of what happened [*die Geschichtserzählung*]. This union of the two significations we must regard as of a higher kind than a mere external accident: it is to be taken as this, that the telling of history [*Geschichtserzählung*] appears at the same time as properly historical [*geschichtlichen*] deeds and events; it is an inner common foundation that drives them forth together."³ The double meaning of the word "*Geschichte*" is a necessary consequence of the phenomenon it names. To Hegel, history proper is a work of Mnemosune, the divine memory by which a people, "elevating itself to statehood,"⁴ records and preserves the founding of its laws. Conceived in its essence as a whole, *Geschichte* is the temporal unfolding of the self-knowledge in which freedom, the *causa sui* that God Himself

2 Georg Wilhelm Friedrich Hegel, *Vorlesungen über die Philosophie der Geschichte*, edited in 12 Werke 22 (Eva Moldenhauer & Karl Markus Michel eds., Frankfurt am Main, Suhrkamp Taschenbuch Wissenschaft 1970) (1832-1845).

3 *Id.* at 83.

4 *Id.*

is, brings itself into actuality. All events that precede the first appearance of such knowledge belong in the pre-history of man. Since knowledge of historical deeds is constitutive of their historicity, the thought of an antithesis between *historia rerum gestarum* and the *happening* of such *res gestae*, is ruled out in advance. The absolute (what actualizes itself in history as *res gestae*) is absolute *knowledge* of the absolute (God as self-thinking thought, hence as the self-actualization of self-knowledge in history as *historia rerum gestarum*). To be sure, as we shall see, history moves toward an end, but this "end" must be conceived not as cessation, but as *Vollendung*, as completion or fulfillment of the eternal essence of reason.

The young Nietzsche was the first to see something resembling the antagonism Heidegger finds between *Geschichte* and *Historie*, although he spoke of it in other words, and conceived the problem on radically other grounds. His famous essay⁵ makes nothing of the difference between the Latin and the German words. Like Hegel, he regards history as a product of memory, and is therefore committed to the same ambiguity: *res gestae* are only insofar as there is *historia rerum gestarum*. History, however, may or may not fall under the dominion of *Wissenschaft*, science. When it does, it ceases to work in the service of "life," and the unrestrained pursuit of "truth" turns it into a sickness, "*die historische Krankheit*."⁶ This, Nietzsche fears, is what happened with the triumph of science in modern times: "The excess of history has assailed the plastic force [*Kraft*] of life, it [i.e. life] no longer understands how to put the past [*die Vergangenheit*] in its own service as a forceful nourishment."⁷ "[O]nly through the force of using the past for life and of making again history [*Geschichte*] out of what-happened [*dem Geschehenen*], does man become man."⁸ If his life is to thrive, man needs to hold before himself such images of heroes and great deeds as will enable him to project a future for himself; he needs to ground himself in a past he can revere, and from which he can sustain his pride; or he may need now to destroy a paralyzing old faith, and make room for new possibilities. These three kinds of history — monumental, antiquarian, and critical — corresponding to the three horizons of time — future, past, and present — can serve life, but science is averse to such uses of the past. For it, "a race of eunuchs would be needed to stand guard over the great historical [*geschichtlichen*] world-harem. In them

5 Friedrich Nietzsche, *Unzeitgemässe Betrachtungen*, Zweites Stück, Vom Nutzen und Nachteil der Historie für das Leben, *edited in 1 Kritische Studienausgabe* 243-344 (Giorgio Colli & Mazzino Montinari eds., Berlin, de Gruyter 1988) (1874).

6 *Id.* at 329.

7 *Id.*

8 *Id.* at 253.

of course pure objectivity would look fine. It seems almost that the task is to watch over history [*Geschichte*] so that nothing come out of it other than stories [*Geschichten*], and certainly no happening [*Geschehen*]."⁹ The fundamental opposition of science to life is most succinctly captured in the following lines:

The ground lies in this, that in historical accounting [*historischen Nachrechnung*] so much false, crude, inhuman, absurd, violent comes to light, that the attunement of pious illusion [*Illusion*] in which alone can live all that wills to live, necessarily vanishes: only in love, only in the shadow of the illusion of love, does man create, namely only in unconditioned belief in perfection and right. To each man one compels no longer to love unconditionally, one has cut off the roots of his force [*Kraft*]: he must wither, namely become dishonorable. In such effects, art is opposed to history: only when history bears it to be transformed into art-work, thus to become pure art-form, can it perhaps uphold or even awaken instincts.¹⁰

The "historical sickness" of modern man turns out to be a special case of a larger problem that occupied Nietzsche all the way to the end of his lucid existence: the question of the conflict between art and science, fiction (*Dichtung*) and truth (*Wahrheit*), semblance (*der Schein*) and being (*das Sein*). He conceives of this conflict in relation to the needs of man as a living being. His starting point is, therefore, the concept of man he takes from the tradition of metaphysics: Man is the *animal rationale*, whose essential problem is the mutual relation of animality and rationality. In art, the creative, i.e. formative, "plastic" powers of the animal man flourish and enable him to sustain the illusionary world with which "life" must surround itself in order to live. In science, on the contrary, rationality frees itself from the exigencies of life, and claims domination over animality, thus threatening to destroy it: "*fiat veritas, pereat vita*."¹¹ We shall not attempt here to enter further into these matters. Let us confine ourselves to two observations. First, Nietzsche's understanding of scientific "objectivity" in this essay remains entirely captive of the self-representation of the sciences in the age of positivism; as we shall see, he will later gain a far more penetrating insight into the relation between science, technique, and will to power, alias life. Second, Nietzsche's view of history will also change radically in his later work; because this change stems

9 *Id.* at 281.

10 *Id.* at 296.

11 *Id.* at 272.

from considerations unrelated to the present matter, we postpone discussion of it until it is timely.

We return instead to the question of the ambiguity of "history." Without doing much, if indeed any, violence to Nietzsche's argument, we might reformulate it in such a way that *Historie* would designate, as in Hegel, the *scientific* investigation of human affairs, and *Geschichte* would name the mythical telling of tales about man.¹² *Historie* might then be "true," — a correct representation of that into which it inquires, — but it would sicken and risk destroying its own subject, namely man. *Geschichte* would be "false," but fit to serve the thriving of man in the *gestio* of *res gestae*. If Nietzsche were right, then *res gestae* could no longer be regarded as standing to *historia* in the simple relation of a subject to the knowledge that concerns it. A major question would have been raised regarding the fitness of man to be made a subject of historical inquiry, or conversely the fitness of history to inquire about man.

It is a question of precisely this kind that Heidegger raises, not only in the sentence quoted at the beginning of this essay, but repeatedly throughout his work. We are not yet prepared to grasp the sense and ground of his question. We shall presently limit ourselves to clarifying the way he resolves the ambiguity of "history." Like Hegel, he confines *Historie* to the scientific investigation of human affairs, but he often lets it have a far broader scope, equivalent to that of "*die Geisteswissenschaften*," as opposed to "*Naturwissenschaften*," which include all the sciences of man (psychology, sociology, economics, linguistics, etc.) that grew out of philosophy as the latter fell into decay in the aftermath of German idealism. *Historismus* names the seeming compulsion under which modern man is moved to historicize (psychologize, sociologize, etc.) about himself. *Geschichte*, on the other hand, is used exclusively in the sense of *das Geschehen*, "the happening of what happens." It is *not* restricted to the past, *das Vergangene*; it is *not* to be conceived as the subject of *Historie*. Indeed, as we have read, the domination of *Historie* in our times goes along with an absence, a privation of *Geschichte*, a *Geschichtslosigkeit*,¹³ in which "happening" ceases

12 A third term, say "story-telling," might then be needed to designate the common genus of which these two species are members.

13 Sometimes, as in our initial quotation, Heidegger denotes privation by the prefix *un-*; he then uses the suffix *-los* to signify the non-privative absence of history that marks such beings as stones, plants, animals, etc. See, e.g., Martin Heidegger, *Besinnung*, edited in 66 Gesamtausgabe 182 (Friedrich-Wilhelm von Herrman ed., Frankfurt am Main, Vittorio Klostermann 1997); Martin Heidegger, *Zur Auslegung von Nietzsches II. Unzeitgemäßer Betrachtung*, edited in 46 Gesamtausgabe 30 (Bernd Heimbüchel ed., 2003). Sometimes he does the reverse. See, e.g., Martin

to "happen." We shall of course be unable to grasp the sense of this privation until we have asked: What "happens" in the "happening" of *Geschichte*?

HISTORY (*GESCHICHTE*) AND DESTINY (*GESCHICK*).

The answer to this latter question begins with what at first appears to be a mere play on words: History in the sense of *Geschichte* happens, i.e. *geschieht*, whenever a humanity lets itself be moved, i.e. *geschickt*, by a destiny, *ein Geschick*. The wordplay cannot be reproduced in English. It is made possible in German by the fact (seldom remembered even by native speakers of that language) that *geschehen*, "to run," is a passive form of the causative verb *schicken*, "to send," i.e. "to bring one to run." The English "to happen" renders *geschehen* as ineptly as "destiny" does *Geschick*. *Geschehen* can extend to the "happening" of any kind of event, including what occurs in "nature," but its colloquial use points to the context of action, divine or human, and thus to "history." Luther's translation of the Lord's prayer reads "*dein Wille geschehe*," in English "thy will be done."¹⁴ *Geschick* bears the sense of "that by which a task is ordained," pointing to an accomplishment in the future, but also the sense of a "fitness for the task," pointing to a past that prepares for, and disposes to the appointed future. The word evokes the fullness of time. It reminds one of a sentence of the young Nietzsche: "*Der Spruch der Vergangenheit ist immer ein Orakelspruch: nur als Baumeister der Zukunft, als Wissende der Gegenwart werdet ihr ihn verstehen*. The past speaks always as an oracle: only as architect of the future, knowing the present, will you understand it."¹⁵

Neither Hegel nor Nietzsche knew Heidegger's wordplay, but both knew the wisdom that lies latent in it: History, in the sense of *Geschichte*, happens only as the fulfillment of a destiny. That so it stands in Hegel is already apparent from the little we have said earlier. History is directed at an aim, *ein Endzweck, ein Ziel*.¹⁶ The self-actualization of freedom (God, the absolute). Accordingly, it has a beginning, a course, and an end. It opens when man first emancipates himself from the powers of nature, and founds a properly political community "where rationality begins to step into worldly

Heidegger, *Über den Anfang*, edited in 70 Gesamtausgabe 34 (Friedrich-Wilhelm von Herrman ed., 2005). Rightly or wrongly, I hear privation more clearly in *-los* than in *un-*.

¹⁴ *Matthew* 6:10.

¹⁵ Nietzsche, *supra* note 5, at 294.

¹⁶ Hegel, *supra* note 2, at 29, 141.

existence."¹⁷ It completes itself when it has run through the course of "the unfolding of the concept of freedom."¹⁸ This course takes it through steps, the character and sequence of which are determined by inner laws of the "logic" of this concept.¹⁹ People are historic only in so far and as long as they take part in this "work" by which "spirit makes itself into what it is in itself."²⁰ "That world history [*Geschichte*] is the course of this unfolding and the actual becoming of spirit, amidst the changing spectacles of her stories [*Geschichten*] — this is the true theodicy, the justification of God in history [*Geschichte*]."²¹

Even as, in the days of his maturity, Nietzsche carries out his inversion of Hegelian metaphysic, he remains alert to the intimate relation between history, i.e. *Geschichte*, and destiny. To him also, "history" designates the relatively short age of mankind that is marked by the domination of Christendom. To him also, this history has a "sense," a "purpose," *ein Sinn, ein Zweck*,²² albeit utterly ironic and paradoxical: To bring it about that "God is dead,"²³ "God" here meant as the Christian God. Accordingly, history has a beginning and an end. It begins when the fundamental concepts of law, namely "debt," *Schuld*, and "duty," *Pflicht*, are first "moralized," *moralisiert*, that is, when they become "entangled with the concept of God."²⁴ "Morality," *die Moral*, is Nietzsche's name for the Christian doctrine by virtue of which "the good," as the essence of being (*das Sein*), is removed from the reach of man on earth, and located in another world "beyond" this one, by the measure of which "nature," i.e. life on this earth, is judged to be irredeemably wanting, at once evil and false with respect to the purported goods it offers. The name is shorthand for "metaphysic" as the tradition of Western philosophy since Plato. History, alias Christendom, alias Platonism, ends when "Zarathustra the godless"²⁵ saves nature from God and puts it under the stewardship of a new species of "man," namely the "overman," powerful enough to assert his unconditional "sovereignty" over himself and "over nature and all more short-willed and unreliable creatures,"

17 *Id.* at 81.

18 *Id.* at 540.

19 *Id.* at 86.

20 *Id.* at 99.

21 *Id.* at 540.

22 See, e.g., Friedrich Nietzsche, *Zur Genealogie der Moral*, edited in 5 *Kritische Studienausgabe* 245, at 316 (1988) (1887).

23 The *locus classicus* is Friedrich Nietzsche, *Die Fröhliche Wissenschaft*, edited in 3 *Kritische Studienausgabe*, para. 125 (1988) (1882).

24 Nietzsche, *supra* note 22, at 330.

25 *Id.* at 337.

indeed even over "destiny," *Geschick*.²⁶ The movement from beginning to end goes through a series of phases, determined by an inner logic of degradation, called "nihilism," by virtue of which all things on earth come to count for "nothing" in light of the higher "values" represented in God. By the same logic, however, "the highest values" end up "devaluing themselves": "*Was bedeutet Nihilism? — daß die obersten Werthe sich entwerten.*"²⁷ "The sense of truthfulness, highly developed through Christendom, becomes disgusted by the falseness and mendacity of all Christian explanations of world and history [*Geschichte*]." ²⁸ Finally truthfulness demands that the value of truth itself be denied: "The most extreme form of nihilism would be: that every belief, every holding-for-true, is necessarily false: Because there is no *true world* at all. . . . [T]hat it is the measure of force, how much we can admit to ourselves semblance, the necessity of lies, without foundering. *To that extent nihilism, as denial of a truthful world, of being, could be a divine way of thinking.*"²⁹ Nihilism is then "complete" (*vollkommen*), and man, as overman, can install himself in the position of lord of the earth.

What precedes the advent of morality is only preparation for it, the long "prehistoric labor" by which the law (*das Recht*) of debt and duty is formed in the age of the "*Sittlichkeit der Sitte*, the customariness of custom."³⁰ History proper, as the age of morality, also accomplishes an indispensable preparation for the coming of the overman. Such a triumph of self-mastery would not be possible without "the self-crucifixion and self-violation of man in which the last millennia of Europe have had their mastery [*Meisterschaft*]." ³¹ "We modern men, we are the heirs of the vivisection of conscience and animal self-tormenting of millennia: therein we have our longest exercise, our artistry perhaps, in any case our refinement, our habitual taste."³² We are ready for the ultimate asceticism that the overman, who is to save nature from God, will demand of himself. With the self-overcoming of morality, history ends. *The reign of the overman is history-less, because it is destiny-less.*

The overman becomes who he is, in that he accords his own essence to the

26 *Id.* at 294.

27 Friedrich Nietzsche, *Nachgelassene Fragmente*, edited in 12 *Kritische Studienausgabe* 350 (1988) (Fall 1887).

28 *Id.* at 125-26 (Fall 1885-Fall 1886).

29 *Id.* at 354 (Fall 1887). The whole of this movement is summed up in Friedrich Nietzsche, *Wie die 'wahre Welt' endlich zur Fabel wurde. Geschichte eines Irrtums, in Götzen-Dämmerung*, edited in 6 *Kritische Studienausgabe* 80-81 (1988) (1888).

30 Nietzsche, *supra* note 22, at 293.

31 *Id.* at 333.

32 *Id.* at 335.

essence of being (*das Sein*) as "nature," i.e. "life," i.e. "will to power,"³³ and does so unconditionally. He is "to unite-as-sisters the unnatural inclinations, all aspirations to the beyond, contrary to sense, contrary to instinct, contrary to nature, contrary to animality, in short all previous ideals, which are altogether hostile to life, world-slandering, with the bad conscience."³⁴ In him, the will to power reaches unconditional sovereignty, placing itself not only above morality, which it destroys, but also above all custom, *Sitten* — "for 'autonomous' and 'customary [*sittlich*]' exclude each other,"³⁵ — and above law (*Recht*). "The most decisive thing that the highest power imposes . . . is the institution of positive law [*Gesetz*], the imperative declaration of what is to count in its eyes as allowed, as right [*recht*], and what as forbidden, as not-right [*unrecht*]. . . . Accordingly there is right [*Recht*] and not-right [*Unrecht*] only after the institution of *Gesetz*. . . . To speak of right and not-right in itself [*Recht und Unrecht an sich*] is nonsense. . . . One must even admit to oneself something more thought-provoking: That, from the highest biological standpoint, *Rechtszustände*, states of law, can only be *Ausnahme-Zustände*, states of exception, as partial restrictions of the proper will of life, which seeks power, . . . namely as means of creating larger units of power."³⁶ The institution of "positive law," *Gesetz*, as exclusive source of "law," *Recht*, is properly *the deed of the overman*.³⁷

Insofar as the will to power asserts its own unconditionality, it rules out every possibility of subordinating itself to any end other than the enhancement of its own power to will. It becomes pure will to will. "I will also to naturalize asceticism again: in place of the aim of denial, the aim of strengthening: a gymnastic of the will."³⁸ Having closed in advance every future that might lay a claim upon it, the will to will must endure the radical senselessness of all becoming, and in every "now" will "the eternal return of the like," in the sense of an exact mechanical repetition of the presently fleeting state of the world. "To gain a height and a bird's way of seeing, where one comprehends how all actually goes *as it should go*: how every kind of "imperfection" and suffering

33 *Id.* at 315-16.

34 *Id.* at 335.

35 *Id.* at 293.

36 *Id.* at 312-13.

37 The historically minded may wish to note that this institution occurred officially first on August 26, 1789, when the French Assemblée Nationale, acting on behalf of mankind as a whole, enacted the principle of legality as Articles 6-8 of the *Déclaration des droits de l'homme et du citoyen*, thereby inverting the relation between *droit* (*Recht*) and *loi* (*Gesetz*).

38 Nietzsche, *supra* note 27, at 387 (Fall 1887).

from it belongs within the *highest desirability* . . ."39 "I seek a conception of the world that does justice to *this* fact: becoming is to be explained without taking refuge in final intentions: becoming must appear justified in every moment [*Augenblick*] (or invaluable, which comes to the same); it is absolutely impermissible that the present be justified for the sake of a future, or the past for the sake of the present."<40 In accordance with the essence of "life" as will to power, the only kind of "end, *Zweck* " the overman can, and indeed must seek, are the means of sustaining his power. Such means are called "values, *Werthe*": "The point of view of 'value' is essentially the point of view of conditions of preservation-enhancement with respect to complex formations of life of relative duration within becoming."<41

The senselessness of becoming, and the corresponding reduction of all ends to means of power enhancement determine the character of modern positive law as the calculating and positing of values. *Such indeed is the modern essence of thinking in general.* The fundamental principle of "justice, *Gerechtigkeit*" by which it operates is: "Every thing has its price; all things can be paid off."<42 Those with an ear for metaphysic will have recognized how these words transform Leibniz's principle of sufficient reason: "Nihil est sine ratione" has been turned into "nihil est sine pretio," nothing is priceless.

Now if all becoming is senseless, if history must vanish in the willing of eternal return, if man thus attains, as overman, mastery over all destiny, how is it nevertheless possible for Nietzsche to say that man underwent the "history" of nihilism, a history prepared by the "prehistory" of the age of custom? Here is Nietzsche's answer, written shortly after he conceived the thought of eternal return:

Historia abscondita. — Every great man has a retroactive force: all history [*Geschichte*] is for his sake placed in the balance again, and thousand mysteries of the past [*Vergangenheit*] creep out of their hiding nooks — into his sun. There is no way of seeing all that may still once become history [*Geschichte*]. The past is perhaps always still essentially undiscovered! There is still need of so many retroactive forces!⁴³

Precisely because becoming is senseless, there opens for the creative will of the "great man" the possibility of projecting upon it the light in which

39 Friedrich Nietzsche, *Nachgelassene Fragmente*, edited in 13 *Kritische Studienausgabe* 17 (1988) (November 1887-March 1888).

40 *Id.* at 34.

41 *Id.* at 36.

42 Nietzsche, *supra* note 22, at 306.

43 Nietzsche, *supra* note 23, at 404.

he presently sees his own creative work. This projection of sense upon the senseless — the imposition of "form" upon chaos — is the function of art, *die Kunst*, which in the Nietzschean inversion of Platonism, takes the place of truth as the "highest value." *Historia abscondita* is the now open domain for what the young Nietzsche already envisioned: *Geschichte* as *Dichtung*, a work of art that knows itself as fiction, in the service of "life." "Art and nothing but art! It is the great making-possible of life, the great seduction to life, the great stimulans of life. Art as the only superior counterforce to all will to denial of life, as the anti-Christian, anti-Buddhist, anti-nihilistic par excellence."⁴⁴ The philosophical work of Nietzsche himself must be regarded as of that kind, although it still belongs within the history of nihilism as a completion of that history, with an attempted "passing over, *Übergang*," to another future. Nietzsche knew his own nihilism, albeit late:

"That I have hitherto been a nihilist from the ground up, I have admitted to myself only a short while ago: the energy, the nonchalance with which I went forward as a nihilist deceived me about this fundamental fact. If one goes forward toward a goal [*Ziel*], then it seems impossible that 'goallessness in itself [*die Ziellosigkeit an sich*]' is the fundamental principle of our faith."⁴⁵

DESTINY AND LEGACY. (VERGANGENHEIT AND GEWESENHEIT.)

Were we to remove from Nietzsche's aphorism on *Historia abscondita* all words that might evoke the doctrines of will to power and eternal return, we should be left with a statement such as follows: "History as *Geschichte* happens anew whenever man uncovers a destiny for himself in the past, *die Vergangenheit*. The possibilities of such uncovering are inexhaustible." We should then have come close to what Heidegger says of the relation between *Geschichte* and *Geschick*, and yet still remain immeasurably far. We would have seen that *Geschichte* is in every case the *present* happening of the unconcealment of man's destiny. But we should still lack all understanding of the *unity* of past, present, and future, namely *time*, on the ground of which destiny is presently found in the past; we should even still lack the word to name this past. Essential past is indeed not *das Vergangene*, *die Vergangenheit*, but *das Gewesene*, *die Gewesenheit*. English can translate "*das Vergangene*," "the past." It needs a periphrase to render "*das Gewesene*": "What has been, and so still is." In what

44 Nietzsche, *supra* note 39, at 521 (May-June 1888).

45 Nietzsche, *supra* note 27, at 408-09 (Fall 1887).

follows, we shall speak of *das Gewesene* as the *appropriated* past, that is, the past that has been properly *inherited*, *das Erbe*,⁴⁶ the past that now is man's *legacy*. Let us not fail to notice, in passing, that the word "legacy" is a formation of a Latin word for law, namely *lex*.

History as *Geschichte* is *das Geschehen des Geschehenden*, the happening of what happens. But what is it that happens in this happening? Answer: Man. *Geschichte* is the happening of man. But this answer only moves us from one question to another: What or who is this man that happens in *Geschichte*? Answer: Man is the being whose essence is to think. Man happens when he happens to think. There is *Geschichte* only when, and in so far as, man accords himself to his essence and thinks. Thoughtful man: A rare event, for to this being, his own essence is an always possible, but never compelling future. The essence of man has, to be sure, the character of a *law*. An ancient articulation of that law says: γένοι' οἷος ἑσσῑ μαθών, "Learn and become who you are."⁴⁷ This means that, for man to be man, (a) his own essence must first have disclosed itself to him in his own "learning," i.e. thinking, and (b) he must have resolved to let it become the measure of his existence. But the words of this law are usually spoken in the softest voice, so much so that they may never even be heard. Even when they are heard, it remains utterly problematic whether, how, and to what extent they will be understood and obeyed. A man may run away from the demands of his own essence, or neglect them, or content himself with the shallowest answers, or refuse obedience, or rebel and do violence to himself. If *Geschichte* is the happening of man, it happens only as often and as deeply as man, whose essence is to think, thinks that essence and lets it become a law to himself. With this, however, we are again moved only to yet another question: What is it to think?

To this question, Heidegger says: "[D]as Wesen des Denkens bestimmt sich aus dem, was es zu bedenken gibt: aus dem Anwesen des Anwesenden, aus dem Sein des Seienden. Denken ist erst Denken, wenn es das ἔόν an-denkt, Jenes, was dieses Wort eigentlich und d.h. unausgesprochen nennt. Das ist die Zwiefalt von Seienden und Sein. Sie ist das, was eigentlich zu denken gibt. Was sich so gibt ist die Gabe des Fragwürdigsten."⁴⁸ That is: "The essence of thinking determines itself out of what is given to be thought: out of the presence of what is present, out of the being [*das Sein*] of what is [*des Seienden*]. Thinking is only thinking when it remembers the ἔόν, and what

46 Martin Heidegger, *Sein und Zeit*, para. 74 (15th ed., Tübingen, Max Niemeyer 1984) (1927).

47 Pindar, *Pythian II*, verse 72.

48 Martin Heidegger, *Was heißt Denken?* 149 (4th ed., Tübingen, Max Niemeyer 1984) (1954).

this word properly names, i.e. leaves unspoken. That is the twofold of what is [*das Seiende*] and being [*das Sein*]. It [the twofold] is what properly gives to think. What so gives itself is the gift of what is most worthy of being asked."

To being, *das Sein*, belongs the opening of an open space of unconcealedness, *die Lichtung*, the clearing in which beings, *das Seiende*, are let free to appear each in the brightness of its own being, *Sein*. In most of his writings, until about 1964,⁴⁹ Heidegger also called the clearing "*das Wesen der Wahrheit*, the essence of truth" in the Greek sense of ἀλήθεια, unconcealedness. Another name of this openness is *das Freie*, the free domain that is the ground of all freedom as the release from darkness into light, that lets every being be what it is. The first name of the opening of this open domain is *time*, as the spreading out of the expanse of unconcealment.

Man becomes the being (*das Seiende*) who thinks, when he answers the call by which being (*das Sein*) claims him as its own, to belong to it as the guardian of its clearing. This call of being, *der Anspruch des Seins*, is sounded in language, or rather in the stillness of the silence in which the saying of language, *die Sage*, first lets itself be heard. The call of being in the sounding of stillness, *das Geläut der Stille*,⁵⁰ is nothing other than the disclosure to man of the destiny, *das Geschick*, by which the possibility of a history, in the sense of *Geschichte*, first opens itself to him. Since *Geschick* and *Geschichte* stem from out of *das Sein*, and turn to it, as that to which man is called, they are at bottom *Geschick* and *Geschichte* "*des*" *Seins* in the triple sense of the genitive "*des*": (1) subjective, (2) objective, (3) at once subjective and objective. Accordingly, "[*d*]as *Geschehen der Geschichte west als das Geschick der Wahrheit des Seins aus diesem*. The happening of history is essentially the destiny of the truth of being sent from out of being."⁵¹ Then history, as the happening of thinking man, reveals itself as the history of being, *das Sein*. Our question: What is it that happens in history? now turns into still another question: What is being, *was ist das Sein*?

Answer: "[*D*]as *Sein des Seienden 'ist' nicht selbst ein Seiendes*."⁵² "Being 'is' not itself a being." Being "is" no thing. Being "is" nothing. If history is the happening of being, then nothing happens in history. History is

49 Martin Heidegger, *Zur Sache des Denkens* 77-78 (2d ed., Tübingen, Max Niemeyer 1976) (1969).

50 See, e.g., Martin Heidegger, *Unterwegs zur Sprache* 252 (8th ed., Pfullingen, Neske 1986) (1959). This is one of countless possible sources. Heidegger returns to these matters again and again in almost all his lectures and notes from about 1935 on.

51 Martin Heidegger, *Brief über den Humanismus* 81 (Bern, Francke 1947). See also Martin Heidegger, *Über den Anfang*, *supra* note 13, at 36, 44.

52 Heidegger, *supra* note 46, at 6.

das Ereignis einer Entscheidung über das Wesen der Wahrheit. In solcher Entscheidung gründet sich und wandelt sich die Art, wie das Seiende im Ganzen offenbar ist und den Menschen innestehen läßt in diesem Offenbaren. Solches Ereignis ist selten, und die seltene Geschichte ist, wenn sie sich ereignet und vorbereitet, so einfach, daß der Mensch sie zunächst übersieht und verkennt, weil sein Blick durch die Gewöhnung an die Mannigfaltigkeit des Üblichen verstört ist.⁵³

The following is a makeshift English rendering, which leaves a key word, *Ereignis*, *ereignen*, untranslated:⁵⁴ History is "*das Ereignis* of a decision on the essence of truth. In such a decision, grounds itself and transforms itself the way in which being as a whole is manifest and lets man stand within this manifestness. Such *Ereignis* is rare, and this rare history is, when it *ereignet* and prepares itself, so simple that man at first and for a long time overlooks and fails to recognize it, because his view is disturbed by his habituation to the manifoldness of the usual."

Zarathustra also thought so, *mutatis mutandis*: "*Die grössten Ereignisse* — are not our noisiest but our stillest hours. Not around inventors of new noises, but around inventors of new values does the world revolve; it revolves *unheard*. . . . The stillest words are those that bring the storm. Thoughts that come on dove's feet turn the world."⁵⁵

The *Ereignis* of being (*das Sein*) may, or may not, leave traces among beings (*das Seiende*). A thinker may write what he remembers of the call of being. Fragments remain of the written text Heraclitus deposited in the temple of Artemis. Nietzsche's and Heidegger's notebooks are being collected and published. Insofar as we too are destined to think, the fragments and notebooks may call upon us to transpose ourselves into the world of earlier thinkers, and so to enter into a dialogue with them, and learn with them what the task of thinking — our task, our future — requires of us. In so doing, we appropriate this past and are appropriated by it: We let it become the endowment in and through which a destiny claims us. Something of what might otherwise have gotten lost in the irrevocable passing of the past, *das Vergangene*, is thus handed over and preserved as "what has been, and

53 Martin Heidegger, *Grundbegriffe*, edited in 51 Gesamtausgabe 21 (Petra Jaeger ed., 1991).

54 *Ereignis* is here used in a double sense: It bears its usual sense of "event, happening"; but it is also meant in the strictly Heideggerian sense of the "mutual appropriation," or "mutual belonging," of being (*das Sein*) and the essence of man.

55 Friedrich Nietzsche, *Also sprach Zarathustra*, edited in 4 Kritische Studienausgabe 169, 189 (1988) (1883).

still is," *das Gewesene*, insofar as we take it upon ourselves as our inherited future, i.e. our legacy. Something is thus let back from "the past" into the *essential unity and simultaneity of Gewesen, present, and future*, that discloses itself in the opening of time. Only insofar as this play of legacy and destiny "*geschieht*," does man become "*geschichtlich*." "*Geschehen*" here no longer has the sense of "happening" at all. Rather it names

jene Art des Seins das in sich — Sichvorweg Gewesenes bewahrend — Gegenwärtiges betreibt, nicht nur erst "in" der Zeit, sondern in sich "zeitlich" und deshalb innerzeitig.

Geschichtlich "ist" der Mensch, nicht weil er eine "Geschichte" "hat", d.h. solches, was historisch nach- und anzurechnen ist, sondern er "hat" Geschichte und Überlieferung, weil er in sich geschichtlich *ist*, und dieses ist er, weil und sofern sein Wesen die *Zeitlichkeit* sein kann. Das Sein des Menschen ist durch jenes gegründet (*Zeitlichkeit* als Wahrheit des Seins), was zugleich der Grund der Möglichkeit der Geschichte ist. Je ursprünglicher dieses geschieht, um so geschichtlicher ist der Mensch, um so weniger bedarf er der Historie.⁵⁶

Here again a makeshift English rendering: "*Geschehen*" names "that mode of being which in itself — on the way ahead of itself, keeping its *Gewesenes* — pursues what is present before it, not only "in" time, but in itself "temporal" and therefore within time. *Geschichtlich* is man, not because he "has" a "*Geschichte*", i.e. such as is to be historically held to account and charged, but he "has" *Geschichte* and tradition, because he *is* in himself *geschichtlich*, and this he is because and to the extent his essence can be *temporality*. The being of man is grounded by that (temporality as the truth of being), which at the same time is the ground of the possibility of *Geschichte*. The more originally this *geschieht*, the more *geschichtlich* is man, the less he has need of history."

In Heidegger's own words, *das Ereignis*, as the mutual appropriation of being (*das Sein*) and the clearing of unconcealedness, is *the* law for man, *das Gesetz*, namely that by virtue of which man is called to take his own essence upon himself.⁵⁷ Now if the essence of man is that he stand in and

⁵⁶ Martin Heidegger, Zur Auslegung von Nietzsches II. Unzeitgemäßer Betrachtung, *supra* note 13, at 93-94.

⁵⁷ Heidegger, *supra* note 50, at 259. This is a little less briefly explained in Philippe Nonet, *Antigone's Law*, 2 Law, Culture, and the Humanities (forthcoming 2006). Obviously, *Gesetz* here is not "positive law." Rather it is "*die Versammlung dessen, was jegliches in seinem Eigenen anwesen, is sein Gehöriges gehören läßt*," the gathering of what lets every being be present in its own, belong in its belonging." Heidegger, *supra* note 50, at 259.

guard the openness of the clearing, namely time, then a possible formula for this law of laws would be: "Let man inhabit the openness of the clearing," or: "Let man be temporal."

Two further observations are in order. First, we may now be able to grasp the radical sense of Heidegger's observation that the modern age is marked by a privation of *Geschichte*. The *Geschichtslosigkeit* of our humanity signifies its essential lawlessness, that is, the non-being, in Heidegger's German: *das Unwesen*, of its purported "humanity," that is, its obliviousness to the clearing of being, that is, its nearing unfreedom.

Second, we can now see why the domination of history in the sense of *die Historie* would characterize an age of *Geschichtslosigkeit*. History lacks a proper understanding of time, and therefore of the essence of man. It conceives time as the dimension on which chains of events may be ordered in accordance with principles of causation. In so doing, it renders itself incapable of grasping anything properly human, and indeed sets itself in radical opposition to freedom.

We are now prepared at last to approach the last of our questions, which was also the first, namely the question of the link that relates the two aspects of modernity named in the call for this conference: the turning of law into a play of power, and the turning of history into an object of theoretical reflection.

HISTORY (*HISTORIE*), POWER, AND TECHNIQUE.

That link, we said, is the sway of technique.

From the standpoint of metaphysics, the will to power is what determines the essence of modern science as technique, namely as the will to make men "maîtres et possesseurs de la nature."⁵⁸ Nietzsche put it this way:

Morally speaking, *the world* [of becoming] *is false*. . . .

The will to truth is a making firm, a making true and lasting, a casting-out-of-the-eye of this *false* character, a reinterpretation of it into *being* [Seiende].

Truth is therefore not something that would be there, and would be to find out, to discover, — but something *that must be created* and that provides the name for a *process*, or rather for a will to overpower that has in itself no end: to inject truth, as a processus in infinitum, an *active determining*, *not* a becoming conscious of something that

58 René Descartes, *Discours de la méthode* 128 (Paris, Librairie philosophique J. Vrin 1984) (1637).

would be in itself firm and determinate. It is a word for the "will to power."

Life is founded upon the presupposition of a belief in the enduring and regularly-recurring; the more powerful life, the wider must be the solvable world, as though made into being [*seiend*]. Logicizing, rationalizing, systematizing as means to help life.⁵⁹

History in the sense of *Historie*, as the science of man, would then consist in the extension of this rationalizing to the orderly exploitation of human energies. Here is how Nietzsche envisioned the coming state of the earth:

The *necessity* to show, that to an ever more economical use of man and mankind, to a "machinery" of interests and performances ever more firmly entwined in one another, *belongs a countermovement*. I designate this as the *separation of a luxury-excess of mankind*: in it a *stronger* kind, a higher type shall step into light, that has conditions of emergence and preservation other than the average-man. My concept, my *image* for this type is, as one knows, the word "overman."

On that first way which is now completely surveyable, arises adaptation, leveling, a higher Chinesedom, modesty of instinct, satisfaction in the diminution of mankind — a kind of *standstill in the niveau of man*. When we first have this inevitably approaching total economy-administration of the earth, then mankind *can* find its best sense as machinery in the service of it: as an enormous clockwork of ever smaller, ever more finely "adapted" wheels; as an ever-growing becoming-superfluous of all dominating and commanding elements; as a whole of enormous force, whose individual factors present *minimal forces, minimal values*. In opposition to this diminution and adaptation of man to a specialized utility, an inverse movement is needed — the generation of the *synthetic, summing, justifying* man, for whom this machinalizing of mankind is a precondition of being-there, as an under-carriage, upon which he can invent for himself his *higher form of being . . .*

He needs just as much the *opposition* of the masses, of the "leveled," the feeling of distance in comparison to them; he stands on them, he lives off them. This higher form of *aristocratism* is that of the future. — Morally speaking, this total-machinery, this solidarity of all wheels, presents a maximum in the *exploitation of man*: but it presupposes those, for the sake of whom this exploitation has *sense*. In other cases

⁵⁹ Nietzsche, *supra* note 27, at 384-85 (Fall 1887).

it would in fact be merely the total-diminution, *value*-diminution of the *type* man, — a *retrogression-phenomenon* in the greatest style.⁶⁰

In this metaphysically determined order of being [*des Seienden*], technique appears as a "value," i.e. an instrument, a means for the extraction of means out of the earth. The instrument itself is produced by man, who then holds it in his hands for his use. Man thus appears to himself as possessing the means of lordship over the earth. At the same time, however, having turned himself into the *animal laborans*, man is now himself also a technical instrument, also to be exploited by means of technical instruments directed at the "human resource" which he now also is, among other "resources" on earth. When questions arise as to the proper direction or want of direction of this gigantic machine, they cannot be thought, from within the order of these metaphysical relations, in any other way than as questions of power and will to master the machine by new means of control. The "law" or "morality" by which such direction would exert itself is always already in advance turned into a further technical extension of the machine it would govern. The "lord of the earth" is trapped into service of "his" power machine.

Closed upon itself, the will to power, as will to will, is incapable of opening for itself any future other than further entanglement into itself. "*Der Wille zum Willen verhärtet alles in das Geschicklose.*"⁶¹ Of the essential aimlessness of the will to power, and of its consequent *Geschichtslosigkeit*, we have perhaps already said enough in relation to Nietzsche.

What if, however, this destinylessness were at bottom itself the consequence of a hidden destiny? What if the metaphysical account of will, power, and technique were unable to grasp the origin of its own essence? What if technique and the will to power were, in their *Wesen*, i.e. their sway,⁶² *ein Geschick des Seins*, a destiny of being? Such is the possibility that Heidegger explores.

Metaphysically conceived, the essence of technique lies in what is common to all technical devices. By that light, technique is an instrument that man produces to secure the power of his will. "Technique" is a collective name for all that is technical. The technical in turn consists of human inventions. But, correct as it may be, this concept captures nothing at all of the extraordinary sway that technique exerts over modern mankind and its world. The sway of technique transforms all beings (*Seiende*) it touches, including man, into

⁶⁰ *Id.* at 462-63.

⁶¹ See above the text accompanying footnote 1.

⁶² Heidegger uses *Wesen* in a verbal sense, for which there is no equivalent in English. Hence my feeble attempt to render it as "sway."

calculable "values," i.e. fungible quantities of disposable energy. Such a sway can only be that of being (*das Sein*) itself. More precisely, the sway of technique is a way in which being (*das Sein*) appropriates the openness of its clearing and lets beings (*das Seiende*) show themselves in it. It is a way in which *das Ereignis sich ereignet*. Metaphysically thought, the will to power is what determines the character of modern science as technique, i.e. as means of securing power. But metaphysics knows nothing of the question regarding the truth of being (*das Sein*). Thought in light of this question, however, the sway of technique is *das Geschick*, the destiny by virtue of which man first comes to understand his own essence as will to power, and is driven to strive for mastery of the earth. Paradoxically indeed, the sway of technique is also *das Geschehen* that first makes it necessary for the truth of being (*das Sein*) to become a question for thought, and thus brings the essence of man in the new light of *das Ereignis*.

If the sway of technique is in truth a destiny of being, then the destinylessness with which the will to will afflicts modern man must itself be rethought from without metaphysics, in light of the question of the truth of being. This is not done in the four sentences we quoted from Heidegger at the beginning of this essay. It is accomplished in the sections immediately preceding this passage in the same set of notes.⁶³ The destinylessness of modern man proceeds from a concealment of the truth of being, which concealment happens in the *Ereignis* of the sway of technique. The way in which being (*das Sein*) lets beings (*das Seiende*) show themselves under the sway of technique, is such that it "drives away every other possible way of unconcealing, *vertreibt jede andere Möglichkeit der Entbergung*."⁶⁴ Indeed it conceals even technique's own essence as a way of bringing into unconcealment. It does so by letting technique appear in the metaphysical guise of an inexhaustible supply of means, by which it arouses man to assert his unconditioned will to will. But the sway of technique is nothing instrumental at all. Since it determines the essence of modern man, it sways rather as the fundamental law of his existence.

In the sway of technique, being (*das Sein*) itself hides its own essence as destiny, that is: It brings about its own most extreme withdrawal from the truth of its clearing. Thereby, it accomplishes the fulfillment of modern nihilism, the essence of which lies precisely in this extremity of "being's

⁶³ Heidegger, *supra* note 1, at 73-75.

⁶⁴ Martin Heidegger, *Die Technik und die Kehre* 27 (Pfullingen, Neske, Opuscula 1962).

abandonment of beings, *die Seinsverlassenheit des Seienden*.⁶⁵ All things fall into utter *Verwahrlosung*, truthlessness,⁶⁶ as they vanish into undifferentiable "values," while man loses himself in the exclusive and senseless pursuit of the beings (*des Seienden*) he so "values." But the culmination of nihilism in the age of technique is also what calls upon thinking to raise anew the question of the essence of being (*das Sein*). The very experience of such an "*Enteignung des Seienden*, an expropriation of beings," reveals itself as "*das einzige Ereignis . . . , worin die Not der Wahrheit des Seins und so die Anfängnis der Wahrheit sich lichtet und das Menschenwesen abschiedlich überleuchtet*,"⁶⁷ "the unique *Ereignis* wherein the need of the truth of being (*das Sein*) and so the inception of truth clears itself, and in departing illuminates the essence of man." So does a possibility of freedom come to shine in the *Augenblick*, the glance of the eye, of the greatest danger.

Now if *das Ereignis* is *das Gesetz*, by which the essence of man is called to guardianship of the truth of being (*das Sein*), and if technique is the disguise under which this law first reveals itself to thinking man, then the sway of technique requires a name fit to tell that, and how, it foreshadows *the* law. Heidegger calls it "*das Gestell*," a word in which the root-verb *stellen* takes the place of the *setzen* of "*Gesetz*." "*Ge-stell heißt das Versammelnde jenes Stellens, das den Menschen stellt, d.h. herausfordert, das Wirkliche in der Weise des Bestellens als Bestand zu entbergen. Ge-stell names the gathering of that putting (Stellen) that puts, i.e. summons, man to unconceal the actual by way of ordering it as Bestand.*"⁶⁸ "*Bestand*" is here used as a "title" that "designates nothing less than the mode of presence of all that is touched by the unconcealing that summons. What stands in the sense of *Bestand* no longer stands over against us as object-standing-against (*Gegenstand*)."⁶⁹

The word "*stellen*," the root sense of which is "to let something stand still," is intended here above all to convey the uncommon imperiousness with which the law of *Gestell* "summons" (or "challenges" or "defies") man

65 Heidegger, *supra* note 1, at 87. See also Martin Heidegger, *Die seinsgeschichtliche Bestimmung des Nihilismus*, in 2 Nietzsche 335-98 (Pfullingen, Neske 1961).

66 Heidegger, *supra* note 1, at 43. On the sense of this word, see Martin Heidegger, Zu Hölderlin, *edited in* 75 Gesamtausgabe 364 (Curd Ochwadt ed., 2000).

67 Heidegger, *supra* note 1, at 75.

68 Heidegger, *supra* note 64, at 20. The relation of *Gestell* to the *stellen* that is proper to *ποίησις*, or "art," must remain outside the scope of this paper. Cf. Martin Heidegger, *Der Ursprung des Kunstwerkes*, in Holzwege 52 (Frankfurt am Main, Vittorio Klostermann 1950).

69 Heidegger, *supra* note 64, at 16. On this sense of *Bestand*, see Martin Heidegger, *Seminare*, *edited in* 15 Gesamtausgabe 368 (Curd Ochwadt ed., 1986).

to summon (challenge, defy) nature to disclose itself as fungible energy available to be ordered at will. It evokes the uses of "*stellen*" one finds in such phrases as "*den Feind stellen*," to challenge the enemy; "*den Verbrecher stellen*," to arrest the offender; "*zur Rede stellen*," to call to account; "*zur Verfügung stellen*," to place at someone's disposition. This use of *stellen* is picked up in various compound forms of the word, such as "*bestellen*," to place an order, and "*nachstellen*," to pursue, or to trap. In the present context, its ambiguity is striking: the word tells at once the servile obedience to which man is reduced under the sway of technique, and the supreme mastery he claims for himself as lord of the earth.

But "*stellen*" is also to convey the fixity into which *Gestell* confines the beings it touches. This sense is most prominent in such compound forms as "*feststellen*," to set firm; "*sicherstellen*," to make sure; and "*vorstellen*," to let-stand-still-before, a word which by a long tradition is used to render the Latin "*repraesentare*," in the sense of bringing a thought back again before the mind and ascertaining how it has presented itself. Fixity, explicitness, and certainty of representation are indispensable requirements of the calculability — the destinylessness — that *Gestell* demands of all *Bestand*.

Finally, the "*stellen*" of *Gestell* tells the deceptiveness with which technique conceals its own essence as a destiny of unconcealment, and so traps both being (*das Sein*) and man into *Geschichtslosigkeit*. This sense is found above all in the compound "*verstellen*," to put one thing in the place of another, to disguise, to misrepresent. But it is also found in phrases that use the simple verb, such as "*sich unwissend stellen*," to feign ignorance. The self-misrepresentation of the law of *Gestell* is at bottom nothing other than an extreme form of the difference, *der Unterschied*, by virtue of which being (*das Sein*) withdraws from appearance among beings (*das Seiende*). That in turn is nothing other than the mystery that calls upon man to think.

Perhaps a day will come when a great poet will transform the English language and enable it to say and think such a phenomenon as *das Gestell*, and also the likes of *Gesetz*, *Geschick*, *Geschichte*, *Gewesen*, *Wesen*, *Sein* and *Ereignis*. Meanwhile, thinking has no option other than to learn to move in a language that favors thinking. Such a language was the German of Luther. Another was the Greek of Pindar, Aeschylus, and Sophocles. May this article help a few take a step in such a direction.