

**GADAMER: EXISTENTIAL HERMENEUTICS AND HEALTH | GADAMER:
HERMENÉUTICA EXISTENCIAL Y SALUD | GADAMER: HERMENÊUTICA
EXISTENCIAL E SAÚDE**

ALYSSON LEANDRO MASCARO

ABSTRACT | Philosophy, when dealing with specific thematic objects, such as law and health, allows a better understanding of their positions and their implications. Hans-Georg Gadamer, known for his philosophy of hermeneutics, is also a key thinker of the philosophy of health. Research into his propositions about the hidden character of health and the art of healing reveals much about the existential path and its peculiar impact on contemporary philosophies.

KEYWORDS | Hans-Georg Gadamer. Existential hermeneutics. Health.

RESUMEN | *La filosofía, cuando se trata de objetos temáticos específicos, como el derecho y la salud, permite una mejor comprensión de sus posiciones y sus implicaciones. Hans-Georg Gadamer, conocido por su filosofía de la hermenéutica, es también un pensador fundamental de la filosofía de la salud. La investigación sobre sus proposiciones acerca del carácter oculto de la salud y del arte de curar revela mucho sobre el camino existencial y su peculiar impacto en el cuadro de las filosofías contemporáneas.*

PALABRAS CLAVE | Hans-Georg Gadamer. *Hermenéutica existencial. Salud.*

RESUMO | *A filosofia, quando tratando de específicos objetos temáticos, como o direito e a saúde, permite uma melhor apreensão de seus posicionamentos e suas implicações. Hans-Georg Gadamer, conhecido pela sua filosofia da hermenêutica, é também um fundamental pensador da filosofia da saúde. A investigação sobre suas proposições acerca do caráter oculto da saúde e da arte de curar revela muito sobre o caminho existencial e seu peculiar impacto no quadro das filosofias contemporâneas.*

PALAVRAS-CHAVE | Hans-Georg Gadamer. *Hermenêutica existencial. Saúde.*

1. THE PARALLELS BETWEEN A PHILOSOPHY OF LAW AND A PHILOSOPHY OF HEALTH

On the great theoretical stage of the 20th century, philosophy in the context of Weimar Republic is, as a rule, accused of having been fundamentally responsible for the rise of Nazism. The classic accusation by Georg Lukács in *Assault on Reason* (1968) traces the German reactionary movement back to philosophies such as Nietzsche's, inscribing characters like Martin Heidegger at a central level with regard to the causes of Nazism. The mists of Heidegger's existential philosophy, representing both a rejection of Enlightenment liberalism and the Marxist revolutionary struggles themselves, are taken as the excellent space for reactionaryism. If on the level of discussion of philosophical paths, method, epistemology, such a debate finds it difficult to pronounce definitively – the controversy over a Nazi philosophy of Heidegger extends to the present day –, on the level of philosophical concreteness, deadlocks and even unexpected movements in a more incisive way. At a time when politics, resistance and revolution were accused of being unhealthy, the philosophy of health is, therefore, one of its most important unworked data. At a time when law was either the claim of moral correctness – nature returning to serve as a plea for justice – or simply the law laid down, because the State was already under reactionary dominion, the same importance is revealed for the philosophy of right.

I propose that the philosophies that deal with specific objects retain a greater adherence to historical and social materiality than those of broader and more open themes – whose generality is more traditional, more typically identifying philosophical knowledge. The philosophy of law, dealing specifically and directly with the forms of legality, exposes the unexpected knots, shortcomings and even parallelisms of many philosophies that, however opposed, are legally summarized in foundations such as respect for established law and institutions. On the one hand, one can see how much so-called progressive readings, based on the claim for more rights, and which have found a great philosophical defender in Jürgen Habermas in recent decades, turn out

to be quite distant from those of Marxism, such as those of Evguíeni Pachukanis. For the field of law, Marxist philosophical readings are not the extreme of more rights, but rather the struggle to overcome the very form of legal subjectivity. So too when one realizes that, in the legal field, traditionally conservative readings – and by some accused of being reactionary – such as those of Hans-Georg Gadamer, rejecting juspositivism, keep more critical potential and deeper proximity to Marxism than most of liberal-progressive juspositivist institutionalism.

If the incorporation of Gadamer to the contemporary philosophy of law has been taking place slowly since the publication, in the middle of the 20th century, of his classic *Truth and Method* (2014), today Gadamer's field has already established itself as one of the most original in terms of understanding the nature of legal hermeneutics. My proposition, in *Philosophy of Law* (2019, p. 271-278), of three paths of contemporary philosophy of law, has in Gadamer one of the central elements of one of the three jusphilosophical keys of our time, that of non-juspositivisms, in a cast that has its recurrent matrix in juspositivism and in criticism, with a Marxist matrix, its highest path of legal analysis. Alongside Martin Heidegger's existential philosophy, Carl Schmitt's decisionism, and even Michel Foucault's archeology of knowledge and genealogy of power, Gadamer's thought points to the perception of law based on the keys of power: understanding and decision are affirmations of possibilities in action, crossed by prejudices that form and inform existential situations.

Peculiarly, a very relevant part of Gadamer's philosophy takes place in another applied field, that of health. Such materiality, which inquires about concreteness such as life, health, illness and the patient, holds as many specificities as those of law – thinking, here, in the phenomenology of the act and the legal transaction, of the decision court, records, evidence and processes. Its distinguished and particular subjects reveal, however, that the same philosophical path can be followed for such different scopes – allowing us to see, in the end, a similarity that is often ignored or unexplored.

Law and health, in material or situational extremes, will make it possible to unravel the details, potentials, limits and contradictions in the philosophical

paths of Hans-Georg Gadamer. If it is already established that the law in Gadamer's thought is taken as an existential pre-understanding, it is necessary to investigate the same for the field of health. I also propose that contemporary health philosophy be thought of in three ways, technical, non-technical and critical, with Gadamer, in this context, being a key thinker of non-technical health philosophy.

2. ON NON-TECHNICAL HEALTH PHILOSOPHIES

Non-technical philosophical readings of health, as opposed to that of the settled field of contemporary science, were developed by thinkers such as Karl Jaspers, already in an existential key, and whose training as a physician brought internal and direct perspectives on the themes of such investigation¹. For Jaspers, the existential limit-event, death, reveals itself as anguish that lies beyond medicine and the health professions, being, therefore, from the field of philosophy². Jaspers' thinking about life, death and medicine establishes itself as a full philosophy of non-technical health. It will be with Hans-Georg Gadamer that such field the most important coupling of the theme of health with a vigorous philosophical management, which allows to find an unavoidable matrix of the philosophy of contemporary health.

Gadamer is responsible for an outstanding counterpoint to the liberal, institutional, formal and technical paths of philosophy in the 20th century. Echoing the thinking of Martin Heidegger, whose student he was, Gadamer also problematizes, like his master, the role of technique and science in

1 "First: The sociological consequences of the technical era act, through organizations of medical essence, on the medical profession, to the point of threatening the very idea of a doctor. Second: Natural-scientific medicine has a tendency to submit to the exact, instead of using it, to let the researcher subdue the doctor. Third: Given that medical action does not end at the frontier of scientific-natural possibilities, the doctor finds himself perplexed in it, thrown into the disbelief and disorientation of many modern men and the public situation in general." (JASPERS, 1998, p. 41).

2 The natural process of agony can unfold without suffering; there are instant deaths. In such cases, there is no time for the phenomenon to reach consciousness. It may go unnoticed as it coincides with asthenia or sleep. Medicine has ways of reducing the torments generated by fatal diseases. Although agony is a psychophysical reality, it is possible that biology and pharmacology will, in the future, allow that, in all cases, death be unaccompanied by suffering. Entirely different is the agony facing death when this is conceived as a state that follows the disappearance of life. No doctor can relieve us of this anguish; only philosophy can." (JASPERS, 1998, p. 128).

contemporary times. Heidegger already pointed out, in texts such as the conference “The question of technique”, from the 1950s, the problem of instrumentality, domination, manipulation³. Science and technique, in a quantitative, mathematical way, through operations to extract energies from nature, make the world available for management, for utilitarian purposes. For Heidegger, there lies a central question of the concealment of being. Technique is not concerned with existential truth and therefore imposes an inauthentic character on everyone and everything. Unlike art and prudential doing, whose authenticity is given by originality, technique is utilitarian, repeatable, banal (MASCARO, 2019, p. 326-345).

Heidegger and Gadamer see contemporary philosophy itself riddled with scientific and technical problems. Today's injunctions seek to establish truth as a deduction, as a metric, as an idealism for the mathematization of behaviors and facts. Against this, however, philosophy is philosophical understanding, apprehending-with, in situation. The fundamental of truth is the hermeneutic process of its apprehension. Such hermeneutics – Gadamer would say in his most important treatise, *Truth and Method* – is situational, starting from prejudices and existentially traversed paths. There is no truth imposed as an ideality devoid of life. So, hence, the technique is a masking of the existential truth (MASCARO, 2019, p. 345-357).

3. THE HIDDEN CHARACTER OF HEALTH. THE ART OF HEALING

Hans-Georg Gadamer dealt with the philosophical issues of health and medicine in an emphatic manner, in various texts, conferences and studies. The collection of some of them in a book, in Brazil, takes the title *The hidden character of health*. In Gadamer's thinking, medicine is necessarily understood as an art, but its quality is different from that of an artisan, who, if confronted by

3 It, therefore, remains correct: modern technology is also a means to an end. That is why the instrumental conception of technique guides every effort to place man in a direct relationship with technique. Everything depends on manipulating technique, as a means and instrument, in the right way. It is intended, as they say, to 'handle technique with spirit'. It is intended to master the technique. This wanting to dominate becomes all the more urgent the more technology threatens to escape man's control.” (HEIDEGGER, 2002, p. 12).

a layman on the subject, can defend himself by saying that the way in which he proceeded is typical and necessary of his to do. As for medicine and health issues, medical action according to one's capacity is not enough. The object of health is not exhausted in proceeding with the expertise of an artisan. This is because health is not just raw biological data, nor is it a parameter that can be fully achieved by doctors. It is nestled in the patient, in their way of life, in their pretensions, desires and expectations. There is, therefore, in the problem of health, a high degree of existential involvement. Health, says Gadamer, "is also a psychological-moral fact." (GADAMER, 2002, p. 29).

The old art of medicine was inexorably linked to care given the psychological and moral situation of the patient. In this context, the doctor presented himself as someone close and a friend of the family. But such a picture of the old medical art gives way, in contemporary times, to the impartiality of the technique. As a result, the artisanal skills of feeling the patient and taking them into account based on their experiences and anxieties are lost, but which, however, are existentially unavoidable⁴. The technique entails, on the part of the patient, even another level of trust towards the doctor and medicine. Technological advances loom large, setting high expectations. But, exactly there, the subject is decentered from his way of life, depositing in technique a horizon that may not be appropriate or better for him⁵.

4 If hermeneutics is constitutive of all human praxis and its knowledge, in some practical situations the properly hermeneutic experience will be placed in the foreground, it will be the very reason for its way of being. These are situations in which the principles of understanding-interpretation come to the fore as the very justification of that practice. Philology, theology and law are classic examples. The latter, especially, is the one in which Gadamer identifies the paradigmatic situation of the hermeneutic procedure. But, in another of his works, Gadamer also dedicates a series of essays to the discussion of the importance of hermeneutics in another area of practices: health. Indeed, the act of caring involves a practical dimension (moral, ethical, political, etc.) that requires the application of a set of knowledge and judgments to particular situations, requires the dialectic of understanding-interpretation-application. In this sense, however much a medical appointment, for example, is 'colonized' by instrumental logic, however much techno-scientific knowledge is being led to replace other spheres of rationality in therapeutic encounters, there is always in the care act, however restricted and poorly crafted as it may be, an inexorable hermeneutic dimension, the need to know how certain general knowledge can be applied to a given concrete patient." (AYRES, 2011, p. 151). See also: AYRES, 2008, p. 36-40.

5 Not only are the patients seen in parts: the professionals themselves are, due to the current teaching model in medical schools, impelled to identify with some area and lead their professional life through it" (KETTNER, 2008, p. 70).

For Gadamer, the art of healing is not purely and simply a production of balance – which would be a postulation of an idealism and a technicality that are alien to existential conditions –, but, when it comes to restoring balance, it will be a oscillating balance. The art of healing must deal with situations and their variations. It is from there that, in contrast, contemporary medical science, rooted in technique, problematically distances itself from an old art of healing. In Gadameran terms, echoing Martin Heidegger, it is in the essence of technique – mechanical, rational, quantitative, modifying nature – this estrangement in the face of the oscillating balance of health, which is typical of prudence, common sense, art, practice.

When this fundamental experience is related to the situation of modern science and scientific medicine, it becomes clear how the problem intensifies. Modern natural science is not primarily science of nature in the sense of a self-balancing whole. What underlies it is not the experience of life, but the experience of doing, not the experience of balance, but the experience of planned construction. Far beyond the sphere of validity of a special science, it is, according to its essence, mechanical, mechané, that is, an ingenious production of effects that do not appear by themselves. “Mechanics” originally designated the ingenuity of an invention, which caused general admiration. Modern science, which provides the technical application, is not conceived as filling in the gaps in nature and inserting it into the natural event, but precisely as knowledge, in which the fundamental thing is the modification of nature in a human world through a predominantly rational construction. As a science it makes natural processes predictable and masterable, so that in the end it is even able to substitute the natural for the artificial. This is part of your very essence. Only in this way is it possible to apply mathematics and quantitative methods to natural science, because its knowledge is a construction. But behold, our reflection exposed so far teaches that the situation of the art of healing remains inseparably linked to the assumption of the ancient concept of nature. Among the natural sciences, medicine is the one that is never completely understood as a technique, because it always experiences its own being-able-to-do only as the recovery of the natural. For this reason, within modern sciences it represents a particular unity between theoretical knowledge and practical knowledge, a unity that in no way allows itself to be interpreted as the application of science to praxis. It represents a specific mode of practical science, whose conceptual understanding has disappeared in modern thought. (GADAMER, 2006, p. 47-48). (Translated).

Gadamer problematizes the art of healing from its peculiar position in the face of what is currently called “science”. If the doctor's production, in view of health, is the restoration of the patient's condition, then the art of healing is not simply a product performed by the craftsman-doctor. From such art does not

emerge an artifact, a new one, but rather, the patient's health is restored. Hence, the production of the art of healing is not simply the making of a work: it is a relational, situational art, which necessarily presents itself in connection with nature, in such a way that it is not possible to determine to what extent the cure is the work of the doctor and his treatment or is it the work of nature.

Because of this peculiarity, Gadamer would say, the art of healing is necessarily enigmatic, of a nature different from other arts:

Surely medicine is not an imitation of nature. Certainly, a formation that is artificial should not arise. What should result from medical art is health, that is, nature itself. This gives the whole of this art its characteristic stamp. It is not invention and planning of something new that does not exist in that form, whose power of appropriate production is held by someone, but it is, from the beginning, a kind of doing and doing, which accomplishes nothing peculiar and nothing. come from the peculiar. The knowledge and being-able-to-do of the medical art fit completely with the natural course, insofar as its establishment is sought where it has been disturbed, in such a way that the disturbance disappears with the natural balance itself. . The doctor cannot abdicate his work, the way every artist abdicates his, as every craftsman and specialist does, namely, in such a way that the work can somehow be maintained as his work. In fact, in all "techne" the product is left for the use of others, but it is a work of its own. The doctor's work, on the contrary, precisely because health is restored, is no longer his at all, it never was. The relationship between doing and what is done, doing and doing, effort and success, is, in this case, of a fundamentally different nature, enigmatic and questionable. (GADAMER, 2006, p. 42-43). (Translated).

It begins to be glimpsed, then, what Gadamer will call the hidden character of health. His philosophical proposition is that the art of healing differs from scientific medicine due to its nature of applied knowledge, while any science is based, contemporaneously, on general knowledge. Contrasting with science, Gadamer approaches this model of the art of healing, including

hermeneutics itself, which has a view to the practice and dynamics of facts⁶ – and to which problem he dedicated his treatise Truth and Method.

The art of healing, in Gadameran terms, persists in an area hidden from technique and science, taken in the sense of generic knowledge. Its condition, typical of nature, and its relationship with the patient's soul recesses give it such a character:

We are here again concerned with the fact that the real mystery is in the hidden aspect of health. She does not declare herself. Of course it is possible to establish standard values for health. But when, for example, we wanted to impose these standard values on a healthy person, what we would achieve would be to make them sick. Therefore, it is in the essence of health to remain within one's own measures. Health does not allow standard values, transferred to the singular case based on average experiences, to be imposed, as this would be inappropriate.

I purposely used the expression “inadequate” to make aware that the application of rules, based on measurement values, is not something natural. Measurements, their measurement standards and measurement procedures serve as a convention, with which we approach things and subject them to measurement. But there is also a natural measure that things carry in themselves. If health cannot be truly measured, it is because it is a state of internal adequacy and conformity with oneself, which cannot be overcome by another control. Therefore, it makes sense to ask the patient if he feels sick. One has the impression that in the being-able-to-do of the great physician, factors from his most secret life experience often come together. It is not just the scientific progress of clinical medicine or the infiltration of chemical methods into biology that makes the great doctor. These are research advances that make it possible to expand the limits of medical assistance, before which people were once helpless. It belongs to the art of healing, however, not only the effective fight against the disease, but also the recovery and, finally, health care. (GADAMER, 2006, p. 113-114). (Translated).

The occult of health is, in Gadamer, a kind of containment of the conscience of natural vitality. Health does not operate as a constant concern with itself, complying with protocols, getting tougher to comply with determinations. It is not healthy who is existentially oriented to devote himself to

6 The real conundrum of health is this: when all is said and done, the physician is not fully in control, nor is he ever in a position to fully understand the nature of health, the body, or healing. The true concern of the professional is not the general nature of health, but the restoration of balance to a unique, determined and individual situation under his care. Basically, health cannot be explained entirely from the provincial domains of the scientific world. (...) For the physician, more fundamental than general scientific understanding is the range of ethical concerns related to the care that the professional demonstrates for the patient, and the care that patients exercise for themselves. Dialogue, a central feature of understanding, detailed in Truth and Method, is at the heart of the doctor/patient relationship.” (LAWN, 2011, p. 151-152).

rules about health. So, health is revealed when it hides, when you don't remember it, when you manage to forget yourself. Even so, the situations where such negativity of the occult of health is rooted also reveal some positive and clear aspect of health. "Despite all the concealment, it reveals itself in a kind of well-being and, even more so, when we are disposed to undertakings, open to knowledge and able to forget ourselves, as well as when we hardly feel even fatigue and efforts – that is health" (GADAMER, 2006, p. 118). De outro lado, em termos de extrações teóricas críticas, é a chave não-tecnista de Canguilhem e Foucault, mais que a de Gadamer, que permitirá uma mais proveitosa aproximação ulterior com o caminho filosófico do marxismo. Founded on an existential perspective, Hans-Georg Gadamer's philosophy of health is, in a way, the proposition of an artisanal wisdom that makes the art of healing a labor of rescue from an existential situation of fullness. The broad path of the non-technical philosophy of health, having Gadamer as its main exponent through an existential-hermeneutic key, will however find its apogee in another key, by Georges Canguilhem and Michel Foucault. Eventually, one could even see some punctual pairing between Gadameran and Foucauldian thoughts on the issue of health⁷. On the other hand, in terms of critical theoretical extractions, it is the non-technical key of Canguilhem and Foucault, more than that of Gadamer, that will allow a more fruitful ulterior approximation with the philosophical path of Marxism.

7 For many years this recent work by Gadamer has mirrored Michel Foucault's writings, sharing common concerns. Foucault's analysis of the politicization and legal-medical control of the body in the knowledge/power structures of Modernity (commented in his works, *The Birth of the Clinic and Discipline and Punishment [Discipline and Punish]*) coincide with Gadamer's. However, Gadamer's route is not Foucault's genealogy of the bizarre and marginal. He does not work at the level of power discourses with their implicit 'hermeneutics of suspicion', but rather at a more credulous and charitable, what many would say naïve, level of historicity in everyday language. Throughout these works, and especially in "On the Enigmatic [Hidden] Character of Health," Gadamer is unceasingly vigilant about abandoned and forgotten nuances of meaning in his reflections on the language of health, illness, and medical practice." (LAWN, 2011, p. 152-153).

REFERENCES

AYRES, José Ricardo C. M. **Cuidado: trabalho e interação nas práticas de saúde**. Rio de Janeiro: Cepesc/IMS, 2011.

AYRES, José Ricardo C. M. **Sobre o risco: para compreender a epidemiologia**. São Paulo: Hucitec, 2008.

GADAMER, Hans-Georg. **O caráter oculto da saúde**. Petrópolis: Vozes, 2006.

GADAMER, Hans-Georg. **Verdade e método: traços fundamentais de uma hermenêutica filosófica**. Vol. 1. Petrópolis: Vozes, 2014.

HEIDEGGER, Martin. **Ensaio e conferências**. Petrópolis: Vozes, 2002.

JASPERS, Karl. **Introdução ao pensamento filosófico**. São Paulo: Cultrix, 1998.

JASPERS, Karl. **O médico na era da técnica**. Lisboa: Edições 70, 1998.

KETTNER, Joanine Girardi. "Gadamer e o caráter oculto da saúde". *In*: DARÓS, R. C.; ANDRIOLI, L. A.; JUNG, T. I. (orgs.). **Linguagem, educação e cidadania**. Ijuí: Unijuí, 2008.

LAWN, Chris. **Compreender Gadamer**. Petrópolis: Vozes, 2011.

LUKÁCS, Georg. **El asalto a la razon: La trayectoria del irracionalismo desde Schelling hasta Hitler**. Barcelona: Grijalbo, 1968.

MASCARO, Alysson Leandro. **Filosofia do direito**. 7 ed. São Paulo: GEN-Atlas, 2019.

ABOUT THE AUTHOR | *SOBRE EL AUTOR* | *SOBRE O AUTOR*

ALYSSON LEANDRO BARBATE MASCARO

University of São Paulo, São Paulo, São Paulo, Brazil

Lecturer and PhD in Philosophy and General Theory of Law at the Faculty of Law of the University of São Paulo (USP). Professor at USP Law School. Member of the CLACSO Working Group (2019-2022) Juridical criticism and socio-political conflicts.

E-mail: alysson@mascaro.adv.br

Lattes: <http://lattes.cnpq.br/8113086244535620>

ORCID: <https://orcid.org/0000-0003-3641-3053>

@revistadedireitouv
www.revistadir.ufv.br
revistadir@ufv.br

Este trabalho está licenciado sob uma licença Creative Commons Attribution-NonCommercial 4.0 International. *This work is licensed under a Creative Commons Attribution-NonCommercial 4.0 International. Este trabajo tiene una licencia Creative Commons Attribution-NonCommercial 4.0 International.*



INVITED AUTHOR | *AUTOR INVITADO* | *AUTOR CONVIDADO*

THIS ARTICLE WAS TRANSLATED WITH THE SUPPORT OF THE FUNDAÇÃO DE APOIO À PESQUISA DO ESTADO DE MINAS GERAIS. | ESTE ARTÍCULO HA SIDO TRADUCIDO CON EL APOYO DE LA FUNDAÇÃO DE APOIO À PESQUISA DO ESTADO DE MINAS GERAIS. | ESTE ARTIGO FOI TRADUZIDO COM O APOIO DA FUNDAÇÃO DE APOIO À PESQUISA DO ESTADO DE MINAS GERAIS (FAPEMIG).

ORIGINAL PUBLICATION AVAILABLE AT: | *PUBLICACIÓN ORIGINAL*

DISPONIBLE EN: | *PUBLICAÇÃO ORIGINAL DISPONÍVEL EM:*

<https://periodicos.ufv.br/revistadir/article/view/9614>