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19 Subjects as Temporal Clues to Orientation: Nietzsche and Luhmann on Subjectivity

This chapter is written by a German-speaking author, who orientates himself by the *use of the concept of the subject* in the German language. In German, just as in English, French, Spanish, Portuguese, Italian, and so on, the concept 'subject' is used in philosophical and scientific language, as well as in everyday language, and mostly refers to persons. But in legal language it is also used to refer to non-human, legal and economic subjects, and in grammar it also refers to an 'object' (*Gegenstand*) about which something is predicated. In German everyday language it can also be used pejoratively ('*ein übles Subjekt*'), but not, as for example in English or French, as synonymous with 'citizen' ('Her Majesty's subjects'), or with serf, vassal ('a loyal subject'), or 'medical patient', 'guinea pig', 'volunteer' ('the subject did trials'), and also not for the 'topic' of a text or work of art ('the subject of this book'), unless it is used as a foreign word. In these various uses what is preserved is not the Greek meaning of 'substrate' (*hypokeímenon*), but rather the Latin meaning of 'being subjected to' – being that which passively accepts what happens to it. Whereas the French tradition, shaped by Rousseau, used the word in a productive way – such that in the concept of *volonté générale* the sovereign subject is immediately connected with the subject that is subjected to the law –, in the German tradition, strongly shaped by Kant, the passive use of the concept was abandoned: a subject ought first and foremost to be the ground responsible for its own actions. In all languages mentioned above, the adjective 'subjective' incorporates from the subject only its personal, varying, individual character. It is inescapably associated with its opposite, 'objective', whereas the substantive has a meaning also without the opposite 'object'.[1]

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1 Balibar/Cassin/Libera (2004) work out how the strands of meaning 'substrate', 'subordinate' and 'individual' partly ran next to each other and partly were interlocked with one another in the Middle Ages and Modernity, then finally, with Rousseau, fused into one single meaning and in the twentieth century (with Levinas, Derrida and Foucault, among others) headed to their self-destruction. They see the strongest break in the history of the concept of the subject in Nietzsche. And whereas he speaks of "commanding and obeying" as the structure of the will, without using the concept of the subject (BGE 19), *nolens volens* the French translation uses the word anyway

Striking paradoxes follow from this in the *modern philosophical concept of the subject*, as developed from Descartes to Kant. In the Enlightenment, the concept of the subject liberated the individual from his bond to God and his traditional social relationships, thus radically handing him back to himself – as autonomous thinker. In this process, the peculiarity, that is, the inequality, of his thought (as in the adjective 'subjective') was recognized, but at the same time the equality of common structures of thought (in which he can be 'objective') was postulated: he (or she) is supposed to be *simultaneously unequal and equal*. The paradox deepens when 'the subject' becomes the object of description, for he/she is then converted into its opposite, 'the object', and hence cannot be described *as* subject at all. This became the paradoxical starting-point of all attempts to endeavor such a description, above all in the case of Husserl's transcendental phenomenology. Paradoxes warn against accepting concepts as if that about which they speak existed outside of them – in this case, against the assumption that the word 'subject' names something really observable and describable. One can therefore hardly expect tenable answers to the question on what is the subject and what constitutes its essence, its 'subjectivity'. The concept of the subject is a means for description, not an object of description. Also Descartes and Kant conceived of the subject (although Descartes did not yet use the term) as *the condition of possibility* of objective knowledge. But Nietzsche and Luhmann suspended this conception of the subject as well. They faced the paradoxes of the concept of the subject, and instead of asking what a 'subject' is, they looked for the *function* or functions the concept has fulfilled in European philosophy – functions which in the meantime may already have changed and become superfluous.[2]

(1243). Conversely, they argue that in German (as the case of Habermas makes particularly clear) it would be very difficult to explore the concept of the subject in the same way as in French, but that would be perfectly acceptable in English (1251).

2 On the complex history of the concept cf. the articles Subjekt (B. Kible/J. Stolzenberg/T. Trappe/U. Dreisholtkamp), Subjekt, transzendentales (W. Halbfass), Subjekt/Objekt, subjektiv/objektiv (S.K. Knebel/M. Karskens/E.-O. Onnasch), Subjekt/Prädikat (R. Rehn/G. Schenk/E. Elling), Subjektivität (H. Clairmont/A. Beelmann/P. Cosmann), Subjektivität, transzendentale (U. Claesges) in: *Historisches Wörterbuch der Philosophie* (Gründer 1998: 373 – 473). Nietzsche is here constantly treated in a very abbreviated way; Luhmann is not treated at all. On the concept of intersubjectivity, which Luhmann strongly attacked and which we will have to leave aside here, cf. Oswald Schwemmer (1995), Arnim Regenbogen (2010). Luhmann's repeatedly delivered critique is also not mentioned here. For the philosophical qualities of Luhmann's sociological systems theory are until now yet barely known. Cf. Jean Clam 2000. On Luhmann's philosophical rank cf. Robert Spaemann (1990) and Werner Stegmaier (2011). So far as I can see, Luhmann's

1 The function of the concept of the subject in Descartes and Kant: Conceivability of a foothold [Halt] in science and ethics

We shall start by recapitulating a few things that are more or less known, in order to clarify what Nietzsche and Luhmann drew on from their innovations.[3] According to the current understanding, what represents the *transition from Middle Ages to Modernity* is the fact that the human being became doubtful about its place in the world. Whereas in the Middle Ages there was no doubt that the human being stood between the animal and God and was responsible for the preservation of the order that God created. Now it has become doubtful on how God himself related to this order – whether He left it once He had created it, or continues to intervene in it, or is constantly creating it anew as a whole. That brought new questions about whether and in which sense one could ascribe reason and will to God, as one ascribes to human beings, and if yes, to what extent are divine reason and divine will accessible to human beings. One became less and less certain of one's relation to God and became more and more aware that one was under the compulsion to orientate oneself by something that one did not know and could not know sufficiently. One found oneself in an irritating and, so to speak, paradoxical double blind, which fueled doubt, triggered a growing disorientation and finally led to a revolutionary reflexion on the orientation that prevailed hitherto as self-evident. This was a process of reorientation that lasted several centuries, and in which the triumph of the sciences played the crucial role of helping develop a peculiar "Legitimacy of Modern Age" (Blumenberg), which was increasingly liberated from theology. The necessary foothold (*Halt*) was found in the concept of the subject, even if people did not call it that at that time. People orientated themselves by their reason and will, and it was doubt that gave the subject its structure.

As Hegel would later make clear, the very fact that *Descartes started with doubt* gave a new structure to thought as such. Descartes no longer defined it as

relation to Nietzsche and the relation from Luhmann's theory to Nietzsche's philosophy until now has not been investigated at all.

3 We rely mostly on Hans Blumenberg, *Die Legitimität der Neuzeit* (1966), *Der Prozess der theoretischen Neugierde* (1973), *Die Genesis der kopernikanischen Welt* (1975). Blumenberg has, in turn, following Ernst Cassirer's *Substanzbegriff und Funktionsbegriff* (1910) shifted from a substantialist understanding of the history of mind to a functional one. Like Blumenberg, Niklas Luhmann also remains sceptical of the concept of secularization (cf. Luhmann 2000: 278 – 319).

something positively determining or truly representing, but rather as negation and self-reference: to doubt means to think that something (apparently self-evident) is not (self-evident); thinking does not simply determine or represent anymore, but rather *decides* what is and what is not. It can thus lead to disorientation, as Descartes shows in his First Meditation, but it can also lead out of it again. At the beginning of the Second Meditation, Descartes presents the image of a vortex triggered by thought with its doubts, a vortex which drags thought down and threatens to drown it, and from which thought must now by its own strength literally 'bolt out', and 'work its way up' (*enîti*). *No longer self-evident, this thought which is only certain in its self-reference and which is capable of autonomy, becomes the modern 'subject'.*

This subject first became plausible psychologically, as a *consciousness* (*conscientia*) with its constantly changing ideas (*ideae*). While all ideas may be doubtful, it is not doubtful that one is or can become conscious of them. However, when one is conscious of them, consciousness is also – self-referentially – conscious of itself. Then, secondly, the concept of the subject also became historically plausible. 'Subject', the translation of the Aristotelian *hypokeímenon,* signified also for Descartes the 'substrate' [*das Zugrundeliegende*], now a substrate of unremittingly changing ideas. But this substrate was itself no longer a permanent being equally accessible to everyone and hence 'external'. It was observable only by itself and hence 'internal'. It was itself an idea, and ideas can be different for each person. With that Descartes took the decisive step of Modernity from 'being' to 'consciousness', from ontological metaphysics to the philosophy of consciousness. 'Being', the Aristotelian *ousía*, in Latin *substantia*, in which the world of experience had its thinkable foothold, is now only given in ideas of consciousness, which are as such fleeting and possibly different for each consciousness. Consciousnesses are *separated* from each other. Since consciousnesses cannot compare their ideas either with being or with each other's ideas and thus can never determine if their ideas are 'true' in the old sense (for once again consciousnesses have only their own ideas of being and of each other), they *totally lose every foothold.*

Thus the foothold of the world *for* consciousness and its own foothold *in* the world become the most urgent problem. Since it is no longer evidently given, it must first be created by the 'subject', which thereby can now only hold on to itself. It must thus step out of the passivity of a mere substrate and become *active,* in current language: creative or constructive. After this, there is no longer an order of things in itself (*ordre des choses*) for consciousness. The subject must create an order of reasons for itself (*ordre des raisons*). This can be just an order of its ideas. As we know, Descartes' suggestion regarding the sciences was: decide the rules of a *method*, and then follow them consistently. ('Morals',

the good customs for the everyday life – in which the rules were embedded – he left 'provisorily' open). If different consciousnesses do that equally, a common order comes about, and with it a stable stock in their ideas. This results neither from correspondence with external beings, nor from coincidence of ideas among different consciousnesses, but rather from the consistency with which the rules are followed. Through thinking as an ordering of one's ideas, consciousness, which is only certain in its self-reference, creates for itself its *own foothold in the world*.

In order for consciousness – as subject of its own ideas – to hold on to the rules of a method, it must, however, be itself stable, or constant over time. Through mere self-reference, which, as Descartes stresses in the Second Meditation, is a mere temporal performance ("*quamdiu* me aliquid esse cogitabo", "ego sum, ego existo, *quoties* a me profertur", my italics), a foothold is not guaranteed, but, on the contrary, is put into question. For that reason, Descartes went back, once more, to the metaphysical concept of substance and, in accordance with the old Aristotelian metaphysics, designated *conscientia* as a *res cogitans*, a 'thinking thing' that allowed him to simultaneously separate consciousness from the body and guarantee the immortality of the soul afresh. In this way, the subject gained and offered a *new timeless, absolute foothold*.

However, one cannot know such a substance. One can only imagine it. *Kant* (and Hume before him) detects this inconsistency in the course of his critique of metaphysics. The subject loses its status as a substance, but Kant still manages to maintain the Cartesian timeless foothold by providing the subject with 'transcendental' *a prioris*, universal and timeless 'forms'. These are more than mere rules that one can decide to follow or not, for they are supposed to have been rather always already given to the 'mind' (*Gemüt*).[4] That is how Kant preserves the idea of transcendence: it is no longer God's transcendence, which has become even more doubtful, but only the transcendence of the subject itself. He thereby follows Descartes, for he still deems the 'transcendental method' the condition of possibility of the objectivity of science. However, if the subject does not have to *decide* on transcendental *a prioris*, it must nonetheless *distinguish* between them and, in fact, it once again has to do this in itself, that is, among its fleeting ideas. The subject itself must draw a boundary in its consciousness, separate in itself the 'empirical subject' from the 'transcendental subject' and, as long as science is at stake, it shall always have to hold on to the transcendental side of this divide. In this way, as Nietzsche and Luhmann would later point

4 On the paradoxical construction of these forms cf. Werner Stegmaier, "Immanuel Kant: Kritik der reinen Vernunft", in Stegmaier 1997: 15 – 60.

out,[5] *already as a scientific subject it becomes a moral subject. And it becomes then recognizably paradoxical: in order to be able to think the objectivity of objects in its empirical consciousness, with the help of transcendental a prioris that transcend the empiricity of its consciousness, the subject has to desubjectify itself. Kant thinks objects as desubjectified subjects, and since his concept of the subject includes both the empirical and the transcendental subjects, he simultaneously conceals the paradox*. That is why one could and still can today think of objectivity without being disturbed by the paradox.

In fact, the concealed paradox made the concept of the subject shimmer in a new light. One can assume with plausibility that there is consciousness, that consciousness observes its ideas, and that it also observes that different consciousnesses can have different ideas. However, a transcendental subject, which is pure from everything empirical, cannot in a strict sense – according to the criteria of the *Critique of Pure Reason* which establishes that what is real must also be given sensorily – be real. 'There is', in the common sense of the term, no transcendental subject; the 'transcendental subject' is and was also for Kant only a theoretical concept, a conceived condition of possibility of the universality of scientific and moral judgments.[6]

Kant was correct in establishing the rule that 'subjects' in the plural are empirical subjects.[7] Existing empirical subjects are also what is at stake in action (where they affect each other), that is, in *practical philosophy*. However, as moral agents subjects ought also to desubjectify themselves. Kant followed here the method of transcendentalization. The starting point of actions are subjective ideas of the empirical subject; when such ideas are made fixed they are called 'habits', and these are called 'maxims' when made conscious and explicit. In order to determine whether these 'maxims' can be thought of as general laws, one will have to test them according to the categorical imperative. The empirical subject must also differentiate between empirical and 'pure' motives of his/her actions, and here it becomes evident how difficult and almost hopeless that is, because (as constantly shown anew since the French moralists up until Nietzsche) for every selfless fulfillment of a duty one can always find a hidden selfish interest; this was well known especially to protestants. Therefore, the

5 Cf. FW 345, and also Stegmaier 2012: 161 – 191, Luhmann (1981), Wie ist soziale Ordnung möglich?, in: Niklas Luhmann, Gesellschaftsstruktur und Semantik. Studien zur Wissenssoziologie der modernen Gesellschaft, vol. 2, Frankfurt a.M.: Suhrkamp, 195 – 285, 243.

6 This is shown in Kant's texts by Simon 2003: 46 – 55.

7 Cf. for example KrV B 322 and B 849; KpV, AA 5: 58; KU § 33, AA 5: 285, and § 36, AA 5: 288. Cf. also the very sophisticated monograph by Ekaterina Poljakova, *Differente Plausibilitäten. Kant und Nietzsche, Tolstoi und Dostojewski über Vernunft, Moral und Kunst* (2013).

demand becomes both rigorous and full of pathos. According to Kant, the moral command indicates "constraint for the subject that is sensibly affected", and demands "*submission*" and "sacrifice". If it succeeds, which nevertheless can never be ascertained, the subject becomes "*holy*" as "subject of the moral law" (KpV, AA 5: 80, 83, 87). That is something one can only hope for.

But Kant also opened up a new view over the subject. He replaced the internal- with the external-view. For now the issue is no longer the internal, and hard to observe, delimitation of boundaries among affects and forms independent of affects in the field of cognition, or among needs and norms in the field of action. Indeed, the issue regards this field, but is now the *imputation* of actions or deeds, an imputation which is external and can be clearly observed. Kant writes:

> An action is called a *deed* insofar as it comes under obligatory laws and hence insofar as the subject, in doing it, is considered in terms of the freedom of his choice. By such an action the agent is regarded as the *author* of its effect, and this, together with the action itself, can be *imputed* to him, if one is previously acquainted with the law by virtue of which an obligation rests on these.[8]

Kant says explicitly that the subject is here "considered in terms of the freedom of his choice", his deed "can be *imputed* to him", and not that *there is* such a free subject. This imputation may be justified or not, but in any case it is an observable fact. This observable fact entails free will and (again paradoxically) compulsory submission to a moral law, all of which Nietzsche will consequently count among the "perhaps most indispensable [...] fictions" (BGE 4). Luhmann will call the "convention of imputation" a "normal illusion" (Luhmann 1990: 11, 619).

2 Nietzsche's replacement of the concept of the subject with the concept of perspectives: Conceivability of a foothold in life

Nietzsche is known for having massively criticized the concept of the subject.[9] But he has also developed its function or functions further in the European

8 Immanuel Kant, Die Metaphysik der Sitten, Einleitung IV: Vorbegriffe zur Metaphysik der Sitten, AA 6: 223, translated by Mary J. Gregor, in: Kant 1996: 378.

9 Cf. Salehi 2000: 334f., and Goedert 2011: 367f. Nietzsche criticized precisely the "metaphysics of subjectity (Subiectität)" which Martin Heidegger (1961: 382) ascribed to him. On the most

history of the spirit. In his critique, he uncovered the paradoxes that had arisen with Descartes' and Kant's uses of the concept of the subject and with that he thought he unmasked it and made it collapse (Luhmann will be the first to see that differently). He declared what Kant had sensed but didn't say – that the concept of a desubjectified subject was no proof of there being a subject: "*Kant* essentially wanted to prove that the subject cannot be proven on the basis of the subject – and neither can the object. The possibility that the subject [...] has a *merely apparent existence* might not always have been foreign to him" (BGE 54).[10] Nietzsche denounced the transcendental or free subject as "superstition" (BGE Preface) and dovetailed this denunciation with his critique of the "violence" of language (BGE 268): language (at least in the Indo-European language-circle) seduces into the concept of a free or transcendental concept because it ascribes to every event a subject as "doer" or, "agent" (BGE 16f., GM I 13). Thus Nietzsche gave the subject a new foundation – in language.

From the nineteenth century onwards, the transcendental *a prioris* were softened or abandoned and the concept of the subject gradually became synonymous with the concepts of 'person' and 'human being' (*Mensch*), Nietzsche also criticized these concepts, likewise the concepts of 'consciousness' and 'I'. The *function* of all these concepts was *to create unity and order over time in the chaos of ideas of individuals and among individuals* – and Nietzsche saw this, no less than both Descartes and Kant did. However, he insisted that it was precisely with this chaos that one had to cope (cf. GS 109), no longer concealing, obscuring and belittling it through the kind of transcendentality and normativity whereby one had limited the horizon of philosophy to (mathematical) science and (normative) ethics. Conceived of without transcendental *a prioris*, the subject becomes a mere individual, which is different from any other individual and which in its own subjectivity cannot reach the subjectivity of another subject. Subjects remain separated, no matter how much they manage to desubjectivize themselves. They are, in a word, perspectives. Because this otherness, separation, and perspectivity cause fear – a fear of insuperable loneliness, as Nietzsche thought –, one pre-

recent – also mostly new-Kantian – research on the relation between Nietzsche and Kant cf. the collection of essays by Hartwig Frank (2006), Tom Bailey (2006), and Mattia Riccardi (2009). See there further references to the research tradition.

10 In fact, Kant introduced "the paradox" in his discussion about the transcendental subject, namely when he deals with the subject's self-observability (KrV B 152f.). As an observable subject, it must be empirical, and in the "inner sense" that Kant introduced for this purpose, he distinguished an "active" and a "passive" subject, that is, a simultaneously subjective and objective subject, which is a paradoxical subject once again. In this way, he 'unfolded' or 'displaced', as Luhmann will call it, the paradox.

ferred to hold on to the paradox of a selfless self, which is presupposed by science and morality (cf. GS 345). Given that right and morality need to ascribe guilt, it was difficult to get rid of such a selfless self anyway (cf. GM I 13).

In fact, however, the search for the reasons of an event, including good and bad actions, could be carried further *ad infinitum*, with the consequence that, in the end, nobody could be held responsible for an action (cf. WS 23). From this point of view, the function of the concept of the subject is *to break the genealogical investigation for practical aims*. A subject is declared the definitive starting point of an event and thus of *his* actions. Whereas others may stop here, philosophers are challenged to carry the genealogy further. Nietzsche tried to do that by widening the philosophical horizon of the thinking and acting subject to '*life*'. 'Life' in the philosophical understanding thwarts in its indissoluble contingency and temporality all the attempts to organize it permanently. It is always different from what one can grasp of it; literally, 'life' cannot be 'established' or 'fixated'.

For this reason, a reflection on 'life' must also stop somewhere. Nietzsche's terminus is no longer our thinking, for he intentionally chooses to stop precisely at the terminus which Descartes had separated and excluded from our thinking, namely the *bod*y. We obviously cannot think without the body, and Nietzsche made it his 'guiding thread'. He inverted the relation between the two and tried to conceive of thinking from the perspective of the body. It is even less plausible that one denies the existence of the body than that of thinking. In the body, thinking experiences the contingency and temporality of life 'in its own skin'. In the late posthumous notes he experimented with conceiving of *subjectivity as the vitality of the body* (*Lebendigkeit des Leibes*) and with replacing the former with the latter.The biological body, which can autonomously move and look after itself in its environment, appears as a self-referential unity, but precisely "*only* as *organization and interplay*", *as* "a *formation of rule*, which *means* 'one' but *is* not one" (NL 1885, 2[87], KSA 12: 104), something which is interpreted as a unity, without being in itself a unity. The body drives the 'I', 'reason', 'spirit' – which are all only "something sticking to the body" ("*etwas am Leibe*", not "*im Leibe*", Z I, On the Despisers of the Body) – into a double perspective. As long as the body works well, they take it for an unproblematic unity that they can forget about, and yet they know at the same time that the body is an ultimately inscrutable multiplicity, whose functioning always remains uncertain. If it stops working, if it gets sick, they will be reminded of it and experience the fact that it is also difficult or even impossible to understand the body. The healthy, spiritual-bodily subject lives, thus, in a systematic self-deception – he believes that he is independent of the body, but is in fact dependent on its aproblematic functioning, its health: "The danger in all direct questioning of the subject about the subject, and all self-contemplation of the mind, is that it could be useful and

important for the subject's activity to misinterpret itself" (NL 1885, 40[21], KSA 11: 639).[11]

A subject, which should be essentially self-assurance and yet must continuously deceive itself about itself, is paradoxical, and the paradox seemed obviously so annoying to Nietzsche that he didn't immediately go public with it.[12] It is equally paradoxical "to assume a multiplicity of subjects on whose interplay and struggle our thinking and our consciousness in general is based" (NL 1885, 40[42], KSA 11: 650; cf. NL 1885, 37[4], KSA 11: 576–579). This interplay would also then have to have a subject, but it would be a contradiction in the concept of the subject that a subject could underlie other subjects. And that also applies to the attempt to think the subject as something that can be fragmented in multiplicities of subjects or appropriate other subjects: "The sphere of a subject constantly becoming *larger* or *smaller* – the centre of the system constantly *shifting*" (NL 1887, 9[98], KSA 12: 391f.). *The recourse to the concept of life makes the problems with the concept of the subject clear, but does not solve them.* The concept of life eventually exhausts the concept of the subject.

However, in the texts that were published or intended for publication, Nietzsche radicalizes the *uniqueness and singularity* of the subject (thereby acting as a subject that does *not* desubjectify itself). He demands, at least from philosophers and their "spirituality" (*Geistigkeit*), the courage to individuality and solitude, and makes of this courage the criterion for the order of rank among them. As representative of mankind, a philosopher shall make of himself the experiment of resolutely resisting the need for a foothold on others and other things, and shall have the courage to live with a complete lack of a foothold [*Haltlosigkeit*], leading to ultimate disorientation and nihilism (cf. TI, Maxims and Arrows 2).[13] With the fiction of the subject that paradoxically desubjectifies itself, Nietzsche shall no longer accept as evident any kind of unity, duration, distinction, opposition, valuation or object whatsoever. However, in order to dare to go on with this experiment, he must already have a hold in himself or, as Nietzsche says, "have a firm grip on himself" ["*fest auf sich selber sitzen*", GS 345). The problem is, then, how can both things be compatible.

Nietzsche solves the problem with *an intrinsically 'lively' terminology* for what previously was established [*fest-gestellt*] as 'subject' and 'object'. Instead of definitely determining the meaning of concepts, he creates metaphors that leave leeways [*Spielräume*] for meanings and keep them in motion. Water and

11 Cf. Bertino 2011: 96–101.

12 See the evidence for this in Bertino 2011.

13 On nihilism in this sense cf. Stegmaier 2012: 319–338.

the flux of a river are his primal metaphors here. Accordingly, the possibility of regulating and organizing the involuntarily emerging and vanishing ideas must not be presupposed from the start; on the contrary, the possibility of such regulation and organization requires – not only, but especially in science – a particular discipline or, as Wittgenstein was not the first to point out, requires 'training' (*Abrichtung*).[14] Such training or restraint of the living use of signs and concepts does not originate in the individual, but rather in the society where the individual grows up and gradually takes on certain tasks. It relies on communication and ascesis. Thus, consciousness can be understood in a different way: no longer as a subject of its ideas, but rather as a function of social communication (cf. GS 354).[15] According to Nietzsche's conjecture, consciousness was able to evolve as an easier and faster way of mutual understanding based on the use of common signs, which means that consciousness evolved before it was necessary to resort to self-observation in the use of those signs (especially when they were misunderstood) and, therefore, before the kind of introspection and reflection that one later connected with the concept of a subject.

If one asks further, to whom shall be ascribed the conventional use of language, whether to outstanding personalities that are superior to others in power of speech, or precisely to ordinary, average human beings who rely on conventionality, Nietzsche's answer is the following: to the struggle of both with one another. In his published writings he places himself on the side of the great solitary individuals, even if for himself he may have acknowledged a more balanced state of affairs. Instead of "subjectity", as Heidegger and Luhmann will say,[16] he relies thus on *agonality*. When the relation to the other does not rely on aprioristic similarities, but is simply a relation of otherness, the only alternative which remains (besides indifference) is between friendship and antagonism, and Nietzsche wants to see adversaries even in friends (Z I, On the Friend). The agonality leads, in turn, to the *semantics of enhancement*: the enhancement of 'life' beyond its mere preservation, the 'overman' (*Übermensch*) upstaging 'mankind' (*Menschheit*), the 'overfullness' (*Überfülle*) of meaning overtrumping the 'fullness' (*Fülle*) of sense. Nietzsche's concept for that is 'will to power', a concept which is at first glance

14 WB 5; GD, Was den Deutschen abgeht 5; Ludwig Wittgenstein, *Philosophische Untersuchungen* (*Philosophical Investigations*), PI § 6.

15 See García 2011, Constâncio 2012, and Stegmaier 2012: 262–288. On the untenability of the thesis of Peter V. Zima (2000: 131), according to which Nietzsche has tried "*in extremis* to save the solitary subject" and the equally untenable thesis of Udo Tietz (2000), according to which Nietzsche got stuck in the paradigm of the philosophy of consciousness of German idealism, cf. Axel Pichler (2010: 256 and 138f.).

16 Cf. Heidegger 1950: 236 et al., Luhmann 1984: 145, and Luhmann 1997: 1028 et al.

aggressive, but at second glance is multilayered and complex. 'Will to power' is a will that wants to go beyond itself to something which it does not yet know and which in its contingency it cannot know, a will that experiences itself precisely by grappling with other wills to power, and thus overcomes the concept of the subject. In this way, the semantics of enhancement culminates in the *semantics of experimentation and adventure*. Adventures are uncontrollable experiments, experiments made under the fundamental condition of uncertainty. In this uncertainty Nietzsche also disallows the absolute self-certainty of the subject.

However, Nietzsche reunites the strands of his constructive critique of the subject with the *semantics of orientation*. Although he does not use the term 'orientation', this is in fact the semantics through which he makes plausible his critique of the subject. Nietzsche replaces the concept of the subject with the concepts of standpoint, horizon and perspective, which were already familiar to Kant and before him Leibniz, and he frees these concepts from the theologically pre-established harmony and the transcendental *a priori*. As perspective, the subject has no free, synoptic, and unlimited view over the world, no ideas of the world from a standpoint from above the world. It is rather limited in his view of the world by a standpoint and horizon within the world; it is only inside these limits, which include logical, ontological and linguistic "schemata" (cf. NL 1886–87, 5[22], KSA 12: 193f.), that the subject can ever relate to any objects. What a perspective finds in its limits is also a foothold, a foothold in its life and perspectivity. A perspective in Nietzsche's sense is a 'lively' subject. It can widen or straighten its horizon and displace its standpoint, and thereby adapt both its horizon and its standpoint to its current life situation. But it always remains bound to a standpoint and horizon, it cannot arbitrarily abandon them (therefore, there is also no danger of a relativism of arbitrariness). Nevertheless, it can – even if always only from its own perspective (and hence again paradoxically) – place itself in the perspectives of others, and in this way increase the amplitude of its possibilities of perception; objectivity becomes then conceivable as multiperspectivity (cf. GM III 12). The semantics of enhancement and experimentation is then finally converted into the *semantics of sovereignty*: sovereign is the one who is able to change perspectives quickly and easily (cf. MA I Vorrede 6; GM III 12).[17] This sovereignty is no longer bound to consciousness; on the contrary, it achieves its certainty by becoming an *instinct*. 'Instinct' is the non-conscious certainty of orientation.[18] An individual sure of its orientation

17 The semantics of sovereignty in the concept of the subject will be made particularly strong by Georges Bataille. Cf. Balibar/Cassin/Libera 2004: 1244.
18 Cf. Constâncio/Branco (2011).

remains totally on its own, just like the metaphysical and the transcendental subject, but it is now in the middle of 'life' and deals with life.

3 Luhmann's replacement of the concepts of subject and perspective with the concept of observation: Conceivability of a foothold in social communication

Most likely deterred by Nietzsche's metaphorical, aphoristic and agonistic style, Luhmann has intentionally avoided him. He wanted his science and sociology to be grounded on a conceptual, systematic, verifiable theory, indeed a theory capable of being true or false, but also embedded in time and evolution. In order to describe modern society in sufficiently complex terms, he structured his science as a "system theory", and this system theory went so deep that it included the whole history of the European spirit and hence also philosophy. A system theory demands a fundamental philosophical reorientation of our way of thinking and, therefore, unlike many Nietzsche texts, it doesn't seem immediately plausible. But it can give Nietzsche's philosophy a new plausibility.

Luhmann shares with Nietzsche (and Kant and Descartes and their concept of the subject) first of all the *starting point in self-reference*. But he now applies it also to society: society exists only insofar as in society one speaks of society – society exists only in social communications. It consists in such communications, and not in the human beings, persons or subjects that are normally identified (again in social communications) as the authors of such communications. To borrow the terminology of critical philosophy, the conditions of possibility of communication in society are the same as the conditions of possibility of philosophy, and Nietzsche had already insisted on that. But Luhmann draws from that a clear 'constructivist' consequence: whatever is said to exist exists only on this very condition, namely that it is said to exist, such that in other communications other worlds shall be distinguished (which does not entail that one can arbitrarily change the conditions of communication – also here there is no danger of relativism qua arbitrariness). With this, Luhmann comes so close to Nietzsche that one can dare say that *he shares his philosophical fundamental decisions, but makes them apt for theory*.

In Luhmann, the concepts 'thinking', 'consciousness', 'human being', etc become mere distinctions made in the context of social communications, distinctions that could also have been made differently. They are all 'constructions'

or 'constructs', like everything else. They exist only on the condition that someone, no matter who, constructs them. Precisely like Nietzsche, Luhmann no longer asks for the 'agents' or 'subjects' of those constructions; for they would only be other constructions. With the concept of construction (or '*Begriff* des *Konstrukt*', the concept of 'the construct'), Luhmann offers "an alternative formulation of the concept of concept" (1990: 515): a construct does not purport either to correspond to a pre-given object or to apprehend it, to 'represent' it. The construct validates itself only by being able to lead to further constructions. That is how it makes itself 'true', or is 'verified'. Whenever necessary, a construct can also be replaced and, in this sense, falsified. That is how constructs can become theories. With his decision to commit himself to the concept of construct and to his constructivism, Luhmann transforms into a theory Nietzsche's fundamental philosophical decision of committing himself to perspectivism.

Luhmann's sociological system theory[19] also includes an *additional philosophical critique of the subject*. He has dedicated a particular essay to it, titled "*Die Tücke des Subjekts und die Frage nach dem Menschen*", that is, the 'cunning' or 'slyness' of the subject.[20] "The cunning of the subject – that is its way to appear human, to ingratiate itself as a human being" (Luhmann 1995: 157) –, its way to make itself easily plausible. For, as follows from what was said above, the subject is not at all something that simply is. The "subject", which in its Aristotelian sense "underlies itself and everything else", and which in its Kantian sense "distinguishes itself in its freedom from all empirical causations", is certainly "the most demanding title that humanity has ever given itself" (Luhmann 1995: 162). In its "freedom" "all that is unknown and uncertain [...] was accommodated", and the subject could then (ultimately by Sartre) be made responsible for all that is unknown and uncertain – just as before only God had been (Luhmann 1995: 161). As one can easily see in Descartes and Kant, with the concept of the subject religious transcendence was transferred to the human being. But when a semantics has such a huge success as the semantics of the subject, its significance cannot be merely internal to philosophy. It must also have a function in society as a whole.

According to Luhmann, the function of a concept should be recognized not so much in what it (positively) delimits, but rather in what it (negatively)

19 For an introduction cf. preferably Luhmann's own posthumously published introductory lecture-course: *Einführung in die Systemtheorie* (2004). It includes a comprehensive chapter on the critique of the subject under the title "Beobachten" (Luhmann 2004: 141 – 166).

20 Luhmann 1995. The critique of the subject extends through Luhmann's whole work. Cf. in particular: Luhmann 1989, Luhmann 1990: 11ff. et al., Luhmann 1997: 866 – 878, 1016 – 1036.

excludes, in short, in the fact that it distinguishes. According to Luhmann's thesis, the concept of the subject had the function of excluding other subjects and, thus, society as such: "If 'subject' means to underlie itself and thus the whole world, then there cannot be any other subject" (Luhmann 1995: 158). In this way, considered from a sociological point of view, the concept of the subject liberated not only from the privileges of the old hierarchical society, but also from privileges such as property, education and natural talent. Thus the concept of the subject helped make thinkable the idea of reconstructing society from its ground, of reconstructing it by transforming a stratified, hierarchic differentiation into a functional differentiation regulated exclusively by performance or accomplishment. Thus the concept of the subject worked in early modernity as *a semantics of transition*: through it 'freedom' and 'equality' could be ascribed to everyone.

However, the philosophical concept of the subject did not only help make room for a new conception of society. Precisely because it formulated self-reference in such a way that it made the external reference, the reference to other subjects, more difficult, at the same time it *blocked* a new conception of society. This "paradox of self-affirmation" (Luhmann 1995: 160), the paradox that put the subject against other subjects who were supposed to be as equal and free as itself and establish with it a new society, could not have been solved by such concepts as Nietzsche's concept of life and will to power. For as unities that should not be grasped as unities, as something that had to be determined but eluded any determination, life and will to power were again unintentionally paradoxical and continued to bar the path to a theory of society.

Nevertheless, with those concepts Nietzsche made a first step towards a transference of the paradox from the subject itself to its relation with others and to the others, thereby connecting the independence of the subject with dependence, its autonomy with heteronomy, its self-reference with reference to the other (here Kant had already made some preparatory work by defending that in knowledge thought is dependent on sensual perceptions, although he still used his transcendental structures to protect the independency of the subject itself). Thus Nietzsche promoted the functionalization of the concept of the subject and in the process took a deeply new epistemological decision – even if only to a certain extent. Only in this regard did Luhmann concede him a certain role as predecessor. That was the decision to no longer let oneself be scared by logical paradoxes, but rather use them resolutely for the development of theories.[21] The

21 See the end of JGB 22, which is famous precisely on account of this end and is still intensely discussed: "Gesetzt, dass auch dies [dass alle Gesetzlichkeit Interpretation sei] nur Interpretation ist – und ihr werdet eifrig genug sein, dies einzuwenden? – nun, um so besser"; and see Luhmann

very concept of 'distinguishing' or 'distinction' [*Unterscheidung*] already involves a paradox, for it is simultaneously identity (the unity of the distinction made) and difference (what is thereby distinguished), or operation (the execution of the distinction) and the result of the operation (what has been distinguished), and hence Luhmann decided to understand the development of theories as 'development of paradoxes', a decision which aims to finally avoid all forms of metaphysics, transcendental philosophy, and mysticism.[22]

He replaced the unintentionally paradoxical concepts of subject and perspective with the explicitly paradoxical concept of *observation* and the unintentionally paradoxical unity of life with the explicitly paradoxical distinction between *system and environment*. In order to do this, he carried out, in his own formulation, "four semantic revolutions" (Luhmann 1995: 163f.):

1. An approach based on *temporal operations*, and no longer on supposedly timeless objects. Thus he understood the subject no longer as object, but rather as a temporal operation of its self-reference.
2. The adoption of *recursive* operations, which repeat themselves under recourse to their own results and are no longer independent from one another. Whereas the subject is supposed to constitute itself at once and forever, recursive operations are continuously generating something new (*autopoiesis*).
3. The insistence on strict *observability*: whereas the transcendental subject is supposed to be a 'pure' subject, an observer that was able to observe empirically but was not itself empirically observable, now all the observers, including the theoretician of observation, become observable. The concept of observation no longer distinguishes, as it was common from Plato onwards, according to 'faculties' of the 'subject', – for example, sensibility and understanding, which Kant used to make a further distinction between the empirical and the transcendental. The concept of observation now distinguishes according to self-reference and external reference. An observation observes something other than itself; but in order to distinguish this other thing from itself, it must also observe itself ("are these now only my ideas or not?"). It refers simultaneously to the outside and to the inside, and nevertheless it cannot observe different things at the same time, that is, other things and

(1990: 94): "Man muß [...] im Stile Nietzsche/Heidegger/Derrida mit der Paradoxie von sich selbst negierenden Unterscheidungen arbeiten und die expressiven Möglichkeiten des Vertextens nutzen, um genau dies mitzuteilen." See also Luhmann 1992: 219f., Luhmann 1997: 91.

22 On the productive handling of paradoxes cf. especially Luhmann 1990: 537 – 541, Luhmann 1991, Luhmann 2011: 127 – 131.

itself. It is, thus, structurally paradoxical. The paradox is overcome when time is taken into account. The observation changes temporally back and forth between external reference and self-reference, it 'oscillates' between them (whereby the paradox lands up in time, which in turn is simultaneously always the same and always another). However, one can also observe one's own observation in such a way that one observes how other observers observe it (for example, that they are irritated when my observations are false for them). One can also oscillate between these possibilities of direct and indirect self-observation. In both cases, an external reference is incorporated in the self-reference and a self-reference is incorporated in the external reference; in this way, a "radically difference-theoretical [*differenztheoretischer*] starting point" is won. Luhmann's name for the leading difference is 'system and environment': 'system' precisely because the observation must refer to itself, 'close' itself in a system, in order to – as the metaphor of the perspective had already made clear – observe other things, and open itself to other things; 'environment' [*Umwelt*] (and not 'world' [*Welt*]) because the system observes the apparently given world always only in its own specific way and hence always only *its* environment, the environment as is self-evident to it.

4. The fact that a system in Luhmann's sense is simultaneously closed and open – or the fact that the system, according to him, is "the difference between system and environment" and, thus, simultaneously identity and difference (as already distinguishing is identity and difference at the same time) – makes it a paradox too. As paradox, it cannot be an object. The fourth and last semantic revolution that Luhmann mentions here is, thus, the *'self-foundation' of system theory in paradox*. Paradoxes can be the foundation of theories precisely because they make logical thought – which aims at timeless determinations and is committed to consistency – oscillate between two equally legitimate but not simultaneously executable alternatives (for example, self-reference and external reference, identity and difference). If logical thought oscillates, if it becomes undecidable, it doesn't go further, it blocks (for example, a sentence like 'I lie' states a truth that is a lie). But precisely in this blockage it then also has a 'foothold' from which it can 'proceed', a 'starting point' for a theory. In this way, the philosophical concept of foundation also becomes paradoxical; it simultaneously is a foundation and not a foundation, because it is itself 'only' a paradox of thought. However, as one can now see, it was precisely such a paradoxical foundation that was at stake in modern philosophy's concept of the subject.

The further consequences that Luhmann derives from this correspond well to Nietzsche. He sustains that "autopoietic systems" are "always individual

(in-dividual) systems", "systems which are subsumed under general concepts are *for each other environment* and, in fact, for each other *always different environments*" – like Nietzsche's will to power. The "radically individualistic theory" of autopoietic self-differentiating systems opens up, as Nietzsche wanted, "new possibilities of description of the richness of the world". However, since each system distinguishes from itself *its* environment – or, in the old language, each subject distinguishes from itself *its* objects – and we therefore replace the old "subject with the observer and define observers as systems, which create themselves through the sequential practice of their distinctions, there is no longer any formal guarantee for objects" (Luhmann 1997: 878) and, as already for Nietzsche, objectivity becomes multiperspectivity. In the network of observers there are, according to Luhmann, "plenty of options to choose a reference system" (Luhmann 1995: 165f.).

With the concept of the system of observation, Luhmann only captures the *formal* structure of the subject, its self-reference (completing it with the external reference). In such a way, he can relate it not only to the old human subjects but also to non-human social systems of observation, on the one hand, and to biological systems of observation, on the other. He calls the social systems of observation "function systems" of social communication, insofar as since early modernity they have "differentiated" themselves via a conversion from "segmentary differentiation" (groups) and "stratified differentiation" (classes) into "functional differentiation" of social communication. That is, they developed themselves into autonomous systems of observation, which are limited in their structure only by their environment and by the systems of observation that depend on individual human observers, so that one can speak of '*the* economy', '*the* political arena', '*the* law', '*the* education system', '*the* science', '*the* art', and '*the* media' as if these were agents, acting subjects. In this way, human subjects become the environment of the function systems of social communication – a fact which is still "so unwelcome and so adamantly rejected" (Luhmann 1995: 167).[23] Luhmann distinguishes them as "conscious" or "psychic systems", in opposition to the biological or "physical systems", their corresponding bodies. The *separation of humans in particular systems of observation* is well justified. For, as Nietzsche had already emphasized (cf. GS 11 and Z I, On the Despisers of the Body), only a minimal part of the functions of the physical system becomes conscious in the psychic system, and only a minimal part of the functions of the

23 Against the "humanist burdensome legacy" Luhmann tactfully adds that it is "incomprehensible why the place in the environment of the system of society should be such a bad place. I at least wouldn't like to change." (Luhmann 1995: 167)

psychic system is articulated in the function systems of social communication (cf. BGE 268 and GS 354). They are 'structurally linked' only by narrow bridges.

On the other hand, however, the differentiated function systems of social communication, which use their specific 'codes' (such as true/false in science, fair/unfair in law, and solvent/non-solvent in economy), are also the environment for the psychic system; in the old language, they are 'objects', which the psychic system perceives 'subjectively' or 'in perspective'. In its observation of this environment, the psychic system can, voluntarily or involuntarily, choose codes and switch between them (for example, in a case of corruption, the psychic system may cease to consider it judicially or economically and consider it morally instead). If the psychic system takes the perspective of a function system, it must desubjectify itself in order to do justice to the function of that system (most obviously in science); but it remains 'subjective' in the *decision for this code or another*.

But the modalities of 'subjective' or 'perspectival' decisions – not only of the decision to adopt one of those codes instead of another, but also to adopt any distinctions in general – are no longer *the focus of the sociological system theory*. Therefore, the sociological system theory cannot have the philosophical last word on the question about the current meaning of subjectivity.[24] Hence, we will finally return to the semantics of orientation, just like Nietzsche (who nevertheless avoided the concept of orientation itself, probably because his declared opponent Eugen Dühring had favored it). The semantics of orientation can grasp the physical, psychic and social systems of observation as a unity which differentiates itself, without bringing it back again to the unity of an underlying entity in the sense of the old subject.[25]

4 Integration of the concepts of subject, perspective and observation in the concept of orientation: Conceivability of a foothold in general – temporarily

The recognizably metaphorical concept of orientation was introduced in philosophy by Kant ("What Does It Mean to Orient Oneself in Thinking?") at the sug-

24 Besides, as Luhman himself has noticed, with his approach society falls into the conceptual situation of the old subject. It also doesn't have a subject next to it, with which it could communicate. Cf. Luhmann 1997: 874f.

25 For a closer examination of this point, see Stegmaier 2008, Stegmaier 2010.

gestion of Mendelssohn. Then it has become indispensable in the philosophical, scientific and everyday language (Luhmann has also constantly made use of it). It designates the capacity to find one's way in a given situation, in order to find possibilities of action that may allow one to master the situation. It incorporates in itself (A.) Luhmann's concepts of observation and system, Nietzsche's concept of perspective, and Kant's concept of subject, and (B.) goes beyond them.

A. Orientation has the function of a system of observation. With the distinction between orientation and situation, orientation can be said to be, like the *Luhmannian system of observation*, simultaneously a unity and a difference. Orientation is always orientation in a situation, which orientation (like the Luhmannian system) distinguishes from itself as its environment. Orientation operates recursively, autopoietically, in that each orientation incorporates the results of previous orientations, creates a new situation (a situation in which one is orientated is clearly different from one in which one is not orientated), and thereby again a new need for orientation. It is observable in the success or failure of one's own or another's orientation. It is based on a paradoxical self-reference: in the face of a success or a failure of orientations there is nothing one can do but orientate oneself again. Orientation is not limited to consciousness. Biological, living, and physical systems also must and can orientate themselves (and animals often orientate themselves a lot better than humans). Each orientation must be able to distinguish between right and left, above and below, front and back, but these references are, as Kant saw, neither perceivable nor definable; one must have them, as people say, by 'feeling' or 'instinct' (with regard to right and left individuals may sometimes fail). On the other hand, the function systems of social communication also 'orientate themselves', for example economics by politics, and vice-versa. But the orientation itself has no other foundation besides itself, nor does it have a particular subject that could be identified within it as its driving-center. Like the brain, orientation can differentiate itself in many levels and distinguish within itself [*ausdifferenzieren*] different operating regions, which remain nonetheless connected in networks. That is how orientation operates: always as a whole, and yet with internally differentiated weights. If one wants to talk of orientation in terms of an agent or a subject of action, one realizes that orientation is so difficult to restrain within the traditional determinations of the subject as is the system in Luhmann's sense.

In their standpoints, horizons, and perspectives, orientations *in Nietzsche's sense* are individual. When they are understood as modes of orientation, perspectives are not fixed in themselves, as the previously so-called 'perspectives' (telescopes), but rather allow ceaseless movements of standpoints and horizons and thus also of themselves. They are operations, not states; they remain, in

Nietzsche's metaphorical semantics, continuously in flux. In order to cope with more demanding situations, orientations must enhance and differentiate themselves. Then they have to simplify themselves again into an overview. They must be 'wills to power' in order to 'master' and continually 'control' those situations. In doing that they can always fail. They are, thus, always experiments. Ultimately, they may be considered sovereign if they can easily 'master' even surprising and dangerous situations in which others fail.

In Descartes' sense, orientation is driven by doubt. In an environment which is constantly changing, it can never be completely certain of itself. However, orientation attains stability not first by the use of scientific methods, but already through everyday routines, in which what was once difficult becomes easy, and what was once difficult to understand becomes self-evident. But every self-evidence can quickly be disturbed again. Then, new orientation is needed.

B. The *peculiarity of orientation* in contrast to the Kantian-Cartesian subject, the Nietzschean perspective, and the Luhmannian system is, first of all, *its universality*. All distinctions, including the subject, the perspective, and the system, are *orientation decisions*, and one can take such decisions in one way or the other. In doing this one can orientate oneself by this or that, decide for or against communication, and in communication decide oneself for one or the other function system. One decides according to the current relevance in the current situation. The relevance is, in turn, a function of the constantly possible disorientation, which is always to be avoided. Disorientation is unbearable uncertainty or, in terms of the metaphor we have been using here, the 'lack of a foothold' [*Haltlosigkeit*]. Disorientation is by itself the need of orientation and drives to orientation.

Thus, orientation creates certainty within continuous uncertainty, *a foothold within the lack of foothold* (the paradox involved here no longer needs to be characterized specifically). Orientation creates this foothold by holding on to 'clues' [*Anhaltspunkten*] that stand out, 'clues' that vary from case to case and that orientation can provisionally get hold of and use to look around for further clues, until it believes to have gotten enough 'support' [*Rückhalt*] for acting. The orientations of others can also become clues for one's own action, both the orientations of other individuals and the orientations that are offered by society's functioning systems of communication; in contrast to the concept of the subject, the concept of orientation can be readily pluralized. For orientation is always orientation *by* ... X, and this will be first and foremost other orientations – corporal or linguistic, intentional or non-intentional signs, which emanate from those orientations.

In the '*by* ... X' lies the second prominent peculiarity of orientation. When one orientates oneself by something, one does not 'submit' or 'subject' oneself

to that, one does not accept it as a binding rule, but rather reserves for oneself a *leeway* [*Spielraum*] in which one decides if and how far one should follow it (Wittgenstein's rule-following paradox). Simultaneously, one also evaluates the relevance of the rule. The leeways can be larger or smaller, one can work to widen them or else let them become narrower, for example in legal terms, but especially in pragmatic, inter-individual and moral ways of behaving. Leeways are observable freedoms (again in plural), freedoms deprived of metaphysical and transcendental protections (for these are unobservable and thus difficultly tenable in case of doubt). Leeways can also unexpectedly close themselves (not only when one experiences some form of violence, but also when, for example, one 'falls madly in love'). They are, like all the processes of orientation, temporal. If time is the original source of every paradox (because, as mentioned, it is simultaneously always the same and always another) and if everything has its time and is infected with the paradoxicality of time, then orientation designates the accomplishment of being able to cope with time, to create a *temporary foothold*. A temporary foothold is enough. In the orientation, one can still distinguish a subject, but does not have to.

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