

HEIDEGGER E MAIHOFFER: L'ESSERE-COME...*

Lothar Philipps**

Abstract. In *Sein und Zeit* (1927) Martin Heidegger develops the project of existential analytic of Dasein aimed at deconstructing the binomial of subject-object characterizing the Western metaphysical tradition. In the declination of the "ontological difference" between Sein and Seiendes rests the possibility of finding ways of being different from those objectivising and instrumental of "mere presence" (Vorhandensein) and the 'usability' (Zuhandensein) complying with Dasein, that is Seiendes to whom it is disclosed only the question of the meaning of being. The legal ontology outlined in *Recht und Sein Prolegomena zu einer Rechtsontologie* (1954) by Werner Maihofer deepens, in close relationship but also far beyond the existential analytic of Heidegger, the relational and social dimension constitutive of Dasein and redefines the structure and the meaning in the existential category of "being-as" (Alssein). In the world, Dasein meets not only Seiendes as simply present and mere instrument (Zeug) but also the other (das Gegenüber) with whom she has relationships going far beyond the horizon of usability and which are integrated in the game of specific social roles (parent-child, doctor-patient, teacher-student, etc.). Lothar Philipps, in critical reading of two specimens of Plato's texts (Ione and Meno), discusses the implications of the category of Alssein from the perspective of both the theory of language and the deductive logic. On the one hand, the speech of the speaker is seen as taking its authentic meaning not as the articulation of technical knowledge aimed at producing specific effects, but always within the already established relationship between social roles. On the other hand, it shows that man considered as the owner of a specific role in the social relationship can't be predicated attributes that presuppose himself as "merely present" substance.

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